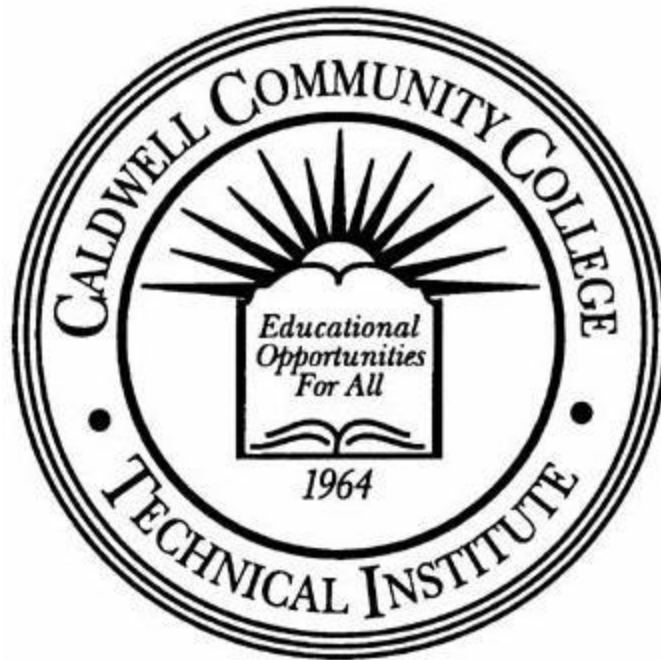


# POLICIES & PROCEDURES MANUAL



## Caldwell Community College and Technical Institute

*Revised March 2025*



## TABLE OF CONTENTS

SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE .....	1
1.1 Powers and Duties of Trustees .....	2
1.2 Trustee Member Legal Status .....	3
1.3 Confidential Information.....	4
1.4 Conflict of Interest .....	5
1.5 Adopting Policies & Procedures .....	7
1.6 Board Meetings & Meeting Procedures .....	8
1.7 Board Attorney.....	12
1.8 Duties and Expectations of Board Members.....	13
1.9 Foundation .....	15
SECTION TWO: ADMINISTRATION .....	16
2.1 Administrative and Organizational Structure .....	17
2.2 College Divisions and Service Centers .....	18
2.2.1 Administration .....	19
2.2.2 Office of the President .....	20
2.2.3 Foundation of CCC&TI .....	21
2.2.4 Instruction .....	22
2.2.5 Technology and Instructional Support Services .....	23
2.2.6 Computer Services .....	24
2.2.7 Distance Learning .....	25
2.2.8 Broyhill Center for Learning Resources .....	26
2.2.9 Marketing and Communications.....	28
2.2.10 Student Services.....	30
2.2.11 Facilities Services .....	31
2.2.12 Finance and Administration.....	33
2.2.13 Office of Accountability and Strategic Initiatives .....	34
2.3 Councils and Committees .....	35
2.3.1 College Executive Council .....	36
2.3.2 College Planning Council .....	37
2.3.3 Academic Affairs Committee .....	38
2.3.4 Enrollment Management Committee.....	39
2.3.5 Grade Appeal Committee .....	40
2.3.6 Grievance Committee .....	41
2.3.7 Safety Committee.....	42
2.3.8 Teaching Excellence Team .....	43
2.3.9 Technology Committee.....	44
2.3.10 Equity, Inclusion, and Diversity Committee.....	45
2.3.11 Wellness Committee .....	46

2.3.12 Ad Hoc Committees and Task Forces .....	47
2.4 Miscellaneous.....	48
2.4.1 College Records.....	49
<b>SECTION THREE: FACILITIES &amp; SAFETY.....</b>	<b>51</b>
3.1 Visitors and Minors on Campus.....	52
3.2 Campus Safety and Emergency Planning Policy.....	53
3.2.1 Campus Emergency Communication Plan Procedure .....	54
3.2.2 Campus Evacuation Plan .....	55
3.3 Fire Procedures.....	58
3.4 Lockdown Procedures.....	59
3.5 Bomb Threat Procedures.....	60
3.6 Hazard Communication Program Policy .....	61
3.7 Instructional Safety Precautions Policy .....	62
3.8 Campus Medical Emergencies Policy.....	63
3.9 Communicable Disease Policy.....	64
3.10 Weapons on Campus Policy .....	69
3.10.1 Campus Security Reporting – Clery Act Policy .....	70
3.10.2 Reporting Crimes and Emergencies on Campus Policy .....	73
3.11 Reserved for Future Policy .....	74
3.12 Adverse Weather and Emergency Closings Policy.....	75
3.12.1 Adverse Weather and Emergency Closings Procedure .....	76
3.13 Sex Offender Information Policy.....	79
3.14 Tobacco Free Campus Policy .....	80
3.15 Protection and Care of College Property Policy .....	81
3.16 Facility Use Policy .....	82
3.16.1 Facility Use Procedure.....	83
3.17 Use of Alcohol at Campus Events Policy .....	87
3.17.1 Scheduling Facilities and Keys to Facilities Policy.....	88
3.18 Campus Sustainability Policy .....	89
3.19 Recycling Procedure .....	90
3.20 Building Maintenance Requests Policy .....	91
3.21 Service Animals and Other Animals on Campus Policy .....	92
3.21.1 Service/Emotional Support Animals Procedure .....	94
3.22 Use of Design Professional Services Policy .....	97
3.23 Bidding for Construction Work Policy .....	101
3.24 Sale, Disposal, and Lease of College Property Policy.....	104
3.25 Traffic Regulations Policy .....	105
3.26 Campus Free Speech Policy.....	109
3.26.1 Campus Free Speech, Distribution of Material and Assembly Procedure.....	110
3.27 Bulletin Board/Posting on Campus Procedure.....	115
3.28 Americans With Disabilities Policy.....	116
3.29 Personal Use of College Property Policy.....	117
<b>SECTION FOUR: EMPLOYMENT .....</b>	<b>118</b>
4.1 Equal Employment Opportunity .....	119
4.1.1 Pregnant and Parenting Employees .....	120

4.2 Employment Policy .....	121
4.2.1 Employment Procedures .....	123
4.2.2 Human Resources Workloads.....	131
4.2.3 Full-Time Employees Workloads Procedure Compensatory .....	132
4.2.4 Compensatory Time Policy.....	135
4.2.5 Re-Employment of Retired State Employees .....	137
4.2.6 Employment of Relatives.....	138
4.2.7 Faculty Salary Plan .....	139
4.2.8 Staff Salary Plan .....	144
4.2.9 Human Resources Professional Development Procedure.....	149
4.2.10 President – Employment and Duties.....	151
4.3 Benefits .....	152
4.3.1 Benefits Overview Procedure .....	153
4.3.2 Affordable Care Act Measurement Periods Procedure.....	154
4.3.3 Longevity Pay .....	156
4.3.4 Employee Tuition.....	160
4.3.5 Leave.....	163
4.3.6 Sick Leave.....	164
4.3.7 Annual Leave .....	167
4.3.8 Educational Leave Policy .....	170
4.3.9 Civil Leave Policy.....	173
4.3.10 Workers’ Compensation Leave and Benefits Policy .....	174
4.3.11 Bonus Leave.....	176
4.3.12 State of Emergency Leave Policy .....	177
4.3.13.1 Inclement Weather/Emergency Closings Procedure .....	178
4.3.14 Voluntary Shared Leave .....	181
4.3.15 Family Medical Leave Policy .....	186
4.3.15.1 Family Medical Leave Procedure .....	189
4.3.16 Child Involvement Leave.....	194
4.3.17 Military Leave Policy .....	195
4.3.18 Leave Without Pay.....	197
4.3.19 Holidays .....	198
4.3.20 Bereavement Leave.....	199
4.3.21 Personal Observance Leave .....	200
4.3.22 Parental Leave.....	202
4.4 Personnel Files .....	206
4.5 Employment Practices Evaluations.....	209
4.6 Employee Code of Conduct .....	211
4.6.1 Arrests and Convictions Procedure.....	214
4.6.2 Disciplinary Action, Suspension, and Dismissal .....	215
4.6.3 Contract Nonrenewals and Resignations .....	218
4.7 Unlawful Discrimination and Harassment Policy.....	219
4.7.1 Unlawful Discrimination and Harassment Procedure.....	220
4.7.2 Sexual Harassment Procedure.....	223
4.8 Temporary Teleworking Policy .....	243
4.8.1 Temporary Teleworking Procedure .....	246

4.9 Grievance Policy .....	250
4.10 Reduction in Force – Involuntary Leave Without Pay .....	252
4.11 Employee Political Activity .....	255
4.12 Alcohol and Drugs on Campus .....	257
4.13 Secondary Employment .....	260
4.14 Exit Interview .....	263
4.15 Emeritus Status Designation .....	264
<b>SECTION FIVE: FACULTY AND INSTRUCTION.....</b>	<b>266</b>
5.1 Role of Instruction.....	267
5.1.1 Role of Instructional Personnel in Academic Governance .....	268
5.1.2 Faculty Senate Constitution .....	271
5.1.3 Instructional Programs .....	274
5.1.3.1 Customized Training Programs .....	275
5.1.4 Tenure and Academic Rank.....	276
5.1.5 Curriculum Development.....	277
5.1.6 Creating, Modifying, or Terminating Curriculum Courses and Programs Procedure.....	278
5.1.7 Creating, Modifying, or Terminating Continuing Education Courses and Programs Procedure .....	282
5.1.8 Instructional Service Agreements .....	285
5.1.9 Academic Advising.....	286
5.1.10 Academic Terms .....	287
5.1.11 FTE Reporting .....	288
5.2 Faculty and Instruction.....	289
5.2.1 Intellectual Property.....	290
5.2.2 Instructional Material Selection.....	292
5.2.3 Instructional Personnel Qualifications.....	293
5.2.4 Field Trips.....	294
5.2.5 Classroom Procedures.....	296
5.2.6 Academic Freedom .....	300
5.2.7 Curriculum Faculty Workload .....	301
5.2.8 Faculty Evaluation .....	303
5.3 Academic Integrity Policy.....	306
5.4 Instructional Credits .....	308
5.4.1 Awarding Curriculum Credit for Prior Learning .....	309
5.4.2 Credit by Exam .....	311
5.4.3 Awarding Credit Hours.....	312
5.4.4 Independent Study .....	313
5.4.5 Curriculum Course Repeat.....	314
5.5 Attendance.....	316
5.5.1 Absences Due to Religious Observations Procedure.....	317
5.5.2 Inclement Weather Class Make-up Procedure.....	318
5.5.3 Absences for Military Service Procedure .....	319
5.6 Adult, Continuing Education, and Workforce Development.....	320
5.6.1 Adult, Continuing Education, and Workforce Development Accountability and Integrity Plan.....	321
5.6.2 Adult, Continuing Education, and Workforce Development Class Visitation Plan ..	323

SECTION SIX: STUDENT SERVICES.....	324
6.1 General Admissions Policy .....	325
6.2 General Admissions Procedures .....	328
6.2.1 High School and Minor Student Enrollment Procedure .....	331
6.2.2 Health Sciences Programs Procedure .....	333
6.2.3 Basic Law Enforcement Training Procedure.....	334
6.2.4 International Students Procedure .....	336
6.3 Student Classification Procedure .....	337
6.4 Acceptance of Credit Policy .....	338
6.4.1 Acceptance of Credit Procedure .....	340
6.5 Credit for Prior Learning Policy .....	342
6.5.1 Credit for Prior Learning Procedure .....	346
6.6 Graduation Policy.....	347
6.6.1 Graduation with Honors.....	348
6.6.2 College Catalog Requirements .....	349
6.6.3 Posthumous Credential Policy .....	350
6.7 Financial Aid Types Policy.....	351
6.7.1 Scholarships .....	352
6.7.2 Federal Pell Grant .....	353
6.7.3 Federal Supplemental Educational Opportunity Grant Program .....	354
6.7.4 Federal College Work Study Program.....	355
6.7.5 NCCCS Grant .....	356
6.7.6 NCELS – North Carolina Education Lottery Scholarship.....	357
6.7.7 Loans.....	358
6.7.8 Vocational Rehabilitation .....	359
6.7.9 Veteran’s Administrative Programs.....	360
6.7.10 Child Care Scholarship .....	361
6.8 Emergency Assistance Policy .....	362
6.9 Financial Aid Eligibility Procedures.....	363
6.10 Financial Aid Student Responsibilities Policy.....	364
6.11 Calculation of Federal and State Aid Procedures .....	365
6.12 Satisfactory Academic Progress Policy .....	367
6.12.1 Evaluating Satisfactory Academic Progress .....	368
6.12.2 Satisfactory Academic Progress Procedure .....	369
6.13 Attendance Policy .....	370
6.14 Withdrawal from Courses Policy.....	372
6.15 No Show Reporting Procedure.....	373
6.16 Auditing Courses Policy .....	374
6.17 Grading Scale Policy.....	375
6.18 Academic Progress Policy .....	377
6.19 Repeating Courses and Course Substitutions Policy .....	379
6.20 Overview of Student Rights Policy.....	380
6.21 Student Records – FERPA Policy.....	382
6.22 Student Code of Conduct Policy.....	386
6.22.1 Student Code of Conduct Sanctions Procedures.....	390
6.22.2 Student Code of Conduct Procedures .....	392

6.23 Unlawful Discrimination and Harassment Policy.....	394
6.23.1 Unlawful Discrimination and Harassment Procedure.....	395
6.23.2 Sexual Harassment Procedure.....	399
6.24 Reserved for Future Policy .....	418
6.25 Students – Alcohol and Drugs on Campus Policy .....	419
6.26 Student Computer Usage Policy .....	421
6.27 Grade Appeal Policy .....	426
6.28 Student Grievance Policy.....	429
6.29 Student Activities and Organizations Policy .....	431
6.30 Athletics .....	432
6.30.1 Intercollegiate Student Athletics Policy.....	433
6.30.2 Student Athletics Drug Testing Procedure .....	434
<b>SECTION SEVEN: BUSINESS SERVICES .....</b>	<b>435</b>
7.1 Tuition.....	436
7.1.1 Tuition and Fees.....	437
7.1.2 Tuition Residency Requirement .....	441
7.1.3 Self-Supporting Course Fees .....	447
7.1.4 Tuition and Fee Refunds.....	449
7.2 Budgeting Processes .....	454
7.2.1 Fiscal Year and Budgeting Processes .....	455
7.2.2 Insurance .....	457
7.2.3 Surety Bonds.....	458
7.2.4 Facsimile Signatures .....	459
7.3 Deposits.....	460
7.3.1 Daily Deposits.....	461
7.3.2 Student Club Deposits and Expenses Procedure .....	463
7.4 Audits.....	464
7.5 Official Depositories and Investments.....	465
7.6 Disbursement of Funds .....	467
7.6.1 Prohibited Expenditures.....	470
7.7 Payments .....	471
7.7.1 Debt Collection .....	472
7.7.2 Method of Payments .....	474
7.7.3 Check Cashing .....	476
7.7.4 Financial Reimbursements.....	477
7.8 Grant Funded Projects and Programs.....	478
7.8.1 Review of Grant Funded Projects and Programs Policy.....	479
7.8.2 Review of Grant Funded Projects and Programs Procedure.....	480
7.9 College Store Procedures .....	481
7.10 Vending and Concessions .....	485
7.11 Travel, Transportation, and Allowances .....	486
7.12 Transportation .....	493
7.13 Chart of Accounts .....	497
7.14 Contracting Authority .....	498
7.15 Purchasing Policy.....	499
7.16 Equipment and Inventory Control Procedure .....	504



7.17 Equipment .....	507
7.17.1 Reporting Lost or Stolen Equipment .....	508
7.17.2 Sale Trade, or Disposal of Equipment Procedure .....	509
7.18 Historically Underutilized Business.....	510
7.19 Payment Card Security.....	511
7.20 Identity Theft.....	512
7.21 Foreign National Compliance .....	515
7.22 Companies that Boycott Israel and Iran Divestment List .....	516
7.23 Live Projects.....	517
7.24 Fines .....	518
7.24.1 Parking Fines .....	519
7.24.2 Library Fines and Fees.....	520
7.25 Overhead Receipts .....	521
7.26 Independent Contractors and Professional Service Agreements Procedure .....	523
<b>SECTION EIGHT: INFORMATION TECHNOLOGY .....</b>	<b>525</b>
8.1 Technology Services .....	526
8.1.1 New Employee Access .....	529
8.1.2 Purchasing and Inventory of Technology Resources.....	530
8.1.3 Employee Personal Computer Use .....	531
8.2 Internet and Network Acceptable Use .....	532
8.3 Electronic Record Retention .....	539
8.4 Electronic Signatures .....	542
8.5 Website and Social Media.....	543
8.6 Peer to Peer File Sharing.....	544
8.7 Digital Technology Accessibility.....	546
8.8 Information Security Program.....	547
<b>SECTION NINE: ACCOUNTABILITY AND STRATEGIC INITIATIVES .....</b>	<b>548</b>
9.1 Office of Accountability and Strategic Initiatives .....	549
9.1.1 Cycle Of Institutional Effectiveness .....	550
9.2 Institutional and Program Planning.....	551
9.2.1 Annual Planning Process .....	552
9.3 Strategic Planning .....	554
9.4 Institutional and Program/Support Services Assessment.....	555
9.5 Program Review.....	557
9.5.1 Program Review and Administrative Committee .....	558
9.6 SACSCOC Institutional Accreditation .....	560
9.6.1 Procedure for Identification and Notification of Substantive Change.....	561
9.7 Federal and State Regulations and Reporting .....	563
9.8 NCCCS Performance Measures and Standards .....	564
9.9 Surveys.....	565
9.9.1 Surveys and Data Reports.....	566
9.9.2 Requesting a Survey .....	567
9.9.3 National and Institutional Surveys.....	568
9.9.4 Departmental and Special Request Surveys .....	569
9.10 Data Requests and Reporting.....	570



**SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE**

## SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE

### **1.1 Powers and Duties of Trustees**

The Trustees of Caldwell Community College and Technical Institute 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 Caldwell Community College and Technical Institute consistent with laws and State Board rules and regulations.

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

## **1.2 Trustee Member Legal Status**

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

Legal Reference: N.C.G.S. § 115D-14

### **1.3 Confidential Information**

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 of this policy occur, appropriate disciplinary action will be taken.

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

## **1.4 Conflict of Interest**

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

### **A. Contracts with the College**

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

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

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

### **B. Receipt of Gifts**

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

### **C. Reporting Requirements**

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

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

## SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE

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

Pursuant to N.C.G.S. § 138A-3(30)(k), all voting Board members, the President, and the Vice President, Finance and Administration (“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.

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



## **1.5 Adopting Policies & Procedures**

The Board of Trustees' policies shall constitute the basic governance for the college. All of the Board's policies shall be contained within this document.

### **I. Adopting and Amending Policies**

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

- A. Either when directed by the Board or when necessitated by changes to federal and/or state laws and regulations or when otherwise determined in the college's best interest or necessary due to operational and/or management issues, the president or president's designee shall draft and propose new policies and/or provide amendments to current policies.
- B. The president or designee shall present the proposed policy to the Policy and Legislative Committee or other appropriate committee of the Board. If approved by the appropriate committee, the proposed policy will be presented to the full Board for formal action on the proposed policy. In the event of an emergency or special conditions (e.g., legal changes mandated by a specific date), policies may be approved by the full Board without committee action.
- 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 back to committee unless the Board determines that the amendment needs additional committee review.
- E. In order for the proposed policy to be official, the proposed policy must be formally adopted by a majority of the Board members present at an official Board meeting with the Board's action being recorded in the Board's minutes.

### **II. Adopting Administrative Procedures**

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

Legal Reference: N.C.G.S. § 115D-20

## 1.6 Board Meetings & Meeting Procedures

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 sessions.

### I. Board Meetings

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

#### A. Types of Meetings

1. **Regular Meeting.** The regular meetings of the Board shall take place on a monthly basis, unless changed by the Chair or the Board. 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 Executive Assistant and shall be posted on the bulletin board in H.E. Beam Hall (A Building). If the schedule is revised, the Board’s Executive Assistant shall 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.

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

2. **Special Called Meeting.** A special called meeting may be called by either the Board Chair or the College President. The Board’s Executive Assistant 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. The special called meeting notice shall be posted on the bulletin board in H.E. Beam Hall (A Building) at least 48 hours prior to the special called meeting. If, 48 hours prior to the meeting, the public does not have access to the bulletin board 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 Executive Assistant shall post the notice on the front of the exterior door of H.E. Beam Hall (A Building).

## SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE

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

In addition, the Board's Executive Assistant 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 Executive Assistant 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 a generally unexpected circumstance that requires the Board's immediate consideration and a meeting is necessary without 48 hours' notice, the Board Chair or the College President may call an emergency meeting. The Board's Executive Assistant 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 Executive Assistant 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 Executive Assistant shall keep minutes of all emergency 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 cite 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 Executive Assistant shall keep minutes of all closed session meetings, and the meeting minutes shall be

## SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE

approved by the Board at its next regular meeting or as soon as practically possible.

### 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) and as approved by the Board. The Board shall provide a location and means whereby the public may listen to the meeting. Notices advertising electronic meetings will be distributed as required by North Carolina law.

## 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, except for the Executive Committee. 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 *Robert's Rules of Order*. As part of his/her official duties, the Board Chair shall serve as the parliamentarian officer and shall rule on issues and questions concerning parliamentary procedure. As needed, the Board Chair shall consult with the Board's attorney regarding matters of parliamentary procedure.

B. **Meeting Agenda.** The Board Chair and the College 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 one week before the meeting. Each Board member will receive a copy of the proposed agenda at least one (1) business day prior to the meeting and the agenda will be available for public inspection and/or distribution immediately after being made available to Board members.

In emergencies, the Board Chair, upon request of the College President or members of the Board, may add items to the regular meeting agenda regardless of the date he/she receives such items.

C. **Quorum.** Eight (8) 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 and

## SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE

approved by the Board. 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.

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

### **1.7 Board Attorney**

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.

## **1.8 Duties and Expectations of Board Members**

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 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 sections of the State Ethics Act.

### **Removal of a Board of Trustee Member**

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

## SECTION ONE: BOARD OF TRUSTEES AND GOVERNANCE

Prior to declaring the office of a member vacant for the reasons above, the Board shall provide the member a hearing with the 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. Action to declare the office vacant of an offending board member requires two-third's vote of the remaining Trustees.

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.



## **1.9 Foundation**

In accordance with N.C.G.S. § 115D-20(9), the Board hereby recognizes the legal authority of the Foundation of Caldwell Community College and Technical Institute, 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.

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.

Legal Reference: N.C.G.S. § 115D-20(9)

**SECTION TWO: ADMINISTRATION**

## **2.1 Administrative and Organizational Structure**

Caldwell Community College and Technical Institute (CCC&TI), like other educational institutions, must have structure in order for employees to work toward the same goals. The administration of the college seeks to provide for and to encourage freedom of communication throughout the institution, while assigning specific administrative responsibility to positions and work units. The organizational chart of the college designates normal lines of administrative responsibility. See MyCCCTI Portal for organizational chart.

Additionally, in order to help assure communication (both vertical and lateral), to facilitate the democratic process in administration of the institution, and to promote improvement of the college in general, a Faculty Senate and several standing committees have been organized.

**2.2 College Divisions and Service Centers**

## **SECTION TWO: ADMINISTRATION**

### **2.2.1 ADMINISTRATION**

The College divisions are responsible for implementing the policies set by the Board of Trustees and assuring the effective daily operations of the institution.

## **SECTION TWO: ADMINISTRATION**

### **2.2.2 OFFICE OF THE PRESIDENT**

The Office of the President functions under the direction of the CCC&TI Board of Trustees. This office is responsible for the overall operations of the institution, external relationships that enhance the health of the institution, and the CCC&TI Foundation. The President serves as the Chief Executive Officer of the College and provides supervision for all Vice Presidents, the Executive Director, Foundation, and the Executive Assistant to the President. The President serves as the senior administrator of the Office of the President and reports directly to the CCC&TI Board of Trustees.

## **SECTION TWO: ADMINISTRATION**

### **2.2.3 FOUNDATION OF CCC&TI**

The Office of the Foundation operates under the direction of the CCC&TI Foundation Board. This office is responsible for institutional fundraising and providing support for student scholarships, professional development activities, and academic programs. The Executive Director, Foundation reports directly to the president.

## SECTION TWO: ADMINISTRATION

### 2.2.4 INSTRUCTION

The primary focus of instruction at CCC&TI is student learning. Instruction is provided through curriculum, adult education, continuing education, and workforce development programs. The vice president, instruction serves as the senior administrator for all instructional programs and reports directly to the president.

Curriculum programs provide instruction through college transfer and technical programs. College transfer programs provide instruction to assist students in developing their knowledge and skills for the purpose of transferring to baccalaureate degree-granting institutions of higher education. These programs also support technical degree programs through the delivery of academic-related courses.

Technical programs provide instruction to prepare students for the workforce where associate degrees, diplomas, and certificates are required for employment or advancement. Certain programs of study in this area are subject to certification and accreditation agencies that provide minimum standards for employment entry.

Through the department of adult education, students are provided with the opportunity to enhance their basic academic needs, obtain a high school equivalency credential, obtain the adult high school diploma, participate in compensatory education programs, participate in programs related to activities in associated career pathways, and prepare for the rigors of college-level instruction.

Continuing Education and Workforce Development programs provide instruction in the areas of occupational, vocational, and technical training required for the workforce. Occupational extension courses provide students with the opportunity to receive short-term instruction and skills training to enhance workplace skills leading to credentials in preparation for careers requiring certification, licensure, and/or industry-specific credentials required for employment. The career connections center provides students with the opportunity to enhance workplace skills through human resources development (HRD) courses, and resources and support activities related to career pathways. Customized training programs offer students access to courses developed in partnership with employers meeting industry-specific criteria leading to employment. The small business center provides individuals with information, resources, one-on-one assistance, and seminars for beginning and sustaining a small business. Business and industry training provides assistance for new and existing employers in meeting the needs for their workforce, expanding existing operations, or making new entrance to the local economy.

The J. E. Broyhill Civic Center (JEBCC) is an integrated service unit of CCC&TI. The mission of the JEBCC is to provide quality education, meeting, and entertainment facilities for the enrichment and use of individuals, the community, and the region. This facility and its operations fall under the direction of the vice president, operations who reports directly to the president.



## **SECTION TWO: ADMINISTRATION**

### **2.2.5 TECHNOLOGY AND INSTRUCTIONAL SUPPORT SERVICES**

The Division of Technology and Instructional Support Services provides instructional support in the following areas: computer services, marketing and communications, printing and graphics, webpage, television studio and audio/visual support, distance learning, and library services. The Division of

Technology and Instructional Support Services is under the direction of the Vice President, Technology/Chief Information Officer who reports directly to the president.

## **SECTION TWO: ADMINISTRATION**

### **2.2.6 COMPUTER SERVICES**

The computer services department provides administrative and instructional computer support to faculty, staff, and students at CCC&TI and provides support for all college-owned equipment and software on both the Watauga and Caldwell campuses as well as various off-campus locations. The college is committed to providing students with current technologies and is committed to providing computers used to deliver instruction and student access to information technologies.

The college has also adopted a technology plan that outlines goals and objectives for the next five years. This plan is reviewed and maintained by the Technology Committee and can be found on MyCCCTI Portal.

Policies and procedures for use of technology equipment and services are outlined in section 7 of this manual.

**2.2.7 DISTANCE LEARNING**

Distance education at CCC&TI enables students to use technology-based instructional delivery methods to ensure access to the online learning management system and other technology resources to complete their educational goals regardless of location. Policies and procedures related to distance learning are outlined in the *Distance Learning Policies and Procedures Manual*, which can be found on the MyCCCTI Portal.

## SECTION TWO: ADMINISTRATION

### 2.2.8 BROYHILL CENTER FOR LEARNING RESOURCES

The Broyhill Learning Resource Center (Library) provides access to materials and technology to support instruction, research, and lifelong learning.

#### *Research and Instruction*

Library staff members strive to help CCC&TI students become successful and confident researchers. Instructors are encouraged to bring students to the library for research sessions. Librarians are available (both online and in person) to assist students, faculty, and staff. Customized research sessions, with tips and search strategies, are available for every subject offered at the college. Contact the library to schedule a session in the library or in a classroom.

#### *Collection Development Policy*

When selecting materials, priority is given to resources related to curriculum. Instructors are encouraged to suggest materials for purchase, and discuss department needs with library staff. Consideration is also given to professional materials, items of local interest, and additional resources that support a well-rounded education.

#### *Collection Maintenance*

When removing materials from the collection, library staff considers an item's age, condition, usage, and importance. To support health sciences instruction, the LRC director and health sciences faculty conducts an annual review of collections.

#### *Confidentiality of Library Records*

The confidentiality of library user records shall be maintained in accordance with the General Statutes of NC, Chapter 125-19 and all other college, state, and federal requirements.

#### *Copyright Policy*

The CCC&TI library complies fully with all of the provisions of the U.S. Copyright Law (17 U.S.C.) and its amendments. Contact the library director with copyright questions.

#### *Library Fines*

A library account is required for all checkouts. The person to whom the card is issued is responsible for overdue fines and lost materials. If a library card is lost or stolen, the owner of the card will be held responsible for any items checked out prior to reporting its loss. Student accounts are blocked after \$5.00 in charges.

#### *Multipurpose Room*

The Multipurpose classroom in the Caldwell LRC is available to faculty and staff for class meetings, professional development sessions, and other campus-related events. Contact the library to schedule a time.

#### *Institutional Archives*

The library maintains the college archives, and welcomes donations of campus-related materials. Materials are not automatically saved; items to be retained must be sent directly to the library in either hard copy or digital format.

## SECTION TWO: ADMINISTRATION

### *3D Printers*

The library reserves the right to refuse any 3D print request that is unlawful, unsafe, inappropriate, or in violation of intellectual property rights. Items will be charged at .20 cents per gram of material used in the printing process, with a minimum charge of \$1.00. Only designated staff will have hands-on access to the 3D printers.

## SECTION TWO: ADMINISTRATION

### 2.2.9 MARKETING AND COMMUNICATIONS

The marketing and communications department shares campus news, events, and activities through various channels, including the local media, social media, the college website, the college newsletter—*The Chronicle*, on-campus monitors, and the college cable channel.

In addition, the Marketing and Communications department oversees a number of services available to the college community including graphic design, photography and printing services. The department creates program cards and brochures, posters and fliers, informational postcards, bookmarks, handbills and a variety of other printed materials. In order to ensure quality and consistency and to protect the college “brand,” all employees are asked to submit any and all graphic design and printing needs to the Marketing Department.

All college-related news items must also be submitted to and approved by the Office of Marketing and Communications before release to the public (off campus/external publicity). Publicity request forms are available to help employees request publicity for upcoming events, program information, club activities, feature stories, noteworthy accomplishments of employees or students or other news related items. Employees with questions, special requests or marketing ideas can contact the marketing and communications office on the second floor of E Building on the Caldwell campus, or by calling the public information officer at 828-726-2202.

Contact initiated with the media on behalf of the college must come from the Office of Marketing and Communications or the Office of the President only.

All publicity requests will be accepted on a first come, first served basis with priority reserved for institutional priorities and dated items. Publicity and graphics requests should be submitted as soon as possible but no later than ten working days prior to the event or date when items are needed. The publicity request form can be found on the MyCCCTI Portal. The form also can be found on the [college website](#).

***Information is disseminated as follows:***

*The Caldwell Chronicle* is the college’s campus newsletter covering announcements, news, and features and is available at various locations on both campuses and on the website. Students are encouraged to share suggestions for content. *Chronicle* entries should be submitted by the 15<sup>th</sup> of the month prior to the preferred month of inclusion. A minimum of one week’s notice is required for all photo requests.

The college operates an informational news channel on Charter Cable channel 192 and ATT UVerse 99. The channels air various announcements and educational programming. Graduation ceremonies and other select events are also rebroadcast on the channels for a period of time following the live events. CCC&TI’s television and digital production facility is located in B Building on the Caldwell campus.

Hallway monitors located on the Caldwell and Watauga campuses rotate announcements throughout the day and night.

## SECTION TWO: ADMINISTRATION

The electronic marquees at the entrance of the Caldwell campus and the entrance of the Watauga campus are programmed by the marketing and communications department for college-related functions only.

Information on campus events may be posted as space permits on campus bulletin boards located in the F, B, and E Buildings; on the breezeway; in the student lounge of the Caldwell campus; and at approved locations on the Watauga campus, such as the bulletin boards outside the student lounge, in the hallway of the main building, and the entrance area of Student Services. Individuals are asked to refrain from posting announcements on glass doors or with tape to wooden or painted surfaces. The Student Government Association and college officials will ensure that items are current and appropriate, with campus events receiving first priority.

CCC&TI's marketing and communications department will maintain official Facebook, Twitter, and Google+ Instagram, LinkedIn, SnapChat, and other social media accounts in order to share college news and information with the communities we serve. Requests to post information to our social media accounts may be made through the publicity request form or by contacting the public information officer. According to CCC&TI policy, all social media messages and request for social media accounts must be directed to the marketing and communications department for approval.

Go to [www.cccti.edu](http://www.cccti.edu) for the latest news, events, class schedules, catalog, publications, program information, club activities, sports, closings/delays, and many other resources and opportunities. Updates to the website may be requested by emailing [webdev@cccti.edu](mailto:webdev@cccti.edu).

Special student publications appear periodically depending on student interest in newsletters, newspapers, and other publications. New publications to be produced on a regular basis must have a faculty or staff sponsor and be approved by the Vice President, Student Services and the college's public information office. Regardless of the source of funding, the college retains editorial control of all student publications. Student editors are responsible for ensuring that such publications establish and maintain an atmosphere of responsible discussion. All articles expressing opinions must be signed. Sponsors may exercise editorial control, but decisions regarding the initiation or continuance of student publications are approved by the College Executive Council.

## SECTION TWO: ADMINISTRATION

### 2.2.10 STUDENT SERVICES

Student Services provides essential support for students to be successful in achieving their educational goals at CCC&TI. These services include financial aid, admissions and records, career and counseling services, transition advisement, testing, TRIO programs, advising, disability services, student activities, and athletics. The primary function of Student Services is to meet the non-instructional support needs of students. Student Services is responsible for the protection of student information and serves as the repository for student permanent records. For a complete description of the service units in Student Services, please refer to *The Student Services Policies and Procedures Manual*. The Vice President, Student Services serves as the senior administrator of the Student Services division and reports directly to the president.



## SECTION TWO: ADMINISTRATION

### 2.2.11 FACILITIES SERVICES

Facilities Services provides capital project management, facility services, environmental services, landscaping and grounds maintenance, food service and vending, institutional vehicles maintenance, key management, college recycling, and campus safety and security for CCC&TI.

Capital project management is key to college operations. New construction, renovation projects, and support in the college's continuous master site planning initiatives are major activities that occur within this department.

The Facilities Services staff consists of a team of multi-talented professionals dedicated to maintaining and improving the buildings at all campus sites. Facilities services range from basic, routine maintenance tasks to a proactive preventative maintenance program. Selected renovation projects are included among departmental work activities. This department also provides additional support services to environmental services, and landscape and grounds services.

Environmental services staff ensure that the buildings are cleaned and well-maintained at all campus sites. Services range from daily cleaning to other tasks completed on a scheduled basis. Environmental services staff also provide support to staff in facilities services, and landscape and grounds services.

The landscaping and grounds services team plays a vital role in making the campus grounds beautiful and well-maintained. They are responsible for the overall appearance of the grounds at the various campus sites. They also provide additional support to facilities services and environmental services staff.

Food service and vending services are provided to the college through a contractual agreement with a third-party vendor.

Institutional vehicles are made available to college employees for official use in accordance with the established policy and procedures.

Access control of buildings and property owned by or operated by the college is managed by the Office of Administrative Support and Facilities Services. This office works closely with college employees to ensure that all college access needs are addressed and that provisions are in place to achieve maximum physical security of buildings and keys.

The college recycling program endeavors to reduce waste on campus sites, promotes the recycling of materials, and maintains and promotes a clean and environmentally conscious campus. All faculty, staff, and students are encouraged to participate in the recycling program of services.

Campus safety and security is of extreme importance as the college strives to provide the safest educational and work environment possible for students, faculty, staff, and visitors at all campus sites. The college's security services are provided by third party vendors.

## **SECTION TWO: ADMINISTRATION**

The Vice President, Operations is responsible for facility services operations and reports directly to the president.

## **SECTION TWO: ADMINISTRATION**

### **2.2.12 FINANCE AND ADMINISTRATION**

Finance and Administration include the business office (office of the controller, accounts payable and accounts receivable), human resources, purchasing, payroll and the college stores.

In addition, Finance and Administration is responsible for budgeting, financial reporting, construction financing, and special project billing and reimbursement. Finance and Administration is responsible for relations with the Office of the State Auditor, finance division of the system office, Office of the State Treasurer, and the Office of the State Controller. Finance and Administration is administered by the Vice President, Finance and Administration who reports to the President.

## **SECTION TWO: ADMINISTRATION**

### **2.2.13 OFFICE OF ACCOUNTABILITY AND STRATEGIC INITIATIVES**

The Office of Accountability and Strategic Initiatives serves as the administrative support unit assigned responsibility for carrying out institutional effectiveness, research, and grant functions at the institution. This office is responsible for planning, research, institutional effectiveness, assessment activities, data management, data storage, and institutional archives. The Executive Director, Accountability and Strategic Initiatives reports directly to the president.

### **2.3 Councils and Committees**

CCC&TI has established councils, standing committees, ad hoc committees, and task forces to facilitate our offering quality programs and services to internal and external stakeholders.

Committee membership for the executive, instructional, and planning councils is defined by position. Membership of standing committees and ad hoc committees (including task forces) is comprised of individuals holding positions related to the purpose of the committee, as well as staff, faculty, and students appointed to represent their respective constituencies.

Appointments of faculty and staff representatives to standing committees are made each spring for the upcoming academic year. Each committee has a liaison from College Executive Council who calls the first meeting of the year, gives the committee its charge, and serves as a consultant to facilitate the work of the committee. At the first meeting of the standing committee, the members elect from the membership a facilitator and a recorder. The facilitator is responsible for conducting meetings, but the work of the committee is a shared responsibility. Committee recommendations are made directly to the Executive Council, from whom action is to be rendered in a timely and thoughtful manner. The first meeting of each standing committee must occur prior to November 1.

Committee meeting minutes should be sent to the Webmaster to be posted on the MyCCCTI Portal.

## SECTION TWO: ADMINISTRATION

### 2.3.1 COLLEGE EXECUTIVE COUNCIL

In an effort to improve coordination in overall institutional planning and operation, the president makes use of the College Executive Council. The purpose of this council is primarily one of intermediate and long-range institutional planning. The Executive Council has a primary duty to review how various resources are brought together and effectively allocated in order to accomplish institutional goals. The council deals with operational matters, as well as coordination of ongoing activities and actions about to be taken. Meetings of the College Executive Council are open and visitors are welcome.

Members of this group are responsible for two-way communication with all college employees. The membership includes the following:

- President
- Chief of Staff
- Vice President, Finance and Administration
- Vice President, Instruction
- Vice President, Operations
- Vice President, Student Services
- Vice President, Technology/Chief Information Officer
- President, Faculty Senate
- President, Student Government Association
- Executive Director, Foundation (non-voting)
- Executive Director, Accountability and Strategic Initiatives (non-voting)
- Executive Director, Watauga Campus
- Public Information Officer (non-voting)
- Executive Assistant, President and Board of Trustees (non-voting)

## SECTION TWO: ADMINISTRATION

### 2.3.2 COLLEGE PLANNING COUNCIL

The College Planning Council is charged with responsibility for steering the entire institutional effectiveness effort, including strategic planning, review of the institutional mission statement, preparation of the institutional effectiveness plan (which includes annual plans of action and evaluation of institutional performance as measured against goals and measurable objectives established in the plan), measuring institutional performance against the North Carolina Community College System's performance measures, assuring compliance with the *Principles of Accreditation* of the Southern Association of College and Schools Commission on Colleges (SACSCOC), substantive change, and other such duties as may be necessary to demonstrate that the institution is carrying out its stated mission.

The overall mission of the College Planning Council is to foster an “expectation of excellence” within the institution and to lead the college in continuously improving the quality of educational services offered to students and other constituencies. Planning Council membership includes the following:

- President
- Chief of Staff
- Vice President, Finance and Administration
- Vice President, Instruction
- Vice President, Student Services
- Vice President, Technology/Chief Information Officer
- Dean, Business, Technology and Engineering
- Dean, College Transfer and Student Preparation
- Dean, Healthcare Programs and Technologies
- Dean, Public Safety and Transportation
- President, Faculty Senate or designee
- Representative, Student Government Association
- Executive Director, Accountability and Strategic Initiatives (Chair)
- Executive Director, Foundation
- Executive Director, Human Resources
- Executive Director, Public Relations
- Executive Director, Watauga Campus
- Academic Deans
- Compliance Specialist (non-voting)
- Coordinator, Institutional Effectiveness (non-voting)
- Director, Grants (non-voting)
- Institutional Researcher (non-voting)

## SECTION TWO: ADMINISTRATION

### 2.3.3 ACADEMIC AFFAIRS COMMITTEE

The Academic Affairs Committee is responsible for continuously appraising all facets of the curriculum and has the prerogative of initiating action that deals with the institution's educational programs. The committee's actions will be consistent with the purposes and objectives of the institution and must ensure the overall effectiveness and quality of the College's educational program consistent with the *Principles of Accreditation* of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The Academic Affairs Committee plays a central role in actions concerning the creation, modification, and termination of courses and programs.

Academic Affairs Committee membership includes the following:

- Public Information Officer, ex-officio
- Director, Financial Aid, ex-officio
- Registrar, ex-officio
- Executive Director, Enrollment Management
- eight faculty members appointed by the Faculty Senate President (two from each academic department)
- President, Faculty Senate or designee
- one student appointed by the President of the Student Government Association

The Vice President, Instruction attends the meetings to serve as an advisor to the committee regarding compliance, institutional impact, etc. Other than ex-officio members, each member should serve on the committee for two consecutive years. A chair is elected at the first meeting of the academic year.



## SECTION TWO: ADMINISTRATION

### 2.3.4 ENROLLMENT MANAGEMENT COMMITTEE

Enrollment Management is a comprehensive approach to integrating college programs, practices, policies, and planning related to achieving optimal recruitment, retention, and graduation with “optimal” defined by the mission, vision, and strategic plan of the institution. Enrollment management becomes strategic enrollment management when it actively integrates planning, strategies, and structures in the formal enrollment management units with the institution’s evolving strategic plan. The Enrollment Management Committee (EMC) will improve student success and access by reviewing, monitoring, evaluating, and communicating on all aspects of the enrollment life-cycle for Caldwell Community College & Technical Institute’s students. The EMC shall:

- Incorporate a systematic, comprehensive, research-driven collaborative inquiry about ongoing enrollment trends, activities, and initiatives;
- Provide recommendations for student access, recruitment, persistence, completion, and lifelong learning through diverse programs and services;
- Disseminate information and recommend best practices to optimize student success and timely completion based on the college’s priorities and community needs.

Enrollment Management Committee members are selected from students, faculty, and staff. The facilitator and a recorder will be selected at the first meeting, which will be called by the designated liaison from Executive Council. The composition of the committee is as follows:

- Vice President, Student Services
- Vice President, Instruction/Chief Academic Officer
- Chief of Staff
- Executive Director, Enrollment Management
- Executive Director, Student Engagement and Educational Partnerships
- Executive Director, Community Relations
- Executive Director, Watauga Campus
- Executive Director, College Foundation
- Director, Adult Learner Initiatives
- Director, Transitional Studies
- One representative from Arts and Sciences
- One representative from Health Sciences or designee
- One representative from Career and Technical Education
- One representative from Continuing Ed. and Workforce Development
- Two students appointed by the Student Government Association

## SECTION TWO: ADMINISTRATION

### 2.3.5 GRADE APPEAL COMMITTEE

If a dispute over a course grade cannot be resolved through the informal process as outlined in Policy 6.27 – Grade Appeal Policy, the student may submit a grade appeal form, available in Student Services, to the Chief of Staff within five (5) business days of the consultation with the dean.

1. Once the formal grade appeal is received, the Chief of Staff will appoint a grade appeal committee to hear the appeal within ten (10) business days of the receipt of the appeal.
2. The grade appeal committee will be chaired by the Chief of Staff, or a designee, who will be a non-voting member except in the case of a tie. Voting members will consist of four (4) faculty members not associated with the appeal, one (1) student representative with a minimum GPA of 2.5 or greater, and the Vice President, Instruction.
3. The grade appeal hearing will be conducted in closed session in accordance with the Open Meetings Law unless otherwise requested in writing by the student. Neither the college nor the student will be permitted to have legal representation during the grade appeal hearing.
4. The committee will be made up of members from the campus of attendance to assure a fair and equitable hearing.
5. The committee will hear all parties involved and render a written decision that is considered to be fair and educationally sound within ten (10) business days. The decision of the committee will be the final binding decision for the institution.

#### **Substitution Provisions**

In the event that the faculty member whose grade is being reviewed is also a dean or program coordinator/director, the Vice President, Instruction shall do those things required by the dean or coordinator/director. In the event that the faculty member whose grade is being reviewed is also the Vice President, Instruction, the Chief of Staff can name an appropriate substitute to perform the functions of the vice president as required by this policy.

## **SECTION TWO: ADMINISTRATION**

### **2.3.6 GRIEVANCE COMMITTEE**

The Grievance Committee is convened in situations where grievances are not resolved at a lower level as outlined in the college's grievance policy and procedures (Policy 4.9 – Grievance Policy, Policy 6.28 – Student Grievance Policy).

The chair of the Grievance Committee will be appointed at the first meeting called by the president or by the chair of the Board of Trustees if the grievance is related to the president. The Grievance Committee will consist of four standing members and three members selected at the time a grievance is presented. In addition to the committee members, a recorder will be assigned. The four standing members will serve for two years. In order to provide continuity, initially two members will be appointed for two years and two members will serve one year. The parties involved may challenge the impartiality of any of the seven members selected by the president or by the chairman of the Board of Trustees. The committee will act as a hearing committee for all student grievances.

## SECTION TWO: ADMINISTRATION

### 2.3.7 SAFETY COMMITTEE

The Health and Safety Committee is charged with the responsibility for overall implementation and evaluation of the College's comprehensive Health and Safety Program. Each individual committee member is charged with the responsibility for compliance in his or her particular area. The purpose of this committee is both reactive (accident investigation and emergency response) and proactive (safety training, employee involvement, safety awareness, inspections, and recommendations for continuous improvement in health and safety programs and practices).

Specific responsibilities of the Health and Safety Committee include reviewing employee suggestions for workplace or job procedure improvements; taking an active part in prioritizing safety related issues; planning and contributing to safety education; communicating safety and health information to students and employees; identifying problems, suggesting solutions and helping communicate; analyzing accidents, evaluating performance, and highlighting areas for improvement; reviewing work areas and specific jobs (e.g., audits, inspections); identifying and discussing ways to eliminate hazards; making safety observations and interventions; reviewing and monitoring the college compliance with all federal, state and local laws and regulations related to health and safety issues; and assisting in the annual review and update to the College Health and Safety Plan.

The Health and Safety Committee is representative of all areas of the College. Membership term is one year and members are selected as follows:

- Director, Security (Chair)
- Vice President, Operations
- Vice President, Student Services
- Chief of Staff
- Student Services staff member appointed by Vice President, Student Services
- SGA President or designee
- Executive Director, Human Resources (permanent member)
- Executive Director, Watauga Campus
- Executive Director, Communications and Public Relations
- Director, Facilities Services (permanent member)
- Director, Network and Video Technologies
- Two faculty members appointed by Faculty Senate President, one from each campus
- Two faculty/staff members appointed by Vice President, Instruction, one from each campus
- Administrative Assistant, Facilities Services
- Student Resource Officer, Caldwell Campus
- Student Resource Officer, Watauga Campus
- Representative from Caldwell County Schools District Office
- Representative from Caldwell Early College High School
- Representative from Caldwell Applied Sciences Academy
- Representative from Watauga County Schools District Office

## SECTION TWO: ADMINISTRATION

### 2.3.8 TEACHING EXCELLENCE TEAM

This committee is concerned with issues related to quality classroom instruction throughout the institution. It makes recommendations to the Vice President, Instruction in this regard. Committee members and the committee chair are instructors recommended by the academic deans and approved by the Vice President, Instruction. All instructional areas, as well as the student services area, are to be represented by at least one member.

The goals of the committee are as follows: to promote and encourage the use of teaching techniques and student assignments which involve critical thinking by the students; to promote and encourage the use of new and developing technologies in the classroom; to develop suggestions for improving the orientation of new faculty, as well as part-time faculty orientations, training, and involvement; to assist in the identification and promotion of professional development activities for faculty; to address and make suggestions relative to other issues regarding classroom instruction.

## SECTION TWO: ADMINISTRATION

### 2.3.9 TECHNOLOGY COMMITTEE

The Technology Committee promotes innovation and collaboration within CCC&TI to facilitate creative uses of technology, maximize resources, and ensure all areas of the organization have adequate and appropriate technology to achieve the mission and vision of the College. The committee develops and updates the five-year technology plan and advises the Vice President, Technology and Information Services in matters involving technology and its use throughout the College.

Committee members are appointed as follows:

- Two staff members appointed by the Vice President, Technology and Information Services
- Three staff members appointed by the Vice President, Student Services
- Three faculty members appointed by the Vice President, Instruction

The committee consists of three faculty members and five staff members. Other faculty and staff may be called upon to assist as needed with the technology plan. The Vice President, Technology and Information Services will serve as ex-officio and act as liaison to Executive Council. Membership terms are three years and members may be reappointed.

## SECTION TWO: ADMINISTRATION

### 2.3.10 EQUITY, INCLUSION, AND DIVERSITY COMMITTEE

As indicated through the College's strategic planning process, equity, inclusion, and diversity awareness have been identified as key directions and initiatives for the College as it prepares the citizens of our service area for the future. As such, the Equity, Inclusion, and Diversity Committee has been established to evaluate and update the diversity plan, as necessary.

The Committee's focus is on three segments: organizational structures, processes, and policies that support or impede the College's goals; individual and organizational values, knowledge, and commitment in this area; and actions, behaviors, and practices related to equity and inclusivity. Implementing each of these segments throughout the College community is the goal of the equity, inclusion, and diversity committee initiatives.

The Equity, Inclusion, and Diversity Committee is open to participation by all interested employees, and will be additionally comprised of the following list of required employees, who will serve a one-year term, unless otherwise noted:

- Chief of Staff (permanent member, chair, and liaison to Executive Council)
- Student Government President, or designee
- Three division staff members appointed by the Vice President, Student Services
- One department staff member appointed by the Director, Center for Excellence in Teaching
- One continuing education faculty member appointed by the Vice President, Instruction
- One curriculum faculty member appointed by the Vice President, Instruction
- One division staff member appointed by the Executive Director, Community Relations
- Vice President, Operations, or designee
- Executive Director, Foundation, or designee
- Executive Director, Human Resources, or designee
- Executive Director, J. E. Broyhill Civic Center, or designee
- Executive Director, Watauga Campus, or designee
- Chair of the Global Diversity Sub-Committee

Minutes of the Equity, Inclusion, and Diversity Committee meetings are posted on the MyCCCTI Portal.

#### **I. Global Diversity Sub-Committee**

The Global Diversity Sub-Committee is charged with integrating global awareness into instruction, operations, and opportunities at the College. While this committee is comprised of volunteers and is open to participation by all employees, a chair will be designated by the Chief of Staff each year.

## SECTION TWO: ADMINISTRATION

### 2.3.11 WELLNESS COMMITTEE

The Wellness Committee seeks to develop activities and policy recommendations that support the holistic health, morale, and general well-being of students and employees. The committee will regularly review and assess opportunities to identify goals and strategies that support healthy behaviors and foster health-friendly learning and work environments. In addition, committee members will distribute communications about wellness information and activities of benefit to the college community.

Committee members are appointed as follows (at least two must be from the Watauga Campus):

- Executive Council Liaison
- Committee Co-Chairs (one from Human Resources and one from Student Services)
- One employee appointed from Counseling and Accessibility Services
- One employee appointed from the Athletics Program
- One employee appointed from the Health Programs and Technologies department
- One employee appointed from Facilities Services
- One employee appointed from Student Life
- Director, Security
- One employee appointed from Communications and Public Relations
- Two students appointed by the President of the Student Government Association

One Co-Chair serves as the meeting facilitator, while the other serves as the secretary to record minutes. All appointed employees should serve for two consecutive years to ensure consistency in planning and assessment of objectives. Committee meetings are open for attendance by any student or employee.

Minutes from the Wellness Committee are posted on the MyCCCTI Portal.



## **SECTION TWO: ADMINISTRATION**

### **2.3.12 AD HOC COMMITTEES AND TASK FORCES**

The President will appoint ad hoc committees and task forces to review, study, and make recommendations on appropriate subjects. The formation of these committees will be announced by the Office of the President through an official campus-wide communication. Members of ad hoc committees and task forces receive a memorandum outlining the purposes, duration, and nature of their assignment. Any employee of the institution having an interest in matters likely to be acted upon by these ad hoc committees and task forces should make his/her views known to committee members. Examples of committees and task forces which may be appointed are the building committee, calendar committee, retention task force, compensation task force, personnel selection committee, and similar groups.

**2.4 Miscellaneous**

## SECTION TWO: ADMINISTRATION

### 2.4.1 COLLEGE RECORDS

#### 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, student, and clarification regarding electronic records, see:

- A. Policy 4.4 – Personnel Files
- B. Policy 6.21 – Students Records – FERPA
- C. Policy 8.3 – 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 CUSTODIANS

For inquiries, contact:

- A. Personnel Files – Executive Director, Human Resources
- B. Student Records – Executive Director, Enrollment Management
- C. Electronic Records – Vice President, Technology/Chief Information Officer

#### VI. LITIGATION HOLD

A litigation hold is a directive not to destroy records which might be relevant to a pending or imminent legal proceeding. The President may establish a committee to oversee and monitor litigation holds; this committee may contain a member of the Technology and Instructional Support Services (“TISS”) Division, 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 TISS Division, as necessary, to suspend the normal retention procedure for all related records.

#### 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 custodians will create and maintain a destruction log.

## SECTION TWO: ADMINISTRATION

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>

**SECTION THREE: FACILITIES & SAFETY**

**SECTION THREE: FACILITIES & SAFETY**

## SECTION THREE: FACILITIES & SAFETY

### 3.1 Visitors and Minors on Campus

CCC&TI is a post-secondary educational institution with the primary mission of providing comprehensive community college programs and services to adults. The College welcomes visitors to campus. All visitors must comply with the College's policies and procedures. Additionally, in the interest of safety, and to minimize disruption to classes and operations, all visitors shall adhere to the following rules:

#### I. Visitors

- A. Visitors, children, and any other persons not enrolled at the College are not allowed in classrooms, laboratories, or any other instructional areas (on or off campus) without prior authorization.
- B. All visitors to laboratories, shops, or other potentially hazardous areas must be escorted by a College employee.

#### II. Children on Campus

- A. 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.
- B. 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 presence 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.
- C. 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.

### **3.2 Campus Safety and Emergency Planning Policy**

The safety of the college's employees, students and visitors is of the utmost importance. To that end, the Board of Trustees 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.

#### **Campus Law Enforcement/Campus Security**

1. Campus law enforcement is provided at the Caldwell Campus under a contract with the Town of Hudson and on the Watauga Campus under contract with the Watauga County Sheriff's office. Sworn officers who report to the vice-president of operations, help develop, enforce and communicate security and safety programs that are available for all faculty, staff, students, and visitors.
2. CCC&TI also provides additional security support through a third-party for all facilities of the institution located in Caldwell and Watauga counties. Although they have no arrest authority, security personnel monitor facilities and grounds and report incidents to the appropriate authorities.
3. In addition to the above, the following serve as campus security authorities (CSAs):
  - president
  - all vice presidents
  - safety director

## SECTION THREE: FACILITIES & SAFETY

### 3.2.1 CAMPUS EMERGENCY COMMUNICATION PLAN PROCEDURE

#### **Emergency Notifications/Timely Warnings**

During campus emergency situations, notifications will be issued to faculty, staff, and students through a variety of communication means, which includes, but is not limited to email, text messaging, phone, social media, fire alarm system, intercom, and the college website.

In the event that a situation arises, that, in the judgment of the campus security authorities (CSAs) and/or senior administration, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. The published warning will include the date, to whom the warning is issued, the crime of concern, the alert to the campus community, what to do to protect oneself, how to request information from the community about other similar crimes, contact information, and how to report a crime.

Anyone with information warranting a timely warning should report the circumstances to CSAs or senior administration in person or by calling 911.

CCC&TI’s senior administration includes the following positions:

- President
- Vice President, Student Services
- Vice President, Instruction
- Vice President, Finance and Administration
- Vice President, Technology/Chief Information Officer
- Vice President, Operations



## SECTION THREE: FACILITIES & SAFETY

### 3.2.2 CAMPUS EVACUATION PLAN

#### General Evacuation

It is not always necessary to evacuate a building during an emergency. A power outage, for instance, does not necessarily call for evacuation of a building. The overall safety of the building must first be evaluated: lighting, hazardous materials, ventilation systems, and other hazardous operations. If the building can be safely occupied, evacuation is not necessary.

If evacuation is ordered, follow these procedures:

- Stay calm, do not rush, and do not panic.
- Safely stop your work.
- Gather your personal belongings if it is safe to do so. (Reminder: take prescription medications out with you if at all possible; it may be hours before you are allowed back in the building.)
- If safe, close your office door and window, but do not lock them.
- Use the nearest safe stairs and proceed to the nearest exit. Do not use the elevator.
- Proceed to the designated gathering point or safe area as explained in Table 1. Try to account for persons in your areas and or classrooms.
- Wait for any instructions from emergency responders.
- Do not re-enter the building or work area until you have been instructed to do so by the emergency responders.

**Table 1: Evacuation Gathering Points by Campus**

CALDWELL CAMPUS	
Building	Gathering Point
A (1 <sup>st</sup> and 2 <sup>nd</sup> floors)	Front lawn at flag pole
B (Main floor)	Grass area in front of B Building
B (Rooms 114, 115, 116, 117, 118, 119, 121, 130, 131, 133, 134, 135)	Grass area at across driveway behind D Building
D	Grass area across rear driveway behind D Building
E (1 <sup>st</sup> and 2 <sup>nd</sup> floors)	Grass area behind H Building
E (Library & Marketing/Communications)	Grass area at flag pole
E (Ground floor, Gym)	Grass area at rear of E Building
F	Grass area in front of F Building near hydrant
G (Top floor)	Grass area in front of B Building
G (Bottom floor)	Rear of building in grass across driveway
H	Grass area at rear of H Building
J (Top floor)	Grass area at ATM machine
J (Bottom floor)	Grass area adjacent to green house
K	Grass area between parking lot and Hwy 321
M	Rear parking lot (maintenance lot)
S	Grass area behind H Building
TAPS Center	Grass areas across from respective buildings
Civic Center	Nearest exit to parking lots

## SECTION THREE: FACILITIES & SAFETY

**Table 1: Evacuation Gathering Points by Campus**

<b>WATAUGA CAMPUS</b>	
<b>Building</b>	<b>Gathering Point</b>
Instructional Facility (W-372) (Rooms 100-110) (Rooms 111-121)	Grass area at east end of building (at gazebo) Grass area at west end of building (in front of modular units)
New Student Services (W-460)	Front parking lot
WOTF (W-141)	Asphalt sidewalk beside parking lot
Former Bookstore (W-260)	Grass area in front of modular units
Basic Skills (W-250)	Grass area in front of modular units
Former Student Services (W-270)	Grass area in front of modular units
Multi-Purpose Building (W-204)	Exit to rear of building to grass area

### **Evacuations**

Students and employees should familiarize themselves with the features of each building they are in, including stairways, exits, phone locations, and elevator procedures. At times, assistance from others may be needed. Individuals with disabilities may seek assistance (escorts) from others in their classes or offices if emergency evacuation becomes necessary.

NOTE: Faculty members who have students with disabilities in their classes should discuss emergency evacuation procedures with these persons ahead of time.

#### *Individuals with Mobility Limitations*

Evacuation of persons with mobility limitations during an emergency is of utmost concern, as that most elevators will not operate (should not be used) during a fire emergency. If there is no immediate danger (obvious smoke or fire), these persons should either stay in place with their escorts or be moved to a fire-rated stairwell until emergency personnel determine the nature of the situation. Officials may decide that no evacuation is necessary, they may remove the person using the elevator with an override key, or they may carry the person out of the building.

Escorts should remain with the student while the faculty member meets with emergency personnel and tells them the student's location. It is extremely important that the individual not be moved unnecessarily and improperly, possibly causing further physical injury.

If there is imminent danger and evacuation cannot be delayed, persons with disabilities should be carried or helped from the building in the best and fastest manner. The individual is the best authority as to how to be moved out of the building. A person may be carried using a two-person locked-arm position or may sit in a sturdy chair, preferably one with arms. Professional emergency personnel should assist in the evacuation if time permits.

#### *Individuals with Vision Impairments*

Persons with vision limitations should be familiar with the immediate area they are in. In the event of an emergency, tell the individual how and where to exit. Have the person take your

## SECTION THREE: FACILITIES & SAFETY

elbow and escort him or her (this is the preferred method when acting as a “sighted guide”). As you walk, tell the person where you are and advise him or her of any obstacles. When you reach safety, orient the person to where he or she is and ask if any further assistance is needed.

### *Individuals with Hearing Impairments*

Since persons with impaired hearing may not perceive audio emergency alarms, an alternative warning technique is required. Two methods of warning are

1. Write a note telling what the emergency is and the nearest evacuation route (Example: “FIRE! Go out rear door to right and down the stairs. Now!”).
2. Turn the light switch on and off to gain attention, and then indicate through gestures or in writing what is happening and what to do.

Escort the person with a hearing impairment as you leave the building.

### 3.3 Fire Procedures

1. Upon discovering a fire, explosion or smoke in the building, activate the fire alarm system and call 911. After sounding the alarm, call the switchboard on the Caldwell Campus (828-726-2200) or the Watauga Campus (828-297-3811 for external phones or x5221 for internal phones.) providing the following:
  - Building name
  - Floor
  - Room number
  - Type of incident
2. When the fire alarm sounds, complete evacuation is required. Walk, do not run, to the nearest stairway exit and proceed to ground level. Close doors and windows as you leave. The alarm may not sound continuously. If the alarm stops, continue the evacuation and warn others who may attempt to enter the building after the alarm stops.
3. DO NOT USE ELEVATORS DURING A FIRE EMERGENCY.
4. Leave the building and move away from it, leaving walks and drives open for arriving firefighters. Do not return to the building until directed to do so by the Police or Fire Department.
5. Someone familiar with the situation and who knows the area involved should meet the Fire Department.
6. Everyone must follow the orders of the Police and Fire Department when they arrive.
7. Notify firefighters on the scene if you suspect someone may be trapped inside the building.

## SECTION THREE: FACILITIES & SAFETY

### 3.4 Lockdown Procedures

In the event of a lockdown, 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 (Caldwell: 726-2200; Watauga: 828-297-3811 for external phones or x5221 for internal phones.)
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 (only make additional contacts if you have additional or updated information).
3. Keep calm and make sound decisions. Remain in lockdown until you receive notification from college officials or law enforcement that all is clear.
4. In the event the campus is being evacuated, consult Procedure 3.2.2 – Campus Evacuation Plan.

If anyone hears or sees a situation that requires lockdown, immediately begin procedure by calling 911, then contact the switchboard operator to report emergency and begin lockdown alert and notification.

Faculty and staff should follow lockdown procedures outlined in the CCC&TI Emergency Guidelines on MyCCCTI Portal.

### 3.5 Bomb Threat Procedures

#### **Bomb Threat**

The college recognizes that bomb threats are a significant concern. Whether real and carried out or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students, faculty and staff and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false. Any bomb threat will be regarded as an extremely serious matter and treated accordingly.

#### *Receiving a threat by phone*

The person receiving the telephone call should remain calm and obtain as much information as possible by using the following checklist. Once checklist is complete, submit to law enforcement.

- If a suspicious item is found, immediately notify the police.
- Do not touch or handle the suspicious item.
- Follow instructions given by emergency personnel.
- Do not enter any evacuated area until authorized to do so.
- Do not use two-way radios or cell phones.
- When the caller hangs up, use another phone to call 911.
- Once 911 is called, notify the College switchboard operator on the Caldwell Campus at 828-726- 2200 or on the Watauga Campus at 828-297-3811 for external phones or x5221 for internal phones.

#### *Receiving a threat face-to-face*

- An employee of the college who learns of a bomb threat shall immediately notify law enforcement and the college switchboard.
- A student of the college who learns of a bomb threat shall immediately notify law enforcement and the college switchboard.
- College administrators shall immediately take appropriate steps to protect the safety of students, faculty, and staff.

**Faculty/staff should refer to the CCC&TI Emergency Guidelines on MyCCCTI Portal for a complete description of campus emergency procedures.**

## SECTION THREE: FACILITIES & SAFETY

### 3.6 Hazard Communication Program Policy

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 Director, Facilities in M building. In addition, an MSDS file is located in the custodial closets in each building on campus.

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.

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

## SECTION THREE: FACILITIES & SAFETY

### 3.7 Instructional Safety Precautions Policy

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 3.8 – 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.



### 3.8 Campus Medical Emergencies Policy

#### I. Emergency Medical Assistance

- A. 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.
- B. After calling 9-1-1, contact the main switchboard for the appropriate campus.
- Caldwell campus: 828-726-2200
  - Watauga campus: 828-297-3811 for external phones or x5221 for internal phones.
- Notifying the switchboard is intended to allow the operator to notify the appropriate college administrators.
- C. For minor injuries, first aid kits are available throughout the college. Call the main switchboard for exact locations.
- D. Students injured should notify the Vice President, 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.
- E. All employee work related accidents and injuries must be immediately reported to the employee's supervisor and then to the Executive Director, Human Resources. If non-emergency medical treatment is required, the Executive Director, Human Resources will refer the injured employee to a clinic that has been approved by the workers' compensation carrier. A form, CCC-257, employee accident report – supervisor's accident /incident investigation report, must be completed by the employee and their supervisor for all accidents, no matter how minor. The report must be submitted to human resources department within 24 hours of the injury. Forms may be accessed through the MyCCCTI on the college website.
- F. For student/visitor accident form (CCC275-B) should be completed within 24 hours of the injury. These forms are available on both campuses at the switchboard and through MyCCCTI on the college website.
- H. The following procedures should be followed if an accident occurs involving a vehicle:
1. Dial 9-1-1 if emergency services or an ambulance is needed;
  2. Contact the campus law enforcement to obtain a report;
  3. Obtain as much information as possible from any other parties involved in the accident; and
  4. Contact the Vice President, Operations.

### 3.9 Communicable Disease Policy

#### 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.

## SECTION THREE: FACILITIES & SAFETY

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**

Prior to admission or employment, the College may require students and employees to be immunized from certain communicable diseases, including but not limited to measles, mumps, rubella, tetanus, varicella, and meningitis. Students and employees are excused from providing proof of one or more of the required vaccinations if the student or employee has one of the following:

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

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

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.

## SECTION THREE: FACILITIES & SAFETY

### 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

## SECTION THREE: FACILITIES & SAFETY

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.

## SECTION THREE: FACILITIES & SAFETY

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

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

### 3.10 Weapons on Campus Policy

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.

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

## SECTION THREE: FACILITIES & SAFETY

### 3.10.1 CAMPUS SECURITY REPORTING – CLERY ACT POLICY

#### 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, 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,



## SECTION THREE: FACILITIES & SAFETY

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

CCC&TI 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, 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:

### SECTION THREE: FACILITIES & SAFETY

- 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.

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)

Cross Reference: Policy 3.10.1 – Campus Security Reporting Act – Clery Act

## SECTION THREE: FACILITIES & SAFETY

### 3.10.2 REPORTING CRIMES AND EMERGENCIES ON CAMPUS POLICY

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 notify college switchboard.

- Caldwell campus: 828-726-2200
- Watauga campus: 828-297-3811 for external phones or x5221 for internal phones.

Known and suspected violations of federal and state criminal laws should be reported to the Vice President, Student Services 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, Student Services as soon as possible if a student is involved.

**3.11 Reserved for Future Policy**

### 3.12 Adverse Weather and Emergency Closings Policy

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 or designee shall take steps necessary to deal with the situation and notify College employees.

#### I. Use of Leave

- A. If the President or designee 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.
- B. 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:
  - 1. Make-up the time on a schedule approved by the employee's immediate supervisor, if feasible;
  - 2. Take annual, bonus or compensatory leave; or
  - 3. Payroll deduction for time lost.

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

#### II. 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.

Cross Reference: Policy 4.3.13

## SECTION THREE: FACILITIES & SAFETY

### 3.12.1 ADVERSE WEATHER AND EMERGENCY CLOSINGS PROCEDURE

The Caldwell Campus will be closed only by the President or designee. The Watauga Campus will be closed by the Executive Director, usually after consulting with the President or designee.

The College's primary mission centers on training adults for careers. The College's weather calls during winter storms will more closely resemble cancellation decisions made by local business and industry than decisions made by the local school system. As a general rule, the College will wait until frozen precipitation hits, begins to stick, and is predicted to sufficiently accumulate before delaying and/or canceling classes. In very few cases (such as 100% probability of heavy accumulation and forecast time beginning well before 8 a.m.), the College will make cancellation announcements the evening before a storm hits.

#### I. Announcements

- A. No announcement means the College will operate on a normal schedule.
- B. Delayed Start (Caldwell or Watauga Campus).

If it is necessary to delay morning classes, the College will use 8 a.m. as a reference time for delays. For example, "two-hour delay" will actually mean that classes will begin at 10 a.m. and continue thereafter on a regular schedule. If it is necessary to delay evening classes, the College will use 5 p.m. as a reference time for delays. A "one-hour delay," for example, will mean that all classes that would be in session at 6 p.m. would meet and conclude at their normal time.

If at all possible, announcements on closings and delays by the College will be made before 6 a.m. for morning classes and before 4 p.m. for evening classes. No announcement means we will operate on a normal schedule.

- C. Early Dismissal (Caldwell or Watauga).

When the College declares an early dismissal due to inclement weather, an administrative designee will make the announcement over the emergency public address (PA) system. Employees are free to leave work, unless specifically required to stay by the supervisor for the purpose of assisting with snow removal or other critical functions.

- D. Other Conditions.

Specific inclement weather policies for clinical and other off-campus work experiences have been developed and may be obtained from program directors.

#### II. Accessing Inclement Weather Announcements

## SECTION THREE: FACILITIES & SAFETY

Students and employees may access the most up-to-date weather information on delayed starts, campus closures, or early dismissals in the following manners:

1. College website at [www.cccti.edu/Weather](http://www.cccti.edu/Weather)
2. Caldwell campus snow line at 828-726-2900
3. Watauga campus snow line at 828-297-7077
4. Register for Regroup Alert via email, text, or voice messaging at [www.cccti.edu/Regroup](http://www.cccti.edu/Regroup)
5. CCC&TI Facebook page
6. CCC&TI Twitter page

The College weather hotline and/or official social media accounts will be utilized for all weather announcements.

### **III. Employees Who Report to Work During Inclement Weather**

When the College declares a delayed start or closes due to inclement weather, employees are not expected to report to campus or work from home.

Non-exempt staff employees (i.e., maintenance) who are required to work and perform snow removal and/or other critical functions during a delayed start, campus closure, or early dismissal will be given compensatory time-off at the rate of one hour for each hour of work performed during that workweek, even though the total hours worked that week may be less than thirty-six (36) hours in that workweek - meaning seven consecutive days beginning Sunday and ending Saturday.

If it is necessary for a non-exempt employee to work more than thirty-six (36) hours in a work week, the employee will be awarded compensatory time pursuant to Policy 4.2.4 – Compensatory Time.

### **IV. Employees Who Do Not Report to Work During Inclement Weather**

If the College is open, employees are expected to report to work. However, each employee must observe weather conditions in his or her area and determine whether it is unduly hazardous to attempt to drive to work when weather conditions are severe. The College does not expect anyone to take unreasonable risk while attempting to drive to work. However, employees will be charged annual leave when they fail to report as scheduled if classes are held as usual or for a shortened schedule as announced. Accrued compensatory time may also be used to cover periods of absence due to inclement weather.

### **V. Pay During Delayed Starts, Campus Closures, and/or Early Dismissals**

When the College is officially delayed, closed, or dismissed early due to inclement weather, full-time employees will receive their regular rate of pay for their regular scheduled hours not worked. The employee shall not be charged leave for time lost due to

## SECTION THREE: FACILITIES & SAFETY

the inclement weather, nor will their leave earned be affected. However, certain employees specifically required to work by their supervisor for the purpose of assisting with snow removal or other critical functions will be charged leave for late reporting or failure to report to work when required by their supervisor.

### **A. Employees on Approved Leaves of Absence**

Closings or delays for inclement weather do not affect the status of employees on FMLA, Voluntary Shared Leave, Educational Leave, Civil Leave, Military Leave or Leave without Pay. Leaves of absence are granted on the assumption that the employee will be unavailable to work regardless of an opening or closure. Employees who are on previously scheduled annual leave or who are experiencing a short-term illness and using sick leave will not be charged leave when the campus is closed due to inclement weather.

### **B. Recording Time off Due to Inclement Weather**

Time off due to weather closing or delays cannot be counted as work time on an employee's time sheet for nonexempt employees. For example, if the College is closed for one day, those hours not working cannot be counted as hours worked, or used as credit toward compensatory time. Compensatory time is based on hours worked over thirty-six (36) that work week. Campus closures are not counted as work days since the employee was not physically at work performing the job.

Cross Reference: Procedure 4.3.13.1



### 3.13 Sex Offender Information Policy

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).

Legal Reference: P.L. 106-386

### **3.14 Tobacco Free Campus Policy**

#### **I. Definitions**

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

#### **II. Overview**

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

This policy applies to all college employees, students, vendors, contractors and visitors to campus.

#### **III. Prohibition**

All individuals shall comply with the Policy. Enforcing the Policy is the responsibility of the entire campus community. Failure to adhere to the Policy could result in disciplinary action for students and employees. Visitors, 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.

Legal Reference: N.C.G.S. § 115D-20.1

### **3.15 Protection and Care of College Property Policy**

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

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

### **3.16 Facility Use Policy**

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 and non-credit 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 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.

Any outside agency requesting use of the property must present proof of liability insurance including the limits covering the period of use.

This policy only applies to the use of the college's facilities. For information concerning the use of outdoor campus spaces, see Policy 3.26 – Campus Free Speech, Distribution of Material, and Assembly.

The college has developed procedures and a fee schedule to be used by parties who want to utilize the college's facilities.

## SECTION THREE: FACILITIES & SAFETY

### 3.16.1 FACILITY USE PROCEDURE

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

### SECTION THREE: FACILITIES & SAFETY

- 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 Application Forms ("Forms") must be used for every non-college facility use.
- C. Completed forms must be submitted to the Vice President, Operations 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 3.14 – 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 5.25 – Alcohol and Drugs on Campus. In limited situations, alcoholic beverages may be allowed pursuant to Policy 3.17 – 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. Forms 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.

### SECTION THREE: FACILITIES & SAFETY

- 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.

## **SECTION THREE: FACILITIES & SAFETY**



### 3.17 Use of Alcohol at Campus Events Policy

- 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 President's designee, 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's designee 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 officer 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's designee no less than five (5) business days prior to the event.
- E. **Service of Alcoholic Beverages.** North Carolina laws and regulations must be followed by users and renters at all times.
- F. **No Use of Public Money.** No state or local tax dollars can be used to acquire or serve alcoholic beverages.

## SECTION THREE: FACILITIES & SAFETY

### 3.17.1 SCHEDULING FACILITIES AND KEYS TO FACILITIES POLICY

#### I. Scheduling Facilities

CCC&TI utilizes COBRA Rooms for scheduling classes and events on campus. Faculty and staff should give advance notice of at least five business days for COBRA Rooms requests in order to have the request approved prior to the event.

#### II. Keys to Facilities

The President, Vice Presidents, Director, Facilities 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.

All keys are to be deemed controlled items and will not be duplicated without permission from the Vice President, Operations. If an individual loses a key, he or she must immediately report the lost key to Facility Services. When an employee is leaving the college employment, all keys must be returned and accounted for in order to complete the employee's exit procedure.

**3.18 Campus Sustainability Policy**

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.

### **3.19 Recycling Procedure**

To reduce waste disposed in landfills and costs associated with waste disposal, the college adheres to a recycling program. Students, faculty, staff and visitors are strongly encouraged to recycle products in their respective spaces. This is made convenient by the college as each office, classroom, laboratory, etc. shall have a trash can and a recycling container. Recycling containers are also located in convenient locations throughout the campus grounds. Containers are provided for outdoor events when scheduled through the events calendar.

## SECTION THREE: FACILITIES & SAFETY

### **3.20 Building Maintenance Requests Policy**

Maintenance work requests are to be submitted by directors and supervisors to Facility Services. If there is a budget expenditure involved or reason why the request cannot be handled expeditiously, the Director, Facilities will notify the appropriate supervisor.

### 3.21 Service Animals and Other Animals on Campus Policy

#### 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

### **SECTION THREE: FACILITIES & SAFETY**

Service Animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons.

## SECTION THREE: FACILITIES & SAFETY

### 3.21.1 SERVICE/EMOTIONAL SUPPORT ANIMALS PROCEDURE

#### I. 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.



## SECTION THREE: FACILITIES & SAFETY

- 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 Executive Director, 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).

## SECTION THREE: FACILITIES & SAFETY

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.

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

### 3.22 Use of Design Professional Services Policy

#### I. Use of Architects and/or Engineers

As required by N.C.G.S. § 133-1.1, the college must use a licensed, registered, architect and/or engineer for college buildings that are being repaired and/or constructed. In addition, architects and/or engineers may be used for other services including:

- A. Preparing feasibility studies for additions, alterations or renovations of existing facilities;
- B. Providing consulting services on technical matters;
- C. Providing services related to long-range planning or facility design; and
- D. Assisting in the preparation and submission of any documents requested by other governmental agencies.

#### II. Selection Process for Architects, Engineers, Surveyors and other Construction Design Services

##### A. Project Expenditures \$500,000 or Greater<sup>1</sup>

- 1. The president shall solicit proposals from design service providers based on a request for qualifications using a uniform criterion that the president deems relevant. At a minimum, the college shall publicly advertise on the State of North Carolina Interactive Purchasing System website for a period of at least fifteen (15) calendar days<sup>2</sup>.
- 2. The president shall provide a list of the qualified, responsive service providers to the Board for its consideration and approval. The Board, or a committee thereof, will select its top three candidates ranked in order.
- 3. A North Carolina resident firm will be granted a preference over a nonresident firm if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis and to the same extent as the preference granted by the nonresident firm's home state. The solicitation documents must

---

<sup>1</sup> Under NCGS 143-64.31 and -64.32, K-12 schools and NCDOT must use the request for qualifications process for all projects with an estimated **design professional fee** of \$50,000 or greater. G.S. 143-64.34, however, only requires the request for qualifications process for community colleges where the estimated **project cost** is more than \$500,000. Whether the Board wants to lower this threshold is voluntary.

<sup>2</sup> Required by NCGS 143-64.31-.34 and State Construction Manual.

## SECTION THREE: FACILITIES & SAFETY

require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

4. The North Carolina Office of State Construction ("State Construction") will conduct contract negotiations with the top ranked candidate. If a fair and reasonable fee cannot be agreed upon, State Construction will negotiate with the next ranked candidate and so forth. The contract with the selected design professional will be developed by State Construction. The Board will approve the final contract or delegate this authority to the president to approve and execute the contract.

### **B. Project Expenditures less than \$500,000**

1. The request for qualification process outlined above is not required; however, the President may use this selection process if s/he so desires.
2. The president is authorized by the Board to enter into such contracts within the price limitation. The contract with the selected design professional must be reviewed by the Board's attorney and meet all applicable laws and Board policies.
3. At the next regularly scheduled Board meeting, the president will, as information items, update the Board on all contracts executed under this section.

### **III. Use of Architects and/or Engineers**

As required by N.C.G.S. § 133-1.1, the college must use a licensed, registered, architect and/or engineer for college buildings that are being repaired and/or constructed. In addition, architects and/or engineers may be used for other services including:

- E. Preparing feasibility studies for additions, alterations or renovations of existing facilities;
- F. Providing consulting services on technical matters;
- G. Providing services related to long-range planning or facility design; and
- H. Assisting in the preparation and submission of any documents requested by other governmental agencies.

### **IV. Selection Process for Architects, Engineers, Surveyors and other Construction Design Services**

## SECTION THREE: FACILITIES & SAFETY

### C. Project Expenditures \$500,000 or Greater<sup>3</sup>

5. The president shall solicit proposals from design service providers based on a request for qualifications using a uniform criterion that the president deems relevant. At a minimum, the college shall publicly advertise on the State of North Carolina Interactive Purchasing System website for a period of at least fifteen (15) calendar days<sup>4</sup>.
6. The president shall provide a list of the qualified, responsive service providers to the Board for its consideration and approval. The Board, or a committee thereof, will select its top three candidates ranked in order.
7. A North Carolina resident firm will be granted a preference over a nonresident firm if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis and to the same extent as the preference granted by the nonresident firm's home state. The solicitation documents must require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.
8. The North Carolina Office of State Construction ("State Construction") will conduct contract negotiations with the top ranked candidate. If a fair and reasonable fee cannot be agreed upon, State Construction will negotiate with the next ranked candidate and so forth. The contract with the selected design professional will be developed by State Construction. The Board will approve the final contract or delegate this authority to the President to approve and execute the contract.

### D. Project Expenditures less than \$500,000

4. The request for qualification process outlined above is not required; however, the president may use this selection process if s/he so desires.
5. The president is authorized by the Board to enter into such contracts within the price limitation. The contract with the selected design professional must be reviewed by the Board's attorney and meet all applicable laws and Board policies.

---

<sup>3</sup> Under NCGS 143-64.31 and -64.32, K-12 schools and NCDOT must use the request for qualifications process for all projects with an estimated **design professional fee** of \$50,000 or greater. G.S. 143-64.34, however, only requires the request for qualifications process for community colleges where the estimated **project cost** is more than \$500,000. Whether the Board wants to lower this threshold is voluntary.

<sup>4</sup> Required by NCGS 143-64.31-.34 and State Construction Manual.

### SECTION THREE: FACILITIES & SAFETY

6. At the next regularly scheduled Board meeting, the president will, as information items, update the Board on all contracts executed under this section.

Legal Reference: N.C.G.S. §§ 133-1.1, 143-64.31 - .34; [State Construction Manual – Chapter 300](#)

### **3.23 Bidding for Construction Work Policy**

#### **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 7.22 – 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**

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. The President shall comply with all State Construction Office bidding requirements.

##### **B. Informal Bidding Range**

Informal bids will be obtained for construction and repair contracts between \$30,000 and \$500,000. Quotations from contractors may be solicited by telephone or in writing. Informal bids are recommended, but not required, for construction and repair work costing less than \$30,000

#### **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

## SECTION THREE: FACILITIES & SAFETY

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. 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 bidder range 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 or designee is authorized to approve change orders involving additive or deductive sums 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. The report will include the following



## SECTION THREE: FACILITIES & SAFETY

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.

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

Change orders that involve amounts over 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.

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](#)

## SECTION THREE: FACILITIES & SAFETY

### 3.24 Sale, Disposal, and Lease of College Property Policy

The Board may, with the prior approval of the North Carolina Community College's 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.

Legal Reference: N.C.G.S. § 115D-15

### 3.25 Traffic Regulations Policy

#### I. GENERAL PROVISIONS

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

- A. Chapter 20 of the North Carolina General Statutes regarding the operation of motor vehicles on North Carolina highways shall apply to the College's streets, roads, alleys and driveways along with all other rules and regulations contained herein. These regulations shall apply on a twenty-four (24) hour basis.
- B. The speed limit on any College street, road, or alley shall be the maximum of 20 miles per hour.
- C. While on the College campus, all drivers shall comply with the Campus Resource Officer's legal instructions and shall obey all traffic and parking laws and regulations. The College shall be responsible for ensuring that the necessary signs are erected and maintained on the campus.
- 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 publications. 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 hangtag on the Students, faculty and staff must register their vehicles within the first two (2) weeks of employment (for employees) or the first two (2) weeks of the semester (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 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 placard to park in designated handicapped spaces.

## SECTION THREE: FACILITIES & SAFETY

### 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 place 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 hangtag 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

## SECTION THREE: FACILITIES & SAFETY

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 institutional policy.

### B. Parking Violations (Section II(B))

1. Beginning the third week of the semester, the rules outlined herein shall be enforced.
2. Each parking violation shall result in a citation placed on the vehicle and a twenty-five dollar (\$25.00) fine. The fine must be paid within thirty (30) business days or the violator will lose his/her parking privileges until the fine is paid.
3. Multiple parking violations may result in the vehicle's towing and loss of parking privileges on campus for the remainder of the academic year.
4. Student registration for new/additional courses or release of transcripts will be blocked until all parking tickets have been paid.
5. In addition, employees and students are subject to disciplinary action pursuant to institutional policy and procedure.
6. 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 are subject to tow at the full expense of the owner.
7. 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. TOWING

The College may have vehicles towed in accordance with the provisions of Article 7A, Chapter 20, of the General Statutes of the state of North Carolina. Vehicles not plainly displaying authorization to park in restricted areas including disabled/handicapped parking, visitor parking, reserved parking spaces for institutional vehicles, loading zones, and vehicles that park in any areas not specifically marked for parking by signage and/or painted parking spaces in paved parking lots are subject to being towed on the first violation. Unregistered vehicles parked on the campus in excess of 48 hours and

## SECTION THREE: FACILITIES & SAFETY

vehicles parked on campus by persons who have had their parking privileges revoked are also subject to being towed. The order to tow a vehicle must be given by the president, or president's designee, or the next highest-ranking administrator in charge at the time the need for towing services arises. The College will maintain written records on orders to tow. CCC&TI is not responsible for any alleged damage, expense, or inconvenience created by the necessity of having a vehicle towed. The vehicle operator and/or owner of towed vehicle are responsible for the payment of towing fees and for storage charges assessed by towers. Towing fees are payable directly to the tower. Information related to the location of a towed vehicle may be obtained from:

### Caldwell Campus:

Forlines Building receptionist (F-Bldg.)  
Vice President, Student Services  
Vice President, Operations

### Watauga Campus:

Student Services Building receptionists (W460)  
Executive Director, Watauga Campus.

Any person who is observed habitually in violation of the CCC&TI traffic and parking regulations shall be directed to the Vice President, Student Services for consultation and consideration resulting from violations of the CCC&TI Code of Conduct found in the College Catalog. All Code of Conduct stipulations will be observed. Severe and/or repeated violations of this policy may result in a revocation of campus parking privileges.

## V. APPEAL

Individuals receiving a citation pursuant to Section II(B) may appeal in writing to Vice President, Student Services within five (5) business days of receipt of the citation. The Vice President, Student Services will review the matter and his/her decision shall be final.

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

### **3.26 Campus Free Speech Policy**

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

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

For issues dealing with the use of indoor spaces and facilities, see Policy 3.16 – Facility Use.

## SECTION THREE: FACILITIES & SAFETY

### 3.26.1 CAMPUS FREE SPEECH, DISTRIBUTION OF MATERIAL AND ASSEMBLY PROCEDURE

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

Nothing in these Procedures prohibits College Members from engaging in conversations with others on the College campus nor does it prohibit any College-sponsored activity.

#### I. Definitions

- A. College Members – students who are currently enrolled at the College, approved student clubs and organizations, and/or individuals currently employed by the College.
- B. College Space – all outdoor areas on the College campus.
- C. College Use – use of a College Space by the College for official College business and/or functions.
- D. Designated Area(s) – areas on campus in which the College permits noncommercial expressive activities of College Members and Non-Members that have been previously scheduled pursuant to other provisions of this Policy.
  - Caldwell Campus- Grassy area around the flagpole in front of B Building
  - Watauga Campus- Grassy area between the Student Services Center (W460) and the Instructional Building (W-372).
  - Transportation and Public Services Center (TAPS)- Grassy area around the flagpole between the Truck Driver Training and Automotive Systems Technology buildings.
- E. Non-College Members – any individuals who are not currently enrolled at the College and/or are not currently employed by the College.

#### II. Use of Designated Areas by College Members

- A. The College is committed to making the majority of its outdoor College Space, including the Designated Areas, available to College Members who wish to exercise their rights of speech, distribution of material, and assembly.
- B. Except for assemblies, activities, or other use where 30 or more people are expected to attend, reservations to use Designated Areas by College Members are not required but are recommended for planning purposes. Reservations ensure



## SECTION THREE: FACILITIES & SAFETY

that the desired space will be available on the desired date and time. For more information about reservations, see Section IV (B).

- C. For assemblies, activities, or other use where 30 or more people are expected to attend, reservations of the Designated Area are required and should be made at least two (2) weeks prior to the start of the activity. Where an event was not initially expected to have more than 30 people but evolves to exceed 30 people, the College Member in charge of planning the event shall make reasonable efforts to inform a designated administrator of the activity with as much time as possible under the circumstances.
- D. The College maintains the right to reserve any Designated Area at any time, with or without prior notice, for College Use and such use will take priority over any other use.
- E. All outdoor assemblies or events in Designated Areas may not be conducted within thirty (30) feet of any building or otherwise interfere with free flow of vehicular, bicycle, or pedestrian traffic.

### III. Use of Designated Areas by Non-College Members

- A. When the college's general classes are in session during the hours of 8:00 a.m. and 10:00 p.m., Mondays through Thursdays, and from 8:00 a.m. until 12:00 p.m. on Fridays, non-college members shall be allowed to use the designated areas as long as the areas are not already reserved or in use by a college class or college sponsored function/event. Designated areas are not available on weekends or when the college is closed. The college maintains the right to use the designated areas at any time, with or without prior notice, for college use and such use will take priority over any other use.

If on the weekends the College is having an official College event or if a speaker or group is hosting an event that is open to the general public and/or is a matter of public concern, the Designated Area, if so established, will be open to Non-College Members at times established by the President or designee.

- B. Any Non-College Members will be allowed to use the Designated Areas within the time restriction. All Non-College Members must complete a Facility Use Application Form and submit it to the Vice President, Operations at least two (2) weeks prior to their activity on campus.
- C. The College will assign use of a Designated Area on a first come, first serve basis; however, the College may regulate hours to fairly accommodate multiple groups.

### IV. Use of College Spaces other than Designated Areas

## SECTION THREE: FACILITIES & SAFETY

- A. Reservations of College Spaces that are not Designated Areas are required for any use by individuals or groups, whether College Members or Non-College Members. Use of any College Spaces may be denied when such use may disturb the conduct of regular College activities. Reservations must be made at least two (2) weeks prior to the activity. For activities in which 30 or more people are expected to attend, it is recommended that reservations are made as soon as possible.
- B. College Space must be capable of accommodating the event as determined by the nature of the activity, staging requirements, and the anticipated audience. All activities must be in compliance with College health and safety policies, the North Carolina Fire Prevention Code, and local fire and life safety regulations.

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

- A. While expressing speech, distributing material, or assembling, both College and Non-College Members are prohibited from doing the following:
  - 1. Engaging in non-protected speech such as obscenity, speech inciting criminal conduct, speech that constitutes a clear and present danger, or speech that constitutes defamation;
  - 2. Touching, striking, approaching, or impeding the progress of pedestrians in any way, except for incidental or accidental contact;
  - 3. Obstructing the free flow of pedestrian or vehicular traffic;
  - 4. Using sound amplification or creating noise levels that are reasonably likely to or do cause a material and substantial disruption to the College educational environment and/or operations;
  - 5. Damaging, destroying, or stealing College or private property;
  - 6. Endangering the health or safety of persons; and
  - 7. Possessing or using firearms, explosives, dangerous weapons, or substances not allowed on campus by law or by College policy (e.g., drugs, alcohol, tobacco, non-service animals, etc.).

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

- B. Individuals may distribute pamphlets, booklets, brochures, and other forms of printed materials on the condition that such material is designed for informational (not commercial) purposes. Individuals distributing materials must provide a

## SECTION THREE: FACILITIES & SAFETY

receptacle for the disposal of such materials. The College does not assume any obligation or liability for the content of such distributed material. Any signs used may not be larger than three (3) feet by four (4) feet in size. Signs must either be held by participants or be freestanding signs that do not stick into the ground. No signs may be mounted on buildings, trees, or other College property.

- C. Individuals are responsible for the cleanliness and order of the area they use. Individuals shall leave the area in the same condition it was in before the activity. Individuals who damage or destroy College property shall be held responsible for such damage or destruction. This includes the campus buildings, sidewalks, lawns, shrubs, and trees.
- D. Individuals are subject to sanctions for failing to comply with these procedures or other College policies. Such sanctions may include, but are not limited to: repairing, cleaning, painting, replacement costs, restitution (by order of a court), and being banned from future use. College Members may also be subject to College disciplinary action as outlined in the College policies and procedures. Individuals who violate these procedures may be issued a trespass warning and denied future access to College premises. Violations that require police intervention will be reported to the College's security forces.

### **VI. Requesting Reservations for Use of Designated Areas and Other College Spaces.**

- A. The College does not restrict assemblies, speech, or other activities based on the content or viewpoint. The purpose of reservations is to ensure there is adequate space at the requested date and time and to ensure the health and safety of those on the College campus.
- B. All reservation requests should be submitted on the appropriate form to the Vice President, Operations. Reservations will cover only one (1) day at a time. Requests for standing dates (e.g. every Tuesday) will not be honored.
- C. The Vice President, Operations may deny a request to reserve space for an activity if:
  - 1. the applicant has not completed a Facility Use Form as required under this policy;
  - 2. the reservation request contains a material misrepresentation or materially false statement;
  - 3. the reservation request is not submitted within the required time frame;
  - 4. the applicant has been notified of damage to College property from use in the past and has not paid for repairs;
  - 5. the reservation request is for a time that conflicts with the time of another preexisting reservation and there will not be sufficient room for the requested reservation;

## SECTION THREE: FACILITIES & SAFETY

6. the request to use College Space is scheduled at a time that conflicts with another preexisting reservation or the use of College Space at the requested time will interfere with a regularly scheduled College Activity;  
or
7. the use or activity would present an unreasonable health or safety danger.

### **VII. Polling Places on Campus**

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

### **VIII. City Sidewalks**

City sidewalks that run along the borders of or within the College's campus are public forums and are available to all members of the public. Use of city sidewalks must comply with federal and state laws as well as city ordinances.

## SECTION THREE: FACILITIES & SAFETY

### 3.27 Bulletin Board/Posting on Campus Procedure

- 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.

## SECTION THREE: FACILITIES & SAFETY

### 3.28 Americans With Disabilities Policy

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 4.7 – Unlawful Discrimination and Harassment.

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

**3.29 Personal Use of College Property Policy**

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.

**SECTION FOUR: EMPLOYMENT**



## **4.1 Equal Employment Opportunity**

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 Executive Director, Human Resources.

### **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; the Pregnant Workers Fairness Act of 2023; 1C SBCCC 200.95

#### 4.1.1 PREGNANT AND PARENTING EMPLOYEES

The College is fully committed to providing a learning and working environment that is free from prohibited discrimination. The College prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions. Pregnant and nursing employees will be provided with accommodations as required by law.

##### Employees

A. Reasonable Accommodations for Pregnancy-Related Limitations

In accordance with the Pregnant Workers Fairness Act, qualifying applicants and employees with known limitations related to pregnancy, childbirth, or related medical conditions will be provided reasonable accommodations, unless the accommodation demonstrably would impose an undue hardship on the operation of the College.

A request for accommodation should be made by the individual to the Executive Director, Human Resources. No adverse action will be taken against an applicant or employee for requesting or using a reasonable accommodation.

B. Break Time to Express Milk

For one year after the birth of an employee's child, the employee will be provided reasonable break times for each time the employee has need to express milk. The appropriate supervisor, in conjunction with human resources will designate a place, other than a bathroom, that the employee may use to express milk. Any designated place must be functional as a space for expressing milk, shielded from view, and free from intrusion from others. Every effort will be made to provide a space with seating, electrical access and in close relation to a sink.

It is the sole responsibility of the employee to store any expressed breastmilk, for the remainder of the workday.

Legal Reference: Consolidated Appropriations Act, P.L. 117-328, div. II - Pregnant Workers Fairness Act; Fair Labor Standards Act, as amended, 29 U.S.C. 201, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., 29 C.F.R. pt. 1604; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106

## 4.2 Employment Policy

### I. FULL-TIME EMPLOYEES

- A. The Board authorizes the President to hire all full-time College employees. The President shall inform the Board on a regular basis of any new hires made.
- B. All newly hired full-time employees shall receive a letter of appointment stating that the employee shall serve a probationary period of at-will employment lasting one (1) year from their date of hire. 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. Nothing in this Policy or in the employee's letter of appointment shall entitle the employee to an employment contract or contract renewal.

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, gender identity, 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.

### 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.
- 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.
- 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.

### III. 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

## SECTION FOUR: EMPLOYMENT

objectives and to discharge their duties in such a manner as to reflect positively upon the College.

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

Legal Reference: G.S. 115D-20; G.S.128-15; 1D SBCCC 400.4; 1C SBCCC 300.3

## 4.2.1 EMPLOYMENT PROCEDURES

### I. DEFINITIONS

- A. Regular Full-Time – A position established in the budget as a regular, recurring position. Any individual who occupies a college designated full-time position working more than 30 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 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.
- B. Temporarily Funded Full-time – A full-time position established in the budget as temporarily funded and the employment period is established by grant funding and weekly employment must be more than 30 hours per week. Employee receives all benefits granted to a regular full-time employee.
- C. Temporarily Appointed Full-Time – A full-time position where the employee was appointed to a permanent full-time position without benefit of the normal employment screening process. Temporarily appointed full-time employees are eligible for the same benefits as regular full-time employees. At the end of the appointment contract period, the position will be declared vacant and the hiring process will come into effect. Or, upon the recommendation of the divisional vice president, the president may change the employee’s classification to regular full-time at the beginning of the next contract period.
- D. Temporary Full-Time – If it is determined that any employee is qualified for ACA health coverage based on hours worked during the college’s measurement period, the employee will be categorized as Temporary full-time for the established stability period. Temporary full-time employees are eligible to enroll in the State Health Plan High Deductible Plan.

An employee may only be considered temporary for a maximum of 23 months for staff positions and for a maximum of three out of four consecutive academic terms for instructional positions.

#### Part-time Categories

- A. 30-hour part-time – A position established in the budget as a regular recurring position. Employment must be for nine or more months per fiscal year and must be for a maximum of 30 hours per week.

30-hour part-time employees are eligible for limited benefits to include longevity and eligibility in the State Retirement and State Health Benefit Plan and other voluntary benefits. This category of employee does not earn annual or sick leave and is not paid for holidays. 30-hour employees will be considered regular part-

time employees and thus ineligible for benefits after being regularly scheduled for less than 30 hour per week for 12 consecutive weeks for staff or one semester for faculty.

- B. Regular Part-Time – a position with employment of nine or more months per fiscal year and weekly employment of 25 or less hours per week. These positions are not established in the budget. Part-time curriculum faculty employees are paid by course rather than by the hour. Other part-time positions are paid by the hour and must complete timesheets. Regular part-time employees earn no benefits and have no expectation of employment.

Regular part-time employees may work concurrent jobs at the college, provided that the cumulative total of weekly hours worked is 25 hours or less. Supervisors are responsible for monitoring hours worked by part-time employees in their area and for coordinating any hours their employees may work in other departments.

- C. Work-Study Students – A position through the Federal College Work-Study Campus Based Program that provides a job for students who need additional financial aid. Work-study students may work a maximum of ten hours per week. Position are coordinated and filled by the financial aid office.

## II. HIRING PROCEDURES

### A. Job Descriptions

Job descriptions have been prepared for all full-time employment positions. These job descriptions are comprehensive, written statements concerning all duties, responsibilities and facts concerning the position.

Copies of all job descriptions are maintained in the Human Resources Office. Each administrator/supervisor responsible to the president will provide updated copies of job descriptions to the Human Resource Office as position responsibilities are changed. The Executive Director, Human Resources is responsible for ensuring that a job description is prepared and on file for each new full-time position prior to the position's being filled.

### B. Employment Announcements

Open employment positions shall be filled in the following manner:

1. Direct internal transfer/reassignment at the discretion of the president
2. Internal candidates who successfully compete based on internal postings;
3. Internal or external candidates who successfully compete for positions that have been advertised externally; or
4. Appointment at the discretion of the president.

When a vacancy occurs, the respective administrator shall initiate the recruitment process by submitting all required documentation on approved forms. The required forms include the following: Job Description, Position Vacancy Announcement; Position Vacancy Advertisement; and Screening Committee Selection Form. All requests must be signed by all parties, including the president, prior to receiving final approval. If a position vacancy is approved, the president will notify the approved selection committee via email of their appointment.

**C. Job Positing**

Vacancies will be advertised as follows:

1. **Internal Applicants:** Many vacancies are initially posted to the attention of internal candidates. Employees interested in posted vacancies must apply by the deadline. With few exceptions, positions are posted internally for five workdays.
2. Posting is **NOT** required for: (a) for internal transfers/reassignments to existing vacant positions; (b) positions which are difficult to fill, or (c) under extenuating circumstances which may adversely affect operation of the college.
3. **Outside Applicants:** If sufficient pools of qualified applicants exist internally, it may be unnecessary to advertise externally. If an insufficient pool of qualified applicants exists, there may be a need to broaden the field of applicants, in which case the position will be advertised on the open market with all qualified applicants receiving equal consideration.
4. **Application Procedure:** Interested persons who meet at least the minimum job requirements should apply by submitting: (a) an official college application form; (b) a current resume or curriculum vitae with cover letter; and (c) official copies of college/university transcripts (if applicable).
5. The advertising and selection process will comply with Policy 4.1 – Equal Employment Opportunity.

Advertising procedures are based on employment classifications defined by the Fair Labor Standards Act.

1. **Exempt Positions:** (a) post on college's bulletin boards and website; (b) notify the North Carolina Division of Employment Security; (c) notify the North Carolina Community College System; (d) notify placement offices at graduate schools in North Carolina; and (e) advertise in local and regional newspapers and/or publications for specialized skills or unique disciplines.

2. Non-exempt Positions: (a) post on the college's bulletin boards and website; (b) notify the North Carolina Division of Employment Security; and (c) advertise in local newspapers.

**D. Internal Transfers/Reassignment**

Internal transfers or reassignments involve a change in position or status resulting from assignment to a position other than the one presently occupied by the incumbent. When vacant positions are filled through internal transfer or reassignment, postings are not necessary.

If the change in position results from the personal needs of the employee (i.e., choice of the employee, mutually agreed upon arrangement, etc.), the action is considered a transfer.

If the change results from needs of the college (i.e., reorganization, etc.), the action is considered a reassignment.

The college reserves the right to transfer or reassign existing full-time employees to meet personnel needs. The transfer or reassignment may involve promotions, demotions, or lateral moves.

While considering the needs of the college, the president may elect to fill open positions through the transfer or reassignment of employees. Departmental/division administrators may recommend an interdepartmental transfer or reassignment to the president with consideration given to the needs of the department or division and the transferring employee's work record, experience, and ability to perform the required job functions.

In some cases, it may be possible that such transfers or reassignments do not result in a position vacancy but instead result in a reorganization or alteration of positions within that department. A position vacated by transfer or reassignment will be subject to the normal screening process for the employment of all full-time institutional personnel.

Employees may be selected for a position in a higher pay grade than their current assignment. When this happens, the employee will be eligible to receive an increase in pay to at least the minimum of the salary range of the new position grade or an increase of 8%, whichever is greater. Any exception to this must be approved by the president.

When an employee is demoted or reassigned to a lower-level position the employee's salary will be determined as follows:

- If the assignment to the lower grade is required by the college, the employee will remain at his current rate of pay, not to exceed the maximum of the new



grade to which the employee is assigned unless otherwise approved by the president.

- If the assignment to the lower grade is the result of a request from the employee, the new rate of pay will be at the same point within the new grade range as the employee's previous rate of pay in the previous range, or the employee's salary as computed on the staff salary computation worksheet, whichever is greater.

When the employee's present monthly salary is above the maximum of the range for the lower class, the salary should be reduced at least to the maximum of the lower range. Exceptions are made only by the president.

**E. Screening and Selection Process**

1. The administrator who has the vacancy shall recommends the composition of an employee screening committee ("committee") to the president. The committee's size depends upon the position and typically ranges between three and nine employees. The senior administrator is an ex-officio, non-voting member. The president will make final selection and appointment to the committee.
2. The Executive Director, Human Resources calls the first committee meeting and acquaints the committee with their responsibilities and EEO/ADA considerations. Applicant packages that are complete, meet minimum qualifications and are received within posted time limits shall be provided to the committee.
3. The committee will review all applicant packages and select the most qualified candidates for interviews. The committee chair shall contact the applicants selected and schedule interviews.
4. The committee chair shall be provided with acceptable pre-employment inquiries under EEOC guidelines. Each committee shall develop a set of criteria and uniform questions to ask each applicant to assure equality in the interview process. The Executive Director, Human Resources shall review the proposed questions for EOE compliance.
5. Interviews shall be conducted as open dialogues giving the applicant as much time as necessary to answer questions. Interviews shall consist of open-ended questions designed to allow applicants to relate their experiences with as much accuracy and detail as possible.
6. Upon completion of interviews for full-time vacancies, the committee chair and at least one other committee member shall contact the references of the "best qualified" finalists for full-time employment. A minimum of

two reference checks will be conducted on all persons recommended for the position vacancy.

**F. Criminal Background Checks**

1. Hiring and continued employment of qualified individuals is important to the college's success. Therefore, background checks will be used to obtain additional applicant information to help determine an applicant's overall employability and may be obtained on employees for the purposes of protecting college assets and for promoting a safe environment for employees and students. Background information will be researched and evaluated in a consistent non-discriminatory manner and in accordance with the Fair Credit Reporting Act.
2. Offers to final recommended applicants for full-time or 30-hour part-time jobs will be made contingent upon, or after successful completion of, a background investigation. The Executive Director, Human Resources will be responsible for working with a third-party provider to conduct background checks. The third-party provider is responsible for checking a range of sources depending on the position, including (but not limited to) criminal conviction records, civil litigation records, and national sex offender registry.
3. The following factors will be considered for those applicants with a criminal history in determining whether to hire the applicant and when necessary, in determining the continued employment of an employee:
  - a) the nature of the crime and its relationship to the position;
  - b) the time since the conviction;
  - c) the number (if more than one) of convictions;
  - d) whether hiring the applicant would pose a risk to the college, students or personnel;
  - e) the actions and activities of the applicant since the conviction or other determination; and
  - f) explanations and/or other information provided by the candidate and whether the candidate has demonstrated that he or she has the integrity or honesty to fulfill the duties of the position.
4. If any applicant is found to have falsified or withheld any information regarding conviction history, the applicant will not be considered for employment and any offer of employment will be withdrawn. Applicants who refuse consent to a criminal background check will be considered to have withdrawn their application for employment at the college. False or omitted information on an employment application of an employee or an employee's failure to report criminal history information may be grounds for disciplinary action up to and including termination.

5. The applicant or employee will be given an opportunity to review the results of the background investigation and will be given an opportunity to dispute the accuracy or completeness of any information contained in the report by contacting the third-party provider that conducted the background check.
6. The Executive Director, Human Resources will review the findings of the background checks with the vice president of the respective department and with the President. The President will make the final decision concerning the employability of the applicant or when necessary, the continued employment of an employee. Background checks will be maintained in a secure location and disposed of within five (5) years of the date of receipt.

**G. Final Selection**

1. The committee shall review the qualifications of the candidates and recommend at least two candidates and not more than three, (except in unusual situations) to the President. The committee chair will provide the Executive Director, Human Resources the name of the person(s) recommended, and a brief rationale for the selection. Also included are the names, of those who were not selected and the reason for the non-selection.
2. The Office of Human Resources shall submit to the president a listing of all applicants interviewed, along with a hiring summary and the interview committee's recommendations. The president shall select one candidate (who may or may not be the committee's top recommendation) to hire.
3. After the president's selection, the Executive Director, Human Resources shall contact the person selected for the job and extend the job offer based on the current salary plan. Any salary negotiation between the applicant and Executive Director, Human Resources shall be conducted based on advice from the president. If negotiations are unsuccessful, the president will consider another finalist or the selection process will be repeated. If negotiations are successful, the president shall send an "offer of employment" letter to the applicant for signature. If the applicant accepts the position, the Office of Human Resources shall advise all unsuccessful applicants of the employment decision by letter. A letter of appointment shall be generated for the employee's signature.

**III. Orientation for New Curriculum Employees**

All newly hired curriculum employees shall receive an orientation from Human Resources. New curriculum employees shall receive an additional orientation consisting

of three elements: 1) introduction to key personnel; 2) introduction to relevant campus facilities, services and policies; and 3) mentoring. The breadth and depth of the implementation of each of these elements may vary, depending upon the employee's full-time or part-time status, prior experience and individual needs.

**A. Part-Time Curriculum Employees**

Each supervisor is responsible for the orientation of his/her part-time curriculum employee. As part of the orientation process, each instructor is provided with a copy of the *General Guidelines for Part-time Curriculum Faculty*. This handbook serves as a ready reference to the college's philosophies and policies. The handbook also provides guidelines for teaching, testing, using audio-visual aids, library use, classroom management, and student advisement. Special orientation sessions for part-time curriculum employees are held each year before each academic term. These sessions provide opportunities for interactions with full-time employees as well as for clarifying and updating college policies.

**B. Full-Time Curriculum Employees**

It is the responsibility of the appropriate academic vice president or appropriate supervisor and the designated mentor to provide an orientation for each new full-time curriculum employee. Please refer to the *Mentoring Handbook* available in the office of the Vice President, Instruction for a complete description of the college's mentoring program.

**4.2.2 HUMAN RESOURCES WORKLOADS**

**WORKLOADS**

The president is hereby authorized to develop administrative procedures to establish workloads consistent with this policy.

**4.2.3 FULL-TIME EMPLOYEES WORKLOADS PROCEDURE COMPENSATORY**

**I. FULL-TIME CURRICULUM**

**A. FACULTY**

**1. WORKLOADS**

Faculty workload and overload policies are discussed in the instructional section of this manual.

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

**A. DEFINITIONS**

1. Non-Instruction Employees – any full-time employee except a faculty employee. All full-time, non-instruction employees are either exempt or non-exempt.
2. Exempt - employees who are exempt from the Fair Labor Standards Act ("Act"). Exempt employees may be required to perform work over and above their assigned thirty-six (36) hour work week when such duty is determined to be in the college's best interest. Exempt employees are not entitled to overtime pay or compensatory time.
3. Non-exempt – employees who are not exempt from the Act are assigned a standard thirty-six (36) hour work week by their immediate supervisor. Non-exempt employees will be required to keep and complete weekly timesheets. Non-exempt employees are entitled to compensatory time.

**B. COLLEGE WORKWEEK**

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

Most college offices are open to the public from 8:00 a.m. to 5:00 p.m., Monday through Thursday, and 8:00 a.m. to 12:00 p.m. on Friday. Selected offices remain open Monday through Thursday evenings, with limited hours for specified periods on weekends. It is the responsibility of the immediate supervisor to ensure appropriate office coverage.

**C. EMPLOYEE WORKWEEK**

Hours worked include all the time an employee is permitted to work for the college; that is time where the employee is required to be on duty or on the college's premises or at a prescribed workplace.

All full-time, non-instruction employees are expected to work a total of thirty-six (36) hours per week with a one-hour lunch break not to occur at the beginning or ending of the workday. The lunch break cannot be used to shorten the workday or be credited for overtime compensation unless expressly approved by the senior administrator for a defined temporary period.

Each employee is entitled to one 15-minute duty-free break during each 4-hour work period. These breaks should occur approximately mid-way through the work period and cannot be used to shorten the workday or be credited for overtime compensation.

**D. FLEXIBLE SCHEDULING**

Employees may be assigned a workweek that differs from the standard workweek when the operation of the department requires the services of one or more employees at times other than from 8:00 a.m. to 5:00 p.m. In these cases, the immediate supervisor has the authority to make the assignments to ensure proper operation of the department.

**E. OVERTIME**

If it is necessary for a non-exempt employee to work more than thirty-six (36) hours in a work week, the employee will be awarded compensatory time pursuant to Policy 4.2.4 – Compensatory Time.

If a non-instructional employee seeks to work in an instructional assignment, the employee must gain written approval using the Secondary Employment Approval Form prior to beginning the instructional assignment. After the form is completely approved, it must be forwarded to human resources, who will then determine the appropriate rate of pay. The employee will be paid according to the FLSA job pay classification as listed in Policy 4.2.1 Employment Procedures; at the adjunct hourly pay-rate or their full-time hourly rate, whichever is higher.

**i. PART-TIME INSTRUCTION EMPLOYEES**

Part-time instruction employees (i.e., adjunct faculty members) shall be limited to twenty-five (25) hours per week inclusive of prep time, meetings and other college duties. For purposes of preparation time, the appropriate division dean shall set the number of hours for preparation time for each class taught by a part-time instruction employee. Working more than (25) hours per week requires written authorization from the employee's immediate supervisor and the appropriate vice president. The

written documentation should be forwarded to human resources for inclusion with the employee's personnel file to ensure compliance with Procedure 4.3.2 Affordable Care Act Measurement Period.

**ii. PART-TIME NON- INSTRUCTION EMPLOYEES**

Part-time, non-instruction employees shall not work more than twenty-five (25) hours per week unless there are special circumstances requiring the extended hours for a short duration of time. Working more than (25) hours per week requires written authorization from the employee's immediate supervisor and the appropriate vice president. The written documentation should be forwarded to human resources for inclusion with the employee's personnel file to ensure compliance with Procedure 4.3.2 Affordable Care Act Measurement Period.

Legal Reference: Fair Labor Standards Act, 29 U.S.C. 201, *et seq.*; 1D SBCC 400.93(a)(2)



#### 4.2.4 COMPENSATORY TIME POLICY

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 thirty-six (36) hours in a given work week, that employee shall receive compensatory time.

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

- A. The employee's immediate supervisor must approve, any time over thirty-six (36) 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.) or campus closures (i.e., inclement weather, etc.) will not be counted as time worked for purposes of overtime.
- B. If it is necessary for an employee to work over thirty-six (36) hours per week, but less than forty (40) hours, one hour of compensatory time shall be granted for each hour of overtime worked. If it is necessary for an employee to work over forty (40) hours per week, one and one-half (1.5) hours of compensatory time shall be granted for each hour of overtime worked. The employee is responsible for accurately and honestly recording hours worked on time records and in accordance with College policy and practice. The employee's supervisor shall review and approve time records at the conclusion of each period to determine that all recorded overtime hours are accurate.
- C. Except in extreme circumstances and with the appropriate Vice President's approval, supervisors shall make sure that employees do not accrue more than forty (40) hours of compensatory time at any time and all accrued compensatory time must be used by the last day of the fiscal year (June 30th). If an employee fails to exhaust his/her compensatory time by the end of the fiscal year, the appropriate Vice President shall consult with the President to determine whether the unused accrued compensatory time shall be paid to the employee or if the College shall require the employee to use the leave at a time determined by the Vice President.
- D. Employees are required to use compensatory time prior to using any other accrued leave (annual, bonus, sick, etc.)
- E. The employee's immediate supervisor must approve the use of compensatory time. To the extent possible, compensatory time should be used within the pay period it was received. An employee who has accrued compensatory time and requests the use of such time must be permitted to take the time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the College's operations.
- F. In the event an employee leaves his/her College employment, the employee must, to the extent possible, exhaust all compensatory time before the last day of employment. Unused compensatory time must be paid at a rate of not less than the average of the

## SECTION FOUR: EMPLOYMENT

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 thirty-six (36) 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.

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

#### **4.2.5 RE-EMPLOYMENT OF RETIRED STATE EMPLOYEES**

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.

Legal Reference: 1C SBCCC 300.4

**4.2.6 EMPLOYMENT OF RELATIVES**

- 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.
- 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. 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.”

Legal Reference: 1C SBCCC 200.98

## 4.2.7 FACULTY SALARY PLAN

### Introduction

In recent years there have been many changes, both internally and externally, that have had an impact on the College. There has been growth, both in terms of faculty and in terms of programs, and the demographic and economic conditions have also changed dramatically. In addition, a number of years ago the North Carolina General Assembly mandated increases in the minimum salaries paid to community college faculty. This caused inequities within faculty compensation as well as compression within the faculty salary ranges. This, coupled with the budget restraints of the last several years, has resulted in significant issues regarding the faculty salary plans of community colleges.

Therefore, in the spring of 2016, the administration of the College determined it would be beneficial to review the overall compensation plan in place for its effectiveness and equity. Carolina Human Resources, Inc. was selected to assist in this process and to make recommendations with respect to the faculty salary plan. The end result is intended to be a compensation plan that addresses both internal and external equity of faculty salaries.

The objective of the Caldwell Community College & Technical Institute Faculty Salary Plan is to have the salary of each full-time teaching faculty member, depending on their years of service and academic degree, at or above the respective level shown on the *New Hire Faculty Salary Scales*. The scale was developed based on a teaching faculty member's salary after thirty years being fifty percent higher than the State mandated beginning minimum salary for that degree. The fifty percent difference is divided into thirty equal steps. It is not the purpose of this scale to establish a salary range for a position but only to ensure that teaching faculty members are being equitably compensated for their years of service by establishing a minimum salary that should be met or exceeded. If the State changes the minimum required salary levels, the scales will be revised by increasing each step of the scale by the amount of the increase in the minimum salaries.

Each year, after the State has determined the amount of any State funded increases and assuming no state restrictions and/or budget limitations, and after the college has applied any increases granted by the state, the college will review teaching faculty salaries to determine if any faculty member is below their appropriate level on the scale. The appropriate level on the *New Hire Faculty Salary Scales* is defined as one position higher than the employee's position on the scale in the previous year. If so, and subject to the availability of funds, an adjustment will be made in the respective faculty member's salary to bring them up to the appropriate point on the scale. An adjustment could be necessary if the State raised the minimum salary more than the general salary increase.

### Teaching Faculty Salary Computation Worksheet

The *Faculty Salary Computation Worksheet* is used to compute the annual salaries of new faculty members or current staff members that are transferring to faculty. The explanations below will assist in the completion of the form.

Note: Only one category will be allowed for each qualifying year of experience or portion of a year of experience.

- Years of full-time teaching experience at the college will be credited at 100%.
- Years of full-time non-teaching experience at CCC&TI will be credited at 50%.
- Years of full-time teaching experience at the post-secondary level will be credited at 75%. Post-secondary experience is considered to be full-time experience at an accredited institution of higher learning.
- Years of full-time teaching experience at the secondary level will be credited at 50%. Secondary experience is full-time experience at the high school level or lower.
- Years of full-time documented non-teaching experience in the specific field of instruction will be credited at 50%. This is experience directly related to the teaching position. An example would be someone who has been driving a tractor trailer being hired to teach in the truck driving training program.
- Years of adjunct or part-time experience relative to the college's assignment will be credited at 50%. This is experience that will assist in the performance of the faculty position.
- Monthly Added Compensation for Additional Duties – This would include any compensation that is added to the calculated salary to cover additional responsibilities above those of instructor.
- Market Demand – If it is deemed necessary, a recommendation can be made to the president, with proper justification, for additional salary over and above that calculated. Care should be taken to maintain equity among current employees. Only the president can approve a market demand adjustment.
- Length of Contract – This line includes the number of months in the primary contract plus the number of months in any supplemental contracts.
- Total Annual Salary – This amount is the result of multiplying the total monthly salary by the total number of months in all contracts

This form should be prepared by the Human Resources department, signed by the Executive Director, Human Resources and approved by the appropriate Vice President and the President. The form should be kept in the employee's personnel file.

**Entry-level Salaries for New Employees**

The initial salary for Faculty members hired from outside the College is calculated on the *Faculty Salary Computation Worksheet*.

**Placement of Staff Employees Selected for a Faculty Position**

Staff of the College who transfer to a "faculty" position will have their beginning faculty rate of pay calculated in accordance with the *Faculty Salary Computation Worksheet*.

**Placement of Faculty Employees Selected to a Staff Position**

Faculty of the College who transfer to a "staff" position will have their beginning staff pay determined as follows:

- Once the level of the staff position has been determined, the salary will be computed using the *Salary Computation Worksheet – Faculty to Staff Transfers*, which is a part of the *Staff Salary Plan*.
- The maximum salary for which the faculty member will be eligible shall be the mid-point of the position level salary range to which they are being assigned. Any pay assignment greater than the mid-point must be approved by the President of the College.

### **Faculty Contracts**

The College has determined that the contracts for all full-time teaching faculty will be nine months. Consequently, supplemental contracts will be written if additional workload demands it. The level of compensation for these supplemental contracts will be the same as the base contract.

### **Definition of Faculty Positions**

Refer to *Faculty Titles and Supplements* for faculty position titles and definitions.

### **Compensation for Additional Duties Over and Above Those of Instructor**

In recognition of the additional responsibilities some faculty members may carry, a supplement will be paid based on *Faculty Titles and Supplements*. The amount of the monthly supplement shown on *Faculty Titles and Supplements* will be added to the monthly base salary of the faculty member as of the effective date of the new assignment.

On the other hand, at the point that a faculty member no longer has the additional responsibilities of the position to which they have been assigned, they will revert to the appropriate supplement shown on *Faculty Titles and Supplements*. However, there will be no loss of years of service or any other benefits available to faculty.

### **Faculty Overload Policy**

Reference is made to section 2.14 of the CCC&TI Employee Handbook which states:

In order to take full advantage of specialized teaching and administrative skills of institution employees, the President is authorized to develop and implement uniform procedures for paying approved employees for contracted teaching or other highly specialized assignments over and above established workloads and/or during official vacation periods. Except as authorized above, the board expects the administration to continue its usual practice of providing employees with compensatory leave in lieu of overtime or supplemental wages.

Overload payment for curriculum faculty will be considered for either of these circumstances:

- teaching over 22 contact hours
- generating more than 23 FTE

If the overload assignment is in the currently assigned area of responsibility, the annual (12-month) salary of the individual will be divided by 2,080 hours to determine the hourly rate of pay. If the overload assignment is in an area of responsibility other than his or her assigned area, the employee will be paid according to the FLSA job pay classification policy. Overload payment will require the written approval of the Executive Vice President and the President.

### Summer Employment for Faculty

Summer employment for nine-month faculty is not guaranteed. Provided that adequate enrollment exists, full-time faculty will be given the opportunity to teach summer courses. If adequate full-time nine-month faculty is not available to meet the summer demand, adjunct faculty will be used to meet the summer need. In all cases, the rate of pay for summer employment of faculty will be based on the adjunct faculty rate.

### Recognition of Advanced Degrees

The college encourages its employees to improve their education by pursuing and achieving advanced degrees. Full-time faculty members who earn a higher academic degree shall receive a monthly salary increase equal to the chart shown below, or the amount necessary to bring the faculty member up to the minimum of the new degree level as shown on the *New Hire Faculty Salary Scales*, whichever is greater, as long as the following conditions are met:

- The employee must provide evidence of the 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 field of instruction at the college.
- The employee must have, in advance, the approval of the vice president - instruction and the President of the College.
- During periods of limited budget availability or North Carolina General Assembly restrictions, the college 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.
- 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, Human Resources by June 30<sup>th</sup> to be eligible to receive the salary increase at the next effective date.

Entry Grade	Associates	Bachelors	Masters	Ed. Specialist	Doctorate
Non-Degree	\$100	\$300	—	—	—
Associates	—	\$300	—	—	—
Bachelors	—	—	\$325	—	—
Masters	—	—	—	\$125	\$225

### Required Advanced Degree

If a faculty member is required to obtain a certification or higher degree because of the requirements of a college program, the tuition expense may be reimbursed by the college. Upon completion of the certification or degree, the faculty member will be required to remain employed at the college for a period of three years unless mutually agreed otherwise. If the employee leaves before the end of that period he/she will be obligated to reimburse the college



on a pro-rata basis. For example, if the employee leaves the college after one year, two-thirds of the tuition costs will have to be reimbursed.

**Adjunct Faculty**

It is understood that the college needs adjunct faculty to fulfill its educational requirements. When it becomes necessary to employ adjunct faculty in the Curriculum programs, their compensation will be based on the schedule shown on the *Pay-by-course Curriculum Adjunct Schedule*. It is also understood that adjunct faculty do not receive any benefits available to full-time faculty such as medical coverage or retirement unless required by law.

**Plan Implementation**

For purposes of implementation of this plan and for establishing minimum equitable pay for all current teaching faculty, only years of service at the college will be considered when calculating the minimum salary using the Faculty Salary Scale.

**Exceptions**

Exceptions to any policies or procedures contained in this Teaching Faculty Salary Plan can occur only upon the discretion of and approval by the President of the College. Such exceptions will occur when the president deems it in the best interests of the college to do so and will be documented appropriately for future reference.

**Effective Date of Pay Plan**

This pay plan, as voted on and approved by the College's Board of Trustees effective July 1, 2016, replaces and supersedes any previous pay plans in effect prior to the adoption date.

#### 4.2.8 STAFF SALARY PLAN

The President of the College, in consultation with the Executive Director, Human Resources, establishes salaries for all college employees other than the President, whether part-time, temporary or full-time positions. Salaries for staff are based on position pay grade ranges and take into consideration experience and certain market factors.

##### I. Staff Salary Computation Worksheet

The *Staff Salary Computation Worksheet - New Hires* is used to compute the annual salaries for newly employed staff or current part-time or temporary staff that transfer to a full-time position. Faculty members who transfer to a staff position will have their annual compensation determined by completion of the *Staff Salary Computation Worksheet*. -.

The hiring range for new employees should be between the minimum and a third of the range for that pay grade with the maximum credit being ten years of computed experience. However, under no circumstance should the salary of a regular full-time employee be below the minimum salary set by the state of North Carolina. In the event there is a shortage of qualified candidates available for the position or it is determined to be in the best interest of the college to employ an individual with a particular set of skills relevant to the position, a "Demand Factor" may be applied regardless the salary computation. Any requests for a demand factor must be approved by the President of the College.

##### II. Determination of New Position Grade

The grade of a new position in the Caldwell Community College & Technical Institute Staff Salary Plan will be determined using the same criteria for evaluation of all staff positions.

The appropriate vice president, after consultation with the Executive Director, Human Resources, will write job description for the new position. If approved by the president, the job description will be sent to Carolina HR for evaluation and grading.

In the event the key job duties and responsibilities of an existing position are significantly changed, the appropriate vice president, after consultation with the Executive Director, Human Resources, will make a recommendation to the president regarding whether it is a new position or if it is an existing position that has had a significant change in duties. The President will determine whether the position is a new position or an existing "changed" position. Once the President makes this determination, the position will be evaluated and assigned a pay grade in accordance with the college approved process.

##### III. Hiring of Temporary Employees

Individuals hired for temporary assignments may not be hired at a rate greater than the minimum for the position grade without the approval of the President of the College.

**IV. Reassignment to a Position in a Higher Grade**

Employees may be selected for a position in a higher pay grade than their current assignment. When this happens, the employee will be eligible to receive an increase in pay to at least the minimum of the salary range of the new position grade or an increase of 7%, whichever is greater. Any exception to this must be approved by the President of the College.

**V. Reassignment to a Position in a Lower Grade**

If the assignment is to a grade lower than the current grade, the employee's new rate of pay will be determined as follows:

1. If the assignment to the lower grade is required by the college, the employee will remain at his/her current rate of pay, not to exceed the maximum of the new grade to which the employee is assigned unless otherwise approved by the president.
2. If the assignment to the lower grade is the result of a request from the employee, the new rate of pay will be at the same point within the new grade range as the employee's previous rate of pay in the previous range, or the employee's salary as computed on the staff salary computation worksheet, whichever is greater.

Any exception to this must be approved by the President of the College.

**VI. Temporary Assignment to a Position in a Higher Pay Grade**

Occasionally, employees may be asked to temporarily assume some or all of the duties of a vacant position in a higher grade than their regular job. When this occurs, the employee will continue to receive his/her current rate of pay. However, if the assignment continues for more than 30 calendar days, the employee will be eligible for additional compensation at the rate of 5% of the employee's current salary or the minimum of the grade of the temporary position, whichever is greater. At the end of the temporary assignment the employee's salary will be adjusted back to their regular rate of pay.

**VII. Salary of Faculty Who Transfer to a Staff Position**

Faculty of Caldwell Community College & Technical Institute who transfer to a staff position will have their beginning staff pay calculated as follows:

- Once the grade of the position has been determined, the salary will be computed using the *Staff Salary Computation Worksheet*. For purposes of this computation, years of service at Caldwell Community College & Technical Institute in a teaching position will be given an experience quotient of 100%. Faculty years of service at another community college will be given an experience quotient of 75%. All other experience will be determined in accordance with the *Salary Computation Worksheet - Faculty to Staff Transfers*.

- The maximum salary for which faculty will be eligible shall be the mid-point of the position grade salary range to which they are being assigned. Any pay assignment greater than the midpoint must be approved by the President of the College.

### **VIII. Salaries of Staff Who Transfer to Faculty Positions**

Staff of Caldwell Community College & Technical Institute who transfer to a faculty position will have their beginning faculty rate of pay calculated in accordance with the *Faculty Salary Computation Worksheet* found in the Faculty Salary Plan.

### **IX. Salary Increases Within an Existing Grade**

An individual salary increase may be considered when circumstances warrant it. This will generally be the result of an individual employee's outstanding performance or the position assuming additional duties and responsibilities that are not sufficient to warrant re-evaluation of the position. Any request for a salary increase within an existing grade must be within budgetary restrictions and have the final approval of the College President.

### **X. Determination of Existing Position Request for Re-evaluation**

A position may incur a significant change in duties/responsibilities, either permanently or for an extended period of time. When this happens, a *Request for Position Re-evaluation* must be completed and submitted to the appropriate Vice President prior to the employee assuming the additional duties. The Vice President will either approve or disapprove the request. If approved, the request will be forwarded to the Executive Director, Human Resources who will review the request and make a recommendation to the president who will make the final decision.

Requests for re-evaluation will normally be considered once each year and must be submitted to the Executive Director, Human Resources during the institution's planning process. Exceptions must be approved by the College President. The college may approve the use of an outside consultant to conduct all existing position requests for re-evaluation. Requests for re-evaluation need not always result in an assignment to a new pay grade.

If the re-evaluation results in the position being placed in a lower grade, the employee's pay will not be reduced but will remain at the same rate as before the re-evaluation not to exceed the maximum of the new grade. If the re-evaluation results in the position being placed in a higher grade than previously assigned, an increase will be considered subject to availability of funds. Any increase awarded will be at least to the minimum of the new grade.

### **XI. Conversion of Salary to Hourly Rate of Pay**

A "salary" that is expressed in terms of an annual salary may be converted to an hourly rate of pay by taking the annual salary and dividing that amount by 1,872 hours.

**XII. Workload**

If it is necessary for a non-exempt employee to work more than thirty-six (36) hours in a work week, the employee will be awarded compensatory time pursuant to Policy 4.2.4 – Compensatory Time.

If a staff employee seeks to work in an instructional assignment, the employee must gain written approval using the *Secondary Employment Approval Form* prior to beginning the instructional assignment. After the form is completely approved, it must be forwarded to human resources, who will then determine the appropriate rate of pay. The employee will be paid according to the FLSA job pay classification as listed in Policy 4.2.1 Employment Procedures; at the adjunct hourly pay-rate or their full-time hourly rate, whichever is higher.

**XIII. Recognition of Advanced Degrees**

The college encourages its employees to improve their education by pursuing and achieving advanced degrees. Full-time staff employees who earn a higher academic degree on or after 12/1/16, shall receive a monthly salary increase equal to the chart shown below, as long as the following conditions are met:

- The employee must provide evidence of the 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 position at the college.
- The employee must have, in advance, the approval of the appropriate vice president and the President of the College.
- During periods of limited budget availability or North Carolina General Assembly restrictions, the college 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.
- 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, Human Resources by June 30th to be eligible to receive the salary increase at the next effective date.

SECTION FOUR: EMPLOYMENT

Entry Grade	Associates	Bachelors	Masters	Ed. Specialist	Doctorate
Non-Degree	\$100	\$300	—	—	—
Associates	—	\$300	—	—	—
Bachelors	—	—	\$325	—	—
Masters	—	—	—	\$125	\$225
Ed. Specialist	—	—	—	—	\$100

**XIV. Periodic Review of Pay Grades**

In an effort to maintain the integrity of the Caldwell Community College & Technical Institute Staff Pay Plan and to ensure that the pay ranges in each grade remain competitive with the “market,” the college will periodically undertake a review of its pay grades. As a rule, this review will take place at least every three to five years. The college reserves the right to utilize an independent consultant to conduct the review.

**XV. Future Compensation and Compensation Beyond a Pay Grade Maximum**

It is understood that, under certain circumstances, an employee's salary may be more than the maximum of the range for that grade. For future salary increases, employees whose pay is in excess of the grade maximum may not be eligible for future increases except those mandated by the North Carolina General Assembly or specifically approved by the President.

#### 4.2.9 HUMAN RESOURCES PROFESSIONAL DEVELOPMENT PROCEDURE

Opportunities for professional growth are provided through educational leave, institutional sponsorship in leadership development programs, on-campus training activities, off-campus conferences/workshops/ seminars, and visitation to other institutions. Funds from the state budget and private funds are made available for these activities. A small pool of grant funds, subsidized by the college's Foundation, assists faculty in pursuing higher academic degrees.

Departmental supervisors are responsible for assisting instructors in arranging class coverage and staff in meeting their work responsibilities as necessary.

Opportunities for professional growth and development follow:

- A. *Institution-Wide Professional Development Activities:* The Executive Council solicits from all members of the faculty and staff suggestions for workshops, speakers, or presentations on subjects of institution-wide interest. Utilizing these suggestions and selected emphases, the Executive Council coordinates the program for faculty/staff orientation day, which is held at the beginning of the fall academic term. In addition to orientation day, additional days during the year may be designated on the college calendar for professional development activities. The instructional departments, college committees, and/or the Executive Council may plan programs to be presented on these days and at other times during the academic year.
- B. *Departmental Professional Development Support:* College departments may schedule field trips or programs of professional interest during the year. State and other funds are made available for workshops, conferences, visitation to other institutions, development of new teaching techniques, and procurement of new teaching materials. College personnel are also permitted and encouraged to attend meetings appropriate to their departmental work presented by the NCCCS. Selected college instructors participate in state curriculum improvement projects, distance learning conferences, and the North Carolina Community College Conference.
- C. *Individual Professional Development:* Faculty and staff are encouraged to take the initiative in promoting their own growth as teachers, scholars and (especially in professional and occupational fields) practitioners. The administration encourages ongoing professional growth through attendance at professional conferences and workshops, as well as through membership and participation in appropriate professional organizations. At the beginning of each academic year and/or prior to employee evaluation, each member of the faculty and staff should analyze his/her own needs and develop short and long-term goals for professional development activities.

In the case of faculty, this plan should take into consideration basic faculty standards, development of teaching skills, currency in one's academic discipline

and student and supervisor evaluations from the previous year. In the case of staff, this plan should take into account changes in the field, changes coming from the NCCCS or the federal government, etc.

The proposed development plan should be included in the employee's professional development objectives for the coming year. These work objectives should then be submitted to the evaluating supervisor and should become a part of the employee's yearly performance evaluation.

**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 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. Professional Development Activities**

- A. All employees are expected to submit records of attendance for professional development activities. Instruction employees should submit records to Stacy Reagan, Director, Center for Excellence in Teaching and Learning. Non-Instruction employees should submit records to Christina Bryant in the President's Office.
- B. Examples of documentation include a certificate of completion or instructor verification.

Cross Reference: Policy 7.11 Travel, Transportation, and Allowances



**4.2.10 PRESIDENT – EMPLOYMENT AND DUTIES**

The Board shall hire the President in accordance with N.C.G.S. § 115D-20 and 1C SBCCC 300.1 and will specify in his/her contract the contractual term, salary, additional benefits, if any, and contract termination procedures.

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

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

### **4.3 Benefits**

The college shall make available a comprehensive benefit package to all full-time employees, part-time employees with benefits and other employees as required by law.

The college reserves the right to amend or terminate any benefit plan at any time, or require or alter the amount of employee premium contributions. All contracts and documents will be maintained by the director, human resources. In the event of a contradiction of information in communications such as memorandum, brochures, or summary plan documents, the contract or plan document shall govern.

### 4.3.1 BENEFITS OVERVIEW PROCEDURE

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. 30 – hour Part-Time Employees

30 – Hour Part-time employees will be afforded the following benefits:

1. Longevity Pay, with requisite years of experience;
2. TSERS benefits;
3. Participation in the North Carolina State Health Plan (in accordance with State Health Plan laws and guidelines with employer contribution); and
4. Other optional benefits as specifically provided by the college or as may be require by State law.

### 4.3.2 AFFORDABLE CARE ACT MEASUREMENT PERIODS PROCEDURE

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.

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

**4.3.3 LONGEVITY PAY**

- 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)

SECTION FOUR: EMPLOYMENT

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:

YEARS OF AGGREGATE STATE SERVICE	LONGEVITY PAY RATE
10 but less than 15 years	1.50 %

SECTION FOUR: EMPLOYMENT

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;



## SECTION FOUR: EMPLOYMENT

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.

Legal Reference: 1C SBCCC 400.8

#### **4.3.4 EMPLOYEE TUITION**

##### **Limited Free Tuition for Employees**

Full-time employees of the college may enroll in one curriculum or continuing education course offered by the college per semester without paying tuition or registration fees.

An employee taking advantage of this benefit must have prior written approval from their immediate supervisor when the course is scheduled during the employee's normal work hours. Approval to take a course during normal work hours will be based on the relationship of the course to the job requirements of the employee and the needs of the college. If an employee enrolls in a course during work hours and the course meets more than three hours per week, the employee must arrange an alternate work schedule with their supervisor to the extent of the excess hours.

##### **Tuition Reimbursement Policy**

Caldwell Community College and Technical Institute recognizes the mutual benefits derived from personal growth and increased work competence; therefore, it is the policy of the college to reimburse employees interested in furthering their education for tuition up to a maximum of \$500 per semester dependent upon availability of funds. This program supports the institution's commitment to encourage employee performance and enhance professional development.

##### **Eligibility**

Subject to availability of funds and continuous satisfactory job performance, full-time employees become eligible for this benefit 90-days after their full-time employment begins (exceptions for part-time may be considered).

The employee's supervisor must verify that the employee's attendance at classes will not adversely affect department services or activities if course work is taken during regularly scheduled work hours.

Employees are encouraged to schedule classes during off-duty hours whenever possible. When a desired class cannot be scheduled during off-duty hours, the department may adjust the employee's work schedule to satisfy job requirements.

The employee must agree to satisfactorily complete the course(s) and to show evidence of completion. An employee cannot receive additional tuition assistance or educational reimbursement until these requirements are met.

The only courses acceptable under this policy are those that are job-related or career-related.

##### **Procedures**

An employee applies for tuition reimbursement by completing the Application for Tuition Reimbursement (Available on MyCCCTI) and submitting it to his/her supervisor. Due to limited funding, employees should submit the Application for Tuition Reimbursement prior to enrollment.

The employee's supervisor is responsible for approving or denying the request. If the supervisor denies the request, the form is returned to the requesting employee indicating that the request was not approved with reason(s).

If approved, the immediate supervisor sends the Application for Tuition Reimbursement to the appropriate vice president. If the vice president approves, he/she sends the form to the president's office for consideration. If the request is denied, the form will be returned to the employee with reason(s) for denial. The employee will be notified by the president's office concerning the approval status of the tuition reimbursement request.

### **Reimbursement**

Employee is reimbursed for tuition only (not for books or fees) from an accredited educational institution that the employee has paid, provided that the employee earns a "C" or better in the course.

Employee will be eligible for a maximum of \$500 per semester dependent upon availability of funds. Tuition shall be reimbursed only upon successful completion of the course if the employee is still employed at the institution. Any financial aid, including grants and scholarships received by the employee for tuition and fees shall be taken into account when determining the amount to be reimbursed. The following items must be submitted within 30-days of the successful completion of courses:

- Tuition Reimbursement Request Form (Available on MyCCCTI)
- Evidence of having paid reimbursable tuition (a tuition receipt).
- Evidence of successful completion of the course work or training (grade report or other certification of completion).

NOTE: A Tuition Reimbursement Form, receipt of payment, and copies of grades must be submitted to the president's office at the end of each semester in order to process a requisition for reimbursement.

### **Successful Completion**

Successful completion shall be defined as a grade of "C" or better in the course(s) or "pass" in a "pass/fail" course.

### **Job-Related Courses**

Job-related courses are defined as those in which the course content is of direct and significant assistance to the employee in carrying out present duties and responsibilities or in his or her professional development. Courses that are not directly related to a specific job, but form part of a job-related degree program (career-related), also qualify for this benefit. Course work or training undertaken at an employee's initiative for self-enrichment does not qualify. Courses should normally be taken outside of normally scheduled working hours; however, if the course is not offered at that time and the course is taken during working hours, the employee must have the approval of his or her supervisor. The supervisor must verify that the employee's attendance at classes will not adversely affect department services. Enrollment in courses by an employee should be managed so that it does not create extra work for co-workers.

**Incomplete/Withdrawal**

If an employee receives an “Incomplete” or “Withdrawal” from a course, the employee has until the end of the “second” semester in which to complete the work.

Failure to complete the work by the end of the second semester or to obtain a “C” will result in the employee’s not being reimbursed. Additionally, failure to complete the work by the end of the second semester will be taken into consideration in approving future requests.

All professional development opportunities except educational leave, free classes, and tuition reimbursement are open to eligible part-time faculty.

**4.3.5 LEAVE**

- A. The 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 | Holidays                 |
| Bonus Leave         | Leave without Pay        |
| Inclement Weather   |                          |

- 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. Employees failing to report absences for five consecutive days may be separated from employment as a voluntary resignation.

#### **4.3.6 SICK LEAVE**

##### **I. Amount Earned**

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).

##### **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 by the President.

##### **III. Verification**

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

##### **IV. Accepted Uses**

Sick leave may only be used for illness or injury which prevents an employee from performing usual duties, including the actual period of temporary disability connected with childbearing or recovery.

It may also be requested for:

- a. Medical appointments
- b. Illness of a member of the employee's immediate family – for this purpose, immediate family is defined as spouse, parents, and children (including step relationships). Leave may also be taken for the illness of other dependents living in the employee's household.
- c. Death of a member of the employee's immediate family. – For this purpose, immediate is defined as spouse, parents, children, brother, sister, grandparents, and grandchildren. Also included are step, half and in-law relationships.

##### **V. Other Procedures**

###### **A. Leave Charges**

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

Earned compensatory time must be used before using sick leave.

Employees have the option of using any combination of sick and annual leave to cover absences due to the illness of an employee's immediate family member provided the leave meets the requirements of other provisions of this policy.

**B. Transfer of Leave Upon Initial Employment**

Personnel employed by the college who were formerly employed by other North Carolina state or local governments agencies may transfer accumulated sick leave balances from those agencies to CCC&TI, provided the employee was a member of either the Teachers' and State Employees' Retirement System of North Carolina or the Local Government Employees' Retirement System and further provided that such leave balances are currently in effect as specified by the North Carolina Administrative code. Employees are responsible for documenting sick leave balances to be transferred.

**C. Separation**

When an employee separates from college employment, the college shall not pay the employee for any accrued, unused sick leave.

Sick leave may first be exhausted before going on leave without pay or because of 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 half-hour increments.

**D. Reinstatement of Sick Leave**

Sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five years from any type of separation.

Sick leave may be reinstated when an employee returns to state employment within five years after separating from SPA employment with a local government, public school, community college or technical institute.

**E. Recordkeeping**

The college shall maintain annual records for sick leave earned and taken for each employee. When and how often the crediting and balancing of an employee's leave record is done is at the option of the president. However, it must be done at least once by the end of each calendar year. The college shall notify employees of their total sick leave balance at the end of each month. The employee is responsible for informing the college of any discrepancy. 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.

**F. Sick Leave Without Pay**

Accumulated sick leave shall be exhausted during the waiting period required prior to short-term disability. Additional sick leave may be exhausted, or it may be retained for future use. The employee may also exhaust annual leave or may retain part or all of accumulated annual leave. While exhausting leave the employee earns all benefits to which they are entitled.

Sick leave without pay up to one year may be granted by the President for the remaining period of disability after sick leave has been exhausted. Extension of sick leave without pay beyond one year must be approved by the Board and shall be managed by and documented by the president.

**G. Retirement Credits**

Unused sick leave can be converted to additional retirement service credit at the time of retirement.



**4.3.7 ANNUAL LEAVE****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 at the following rate:

<b>Years of Total State Service<sup>5</sup></b>	<b>Hours Earned Each Month</b>	<b>Hours Earned Each Year (12-month employees)</b>
Less than 5 years	9.33 hours	112
5 but less than 10 years	11.33 hours	136
10 but less than 15 years	13.33 hours	160
15 but less than 20 years	15.33 hours	184
20 years or more	17.33 hours	208

An employee's earning rate will change in the month of his/her service anniversary.

**II. Maximum Accumulation**

Annual leave may be accumulated without any applicable maximum until December 31 of each fiscal year. On December 31 of each fiscal year, 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**

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.

**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 inclement weather conditions and for personal illness or illnesses in the immediate family when the employee has exhausted sick leave. Annual leave must be

---

<sup>5</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.

exhausted before an employee goes on leave without pay, except in cases of the birth or adoption of a child as covered under Policy 4.3.15 – Family and Medical Leave.

**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-half hour.

Annual leave shall be requested using Form CCC-213 available from the offices of supervisors or the human resources office.

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 with 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 half hour units, i.e., a half hour for any part of an hour overdrawn.
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.

## SECTION FOUR: EMPLOYMENT

5. The last day of work is the date of separation, except when an employee exhausts sick and annual leave before disability retirement.
6. In the case of a deceased employee, payment for unpaid salary, accumulated annual leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence.

### C. Transfer of Annual Leave

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

Unused annual leave may be transferred to a public school, community college, or a local SPA Mental Health, Public Health, Social Services or Emergency Management agency, if the agency is willing to accept the leave; otherwise, the employee leaving state service will be paid in a lump sum for accumulated annual leave not to exceed 240 hours. If the local agency or educational institution accepts a part of the annual leave, the combination of the amount transferred and paid for shall not exceed 240 hours.

### 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 annual leave balance to Human Resources.

#### **4.3.8 EDUCATIONAL LEAVE POLICY**

##### **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. The granting of educational leave with pay will be contingent upon evidence that study or work is related to improving job-related or discipline-related competencies, availability of a qualified substitute and availability of funds to pay the substitute.

For full compensation, the employee is expected to complete a minimum of nine semester hours during the period of educational leave. Partial leave for fewer hours may also be considered and approved after a joint recommendation by the immediate supervisor, the division vice president and the president.

An application form must be submitted to the appropriate supervisor no later than 60 calendar days prior to the proposed period of leave. The application must be approved by the appropriate supervisor and recommended to the president.

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 at least a nine (9) basis;
- B. The employee shall be under contract to the college for the next fiscal year.
- C. The employee has been a full-time college employee for at least three (3) years;
- D. 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;
- E. An employee who fails to honor the contract stipulated in section B 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.
- F. Educational leave will not exceed a period of one (1) semester during a fiscal year.

### Value Rating Scale for Required Criteria for Educational Leave Points

A rating system is used in assigning priority rankings to applicants. Most of the rating points are objective, but it is recognized that there is always a possibility of subjective influence in some of the items.

Points	Item
1	for each semester employed since last date of educational leave
2	if no paid substitute necessary
3	if period does not exceed 80 working days and the institution has a compelling need for the person to advance their educational level
4	for education courses for instructional personnel
5	for administrative courses for administrative personnel
6	for courses directly related to subject either taught or under supervision of the employee

Applications are ranked by compelling institutional need for the applicant and/or the degree sought and academic credits earned toward completion of the degree.

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

## SECTION FOUR: EMPLOYMENT

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 3.3.17 - Leave Without Pay.

Legal Reference: 1C SBCCC 400.96

### **4.3.9 CIVIL LEAVE POLICY**

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

#### **I. Jury Duty**

All employees who serve on a jury are entitled to civil leave with pay plus fees received for jury duty. The employee should report back to work as soon as jury duty is completed. 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.

Legal Reference: 1C SBCCC 200.94

**4.3.10 WORKERS' COMPENSATION LEAVE AND BENEFITS POLICY****I. Use of Leave due to Workers' Compensation Injury**

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

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

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

**II. Responsibility of Employer and Employee**

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

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

**III. Continuation of Benefits**

A. Salary 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 4.3.7. In those cases:

1. The maximum to be carried forward to the next fiscal year may be exceeded by the amount of annual 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.

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

#### 4.3.11 BONUS LEAVE

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 4.3.7 – Annual Leave) 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 based on applicable law.
  - 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.

#### **4.3.12 STATE OF EMERGENCY LEAVE POLICY**

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 or designee shall take steps necessary to deal with the situation and notify College employees.

##### **I. Use of Leave**

- A. If the President or designee 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.
- B. 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:
  - 1. Make-up the time on a schedule approved by the employee's immediate supervisor, if feasible;
  - 2. Take annual, bonus or compensatory leave; or
  - 3. Payroll deduction for time lost.

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

##### **II. 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.

Cross Reference: Policy 3.12

**4.3.13.1 INCLEMENT WEATHER/EMERGENCY CLOSINGS PROCEDURE**

The Caldwell Campus will be closed only by the President or designee. The Watauga Campus will be closed by the Executive Director, usually after consulting with the President or designee.

The College's primary mission centers on training adults for careers. The College's weather calls during winter storms will more closely resemble cancellation decisions made by local business and industry than decisions made by the local school system. As a general rule, the College will wait until frozen precipitation hits, begins to stick, and is predicted to sufficiently accumulate before delaying and/or canceling classes. In very few cases (such as 100% probability of heavy accumulation and forecast time beginning well before 8 a.m.), the College will make cancellation announcements the evening before a storm hits.

**I. Announcements**

- A. No announcement means the College will operate on a normal schedule.
- B. Delayed Start (Caldwell or Watauga Campus).

If it is necessary to delay morning classes, the College will use 8 a.m. as a reference time for delays. For example, "two-hour delay" will actually mean that classes will begin at 10 a.m. and continue thereafter on a regular schedule. If it is necessary to delay evening classes, the College will use 5 p.m. as a reference time for delays. A "one-hour delay," for example, will mean that all classes that would be in session at 6 p.m. would meet and conclude at their normal time.

If at all possible, announcements on closings and delays by the College will be made before 6 a.m. for morning classes and before 4 p.m. for evening classes. No announcement means we will operate on a normal schedule.

- C. Early Dismissal (Caldwell or Watauga).

When the College declares an early dismissal due to inclement weather, an administrative designee will make the announcement over the emergency public address (PA) system. Employees are free to leave work, unless specifically required to stay by the supervisor for the purpose of assisting with snow removal or other critical functions.

- D. Other Conditions.

Specific inclement weather policies for clinical and other off-campus work experiences have been developed and may be obtained from program directors.

**II. Accessing Inclement Weather Announcements**

Students and employees may access the most up-to-date weather information on delayed starts, campus closures, or early dismissals in the following manners:

1. College website at [www.cccti.edu/Weather](http://www.cccti.edu/Weather)
2. Caldwell campus snow line at 828-726-2900
3. Watauga campus snow line at 828-297-7077
4. Register for Regroup Alert via email, text, or voice messaging at [www.cccti.edu/Regroup](http://www.cccti.edu/Regroup)
5. CCC&TI Facebook page
6. CCC&TI Twitter page

The College weather hotline and/or official social media accounts will be utilized for all weather announcements.

### **III. Employees Who Report to Work During Inclement Weather**

When the College declares a delayed start or closes due to inclement weather, employees are not expected to report to campus or work from home.

Non-exempt staff employees (i.e., maintenance) who are required to work and perform snow removal and/or other critical functions during a delayed start, campus closure, or early dismissal will be given compensatory time-off at the rate of one hour for each hour of work performed during that workweek, even though the total hours worked that week may be less than thirty-six (36) hours in that workweek - meaning seven consecutive days beginning Sunday and ending Saturday.

If it is necessary for a non-exempt employee to work more than thirty-six (36) hours in a work week, the employee will be awarded compensatory time pursuant to Policy 4.2.4 – Compensatory Time.

### **IV. Employees Who Do Not Report to Work During Inclement Weather**

If the College is open, employees are expected to report to work. However, each employee must observe weather conditions in his or her area and determine whether it is unduly hazardous to attempt to drive to work when weather conditions are severe. The College does not expect anyone to take unreasonable risk while attempting to drive to work. However, employees will be charged annual leave when they fail to report as scheduled if classes are held as usual or for a shortened schedule as announced. Accrued compensatory time may also be used to cover periods of absence due to inclement weather.

### **V. Pay During Delayed Starts, Campus Closures, and/or Early Dismissals**

When the College is officially delayed, closed, or dismissed early due to inclement weather, full-time employees will receive their regular rate of pay for their regular scheduled hours not worked. The employee shall not be charged leave for time lost due to

the inclement weather, nor will their leave earned be affected. However, certain employees specifically required to work by their supervisor for the purpose of assisting with snow removal or other critical functions will be charged leave for late reporting or failure to report to work when required by their supervisor.

**A. Employees on Approved Leaves of Absence**

Closings or delays for inclement weather do not affect the status of employees on FMLA, Voluntary Shared Leave, Educational Leave, Civil Leave, Military Leave or Leave without Pay. Leaves of absence are granted on the assumption that the employee will be unavailable to work regardless of an opening or closure. Employees who are on previously scheduled annual leave or who are experiencing a short-term illness and using sick leave will not be charged leave when the campus is closed due to inclement weather.

**B. Recording Time off Due to Inclement Weather**

Time off due to weather closing or delays cannot be counted as work time on an employee's time sheet for nonexempt employees. For example, if the College is closed for one day, those hours not working cannot be counted as hours worked, or used as credit toward compensatory time. Compensatory time is based on hours worked over thirty-six (36) that work week. Campus closures are not counted as work days since the employee was not physically at work performing the job.

Cross Reference: Procedure 3.12.1

#### 4.3.14 VOLUNTARY SHARED LEAVE

##### I. PURPOSE

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

Leave must be donated on a one-to-one personal basis. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited.

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

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

##### II. DEFINITIONS

- A. **Donor** - the employee who donates the 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 his/her immediate family that will require his/her absence from duty for a period of at least twenty (20) consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences or if the employee has had a previous, but different serious or prolonged

medical condition within the last twelve (12) months, the college may make an exception to the twenty (20) day period.

### III. LEAVE REASONS

#### A. Qualifying Reasons

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

1. Have a serious and prolonged medical condition (or a member of the employee's immediate family has a medical condition that requires the employee's absence for a prolonged period);
2. Apply for or be nominated to become a recipient;
3. Produce medical evidence to support the need for leave beyond the available accumulated leave; and
4. Be approved by the president to participate in the program. The director, human resources shall serve as the president's designee for this purpose.

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. Employees shall complete a Voluntary Shared Leave Request Form, attach supporting documentation and submit the information to the director, human resources. 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. The director, human resources will review the validity of all requests. The president, or designee, shall review the merits of the request and approve or disapprove. The director, human resources will notify the employee of the decision.

**V. LEAVE CONTRIBUTION AND DONATION**

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

2. May not reduce the donor's annual leave balance below one-half of the yearly annual leave accrual rate.
  3. Bonus leave may be donated without regard to the above limitations on annual leave.
- F. All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to sixty (60) calendar days to substitute for advanced annual or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.
- G. To donate voluntary shared leave, a donor must, at the time of donation:
1. Be an active employee (not separated);
  2. Be in a position that earns leave; and
  3. Have sufficient leave balances.

## **VI. UNUSED SHARED LEAVE**

### **A. End of Medical Condition**

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

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

### **B. Separation from Service**

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

### **C. Transfer**

If a recipient transfers to another North Carolina state agency, public education system or community college, unused voluntary shared leave shall be returned to the donor(s) 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.

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

### 4.3.15 FAMILY MEDICAL LEAVE POLICY

#### 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:

## SECTION FOUR: EMPLOYMENT

- 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.

## SECTION FOUR: EMPLOYMENT

- 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.

**4.3.15.1 FAMILY MEDICAL LEAVE 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, 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.

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

**4.3.16 CHILD INVOLVEMENT LEAVE**

- 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. Therefore, the college shall grant four (4) hours paid, and four (4) hours unpaid leave for a total of eight (8) hours leave per year to a full-time employee who is a parent, guardian, or person standing in loco parentis of a school aged child so that the employee may attend or otherwise be involved at that child’s school. 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 paid leave and four (4) hours of unpaid leave each calendar year regardless of the number of children. The eight (8) hours of leave will be credited to employees on July 1 of each year.
  2. Leave shall be taken in units of no less than one-half hour.
- 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.

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

**4.3.17 MILITARY LEAVE POLICY**

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.

## SECTION FOUR: EMPLOYMENT

- 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 College directs the President to develop a procedure which will be followed in response to Military Leave requests.

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

**4.3.18 LEAVE WITHOUT PAY**

**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 holidays.

**4.3.19 HOLIDAYS**

**I. Legal Holidays**

The College shall observe the following holidays:

New Year's Day	1 day
Martin Luther King Day	1 day
Easter	1 day
Memorial Day	1 day
Independence Day	1 day
Labor Day	1 day
Veteran's Day	1 day
Thanksgiving	2 days
Christmas	3 days



**4.3.20 BEREAVEMENT LEAVE**

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

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

### **4.3.21 PERSONAL OBSERVANCE LEAVE**

#### **I. PURPOSE**

The College supports a work environment that fosters respect and values of all people 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.

Because of the diversity of the College's employees, there are different days of cultural or religious significance in our workforce. Moreover, some employees may have days of personal significance that are their own, outside of any cultural or religious tradition. As such, the College seeks to ensure that employees have an opportunity to observe these days.

#### **II. AMOUNT OF LEAVE**

Full-time employees will receive eight hours of Personal Observance Leave each calendar year.

#### **III. USE OF LEAVE**

##### **A. When Leave Can Be Used**

Personal Observance Leave may be used for any single day of personal significance. This includes, but is not limited to, days of cultural or religious importance. The day used for Personal Observance Leave does not have to be a day from the employee's own religious or cultural background.

The total amount of Personal Observance Leave awarded to an employee must be utilized in one work shift. Employees may use Personal Observance Leave prior to exhausting any accumulated compensatory time.

##### **B. Arranging to Take the Day of Leave**

Employees should request Personal Observance Leave at least two weeks before the leave is needed. Regardless of the employee's religious or cultural background, any day that the employee identifies as significant qualifies under this Policy. Supervisors must not question whether an employee's identification of a particular day for Personal Observance Leave is sincere and legitimate.

To the greatest extent possible, supervisors should allow employees to use the leave at the time requested. However, the supervisor or other manager may require that the Personal Observance Leave be taken at a time other than the one requested, based on the needs of the College.

Supervisors are encouraged to accommodate employees who may want to recognize the same day for Personal Observance Leave. However, when necessary to avoid impact to agency services, supervisors may ask employees to take their leave on different days.

**IV. How Personal Observance Leave is Credited during Hire and Transfer**

Employees who begin work at the College during the calendar year will be eligible for the full amount of Personal Observance Leave provided under this Policy. Newly hired employees shall be credited with leave immediately upon their employment with the College.

Separated employees that are re-employed within the same calendar year will receive the same amount of leave as a newly hired employee unless they previously utilized the leave within the same calendar year.

For transfers between other state agencies the following apply:

- A. If an employee moves from a participating agency to the College, or from the College to a participating agency within the calendar year, unused Personal Observance Leave will transfer to the employee's new agency.
- B. If an employee moves from the College to a non-participating agency, unused Personal Observance leave will not transfer. Employees shall not be paid for unused Personal Observance Leave at separation.
- C. If an employee moves from a non-participating agency to the College, the employee will receive leave as a newly hired employee, as indicated in above.

**V. OTHER LIMITATIONS**

- A. Personal Observance Leave not taken by the end of the calendar year is forfeited; it shall not be carried into the next calendar year.
- B. Personal Observance Leave has no cash value and cannot be converted into retirement credit. This leave shall not be payable upon death of an employee during state service.
- C. Personal Observance Leave shall not be applied to existing negative leave balances. This leave shall not be donated under the Voluntary Shared Leave policy.
- D. This leave may not be used for the same purposes as sick leave.

Legal Reference: 1 C SBCCC 200.94(a)(20), NC EO262

**4.3.22 PARENTAL LEAVE**

This is a temporary policy approved by the 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.
  - A. "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.
  - B. "Parent" means the mother or father of a Child through birth or legal adoption; or an individual who cares for a Child through foster or other legal placement under the direction of a government authority.
  - C. "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.
  - D. "Qualifying event" means when an employee becomes a Parent to a Child.
- II. Eligibility for Paid Parental Leave.
  - A. Employees who become Parents via childbirth, adoption, foster care, or another legal placement are eligible for Paid Parental Leave if:
    - i. Employee is in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for Paid Parental Leave.
    - ii. At the time of the qualifying event, the employee meets each of the following conditions:
      - a. 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, summer break for employees who work less than 12-months annually, or other reasons deemed by the President shall not constitute a break in service.

## SECTION FOUR: EMPLOYMENT

- b. 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.

- A. Full-time employees eligible for Paid Parental Leave may take, in their discretion, up to the following amounts of leave:
  - i. Four weeks of paid leave after a qualifying event as defined in Section I of this policy.
  - ii. An additional four weeks of paid leave for recuperation and recovery of the parent who gives birth.
- B. Each week of paid parental leave shall result in compensation at 100% of the eligible employee's regular base pay.

### IV. Leave Available to Part-Time Employees.

- A. 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.
- B. Part-time employees eligible for Paid Parental Leave may take, in their discretion, a prorated leave amount of:
  - i. Two weeks of paid leave after a qualifying event as defined in Section I of this policy.
  - ii. An additional two weeks of paid leave for recuperation and recovery of the parent who gives birth.
- C. Each week of Paid Parental Leave shall result in compensation at 100% of the eligible employee's average weekly earnings.

### V. Use of Other Leave.

- A. 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:
  - i. Shall not be counted against or deducted from an eligible employee's sick, vacation, or other accrued leave; and
  - ii. 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.
- A. 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.
  - B. 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.
  - C. Employees are required to submit documentation of the birth or placement. This initial certification should be provided to the Human Resources Department at the time of the request. If the qualifying event is unexpected, documentation is required within a reasonable timeframe.
    - i. Acceptable documentation may include, but is not limited to the following: birth certificate, adoption order, custody order, or proof of placement.
  - D. Absent unusual circumstances, the employee shall be required to comply with all other College leave request procedures.
  - E. 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.
  - F. For all other employees not subject to Paragraph (5) 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:
    - i. Providing the Paid Parental Leave would result in College staffing levels below what is required by federal or state law to maintain operational safety;
    - ii. Providing the Paid Parental Leave may impact the health or safety of staff, students, or other individuals on the College's campus; and
    - iii. The College has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
  - G. 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 (E) above, the College shall provide Paid Parental Leave as soon as practical following the Qualifying Event.

- H. 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.

- A. 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.
- B. Unused Parental Leave is forfeited 12 months from the date of the Qualifying Event.
- C. Paid Parental Leave shall not accrue or be donated to another employee.
- D. 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.
- E. Leave usage must be recorded in the same required increments as all other leave under College policy.
- F. 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.

## 4.4 Personnel Files

The Executive Director, 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 college 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 college setting forth the specific acts or omissions that are the basis of the dismissal; and
- L. The office or station to which the employee is currently assigned.

Any person, including college personnel, may have access to the information listed above for the purpose of inspection, examination and copying during regular business hours Monday through Friday. Access to personnel files may be arranged by contacting the Executive Director, 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:



## SECTION FOUR: EMPLOYMENT

- 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 4.9 – Grievance.

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

## SECTION FOUR: EMPLOYMENT

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 leave 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.

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

## 4.5 Employment Practices Evaluations

### A. 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 full-time employees and part-time employees employed twenty hours or more per week will receive a performance evaluation annually. Its primary purpose is the review and evaluation of an employee's job performance. The evaluation is to be completed in conjunction with all probationary reviews and annual performance reviews. A completed evaluation form may also be used as an objective basis for making personnel decisions, determining merit increases, identifying training needs, and validating selection procedures.

Performance evaluations are considered an ongoing process and are due in the human resource office no later than April 1st each year. The employee and the employee's immediate supervisor should schedule a time to meet to discuss the employee's job description and primary job responsibilities and to set specific employee-oriented goals and objectives. The employee will have the opportunity for a self-evaluation before the final evaluation conference. During the final evaluation meeting, the supervisor will prepare a written "Job Description and Performance Evaluation" and discuss the contents with the employee.

Supervisors may only use evaluation instruments that have been approved by the Human Resources office. Development plans and evaluations will be maintained by the Human Resources office.

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

### B. 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:

1. General Administration
2. Relationship
  - a. Internal relationships with faculty, staff, students and trustees.
  - b. External relationships with business and industry, the media, governmental bodies and the general public.
3. Personal Attributes
4. Personnel Administration

## SECTION FOUR: EMPLOYMENT

5. Fiscal and Facilities Administration
6. 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:

1. The time period for which the President was evaluated and the date the evaluation was completed;
2. Description of the methodology used for the evaluation;
3. 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;
4. Certification that the full Board received a copy and discussed the evaluation results and the results were discussed with the President;
5. Certification that the full Board received a copy of and reviewed the President's contract if the President has a contract;
6. A listing of Board members in attendance at the meeting when the President's evaluation was conducted; and
7. 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.

Legal Reference: 1C SBCC 300.2

## 4.6 Employee Code of Conduct

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 4.6.2 – Employee Disciplinary Action, Suspension and Dismissal or, for cases of unlawful discrimination or harassment, Policy 4.7 – 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.

### A. 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.

**B. 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.
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.
20. Violations of the College's Policies and Procedures Manual.

**C. Employee and Student 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.

Romantic or sexual relationships between College employees and students 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.

Cross Reference: Policy 4.4 – Personnel Files; Procedures 4.6.1 – Arrests and Convictions; Policy 4.7 – Discrimination and Harassment; Policy 4.11 – Employee Political Activity; Policy 3.10 – Weapons on Campus; Policy 4.12 – Alcohol and Drugs on Campus; Policy 6.21 - Student Records; Policy 8.2 – Internet and Network Acceptable Use

#### **4.6.1 ARRESTS AND CONVICTIONS PROCEDURE**

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 or 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.



#### 4.6.2 Disciplinary Action, Suspension, and Dismissal

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.

##### A. WARNINGS

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

###### 2. 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.

3. 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.

**B. SUSPENSION TO ALLOW FOR AN INVESTIGATION**

The President 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.

**C. DISMISSAL**

1. At Will Employees

- a. 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.
- b. 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.

2. Contract Employees

- a. 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.

## SECTION FOUR: EMPLOYMENT

- b. 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.
  
- c. For serious misconduct, the President may skip any of the procedures in subsection 1 and immediately meet with the employee and provide a written notice of charges.

Cross Reference:  
Policy 4.9 – Grievance Policy

### **4.6.3 CONTRACT NONRENEWALS AND RESIGNATIONS**

#### **A. 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, 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.

#### **B. NON-RENEWAL PROCESS**

At least ten (10) business days prior to the end of the contract period, the President or designee will notify 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.

An employee may not appeal the decision to non-renew the employee's contract. However, the employee may request the President reconsider the nonrenewal and may submit information and/or documentation in support of the employee's request.

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.

Personnel employed under a full-time contract do not have any expectation of employment beyond the contract period. Since there is no legitimate expectation of employment beyond the contract period, employees do not possess property rights or interest. Failure to renew an annual contract will not be considered a dismissal and is at the discretion of the college. Therefore, a non-renewal of contract will not be subject to appeal or grievance

#### **C. 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. The President, or designee, may accept the resignation without providing notice of the acceptance to the employee.

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.

## **4.7 Unlawful Discrimination and Harassment Policy**

The College is fully committed to providing a learning and work environment that is free from prohibited discrimination. The College does not practice or condone discrimination based on race, color, national origin, religion, sex, 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 academic programs 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 sex-based discrimination, see Procedures 6.23.2/4.7.2 – Sex-based Discrimination and Harassment.

For issues related to all other types of unlawful discrimination and harassment, see Procedures 6.23.1/4.7.1 – Unlawful Discrimination and Harassment.

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

#### 4.7.1 UNLAWFUL DISCRIMINATION AND HARASSMENT PROCEDURE

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

##### I. DEFINITIONS

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

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a person'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, intimidating or abusive or where submitting to or rejecting the conduct is used as the basis for decisions that affect the person's participation in the College's programs and activities.

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

- C. **Protected Status:** race, color, national origin, religion, sex, gender identity, sexual orientation, pregnancy, disability, genetic information, age, political affiliation or veterans' status.
- D. **Standard of Evidence** - the College uses the preponderance of the 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 responding party 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 even if 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 CCC&TI's Office of Disability Services. 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 H.E. Beam Hall (A-Building). 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 as outlined in Policy 6.28 – Student Grievance.

For Unlawful Discrimination incidents between students and employees, the Vice President, Student Services will work in partnership with the Executive Director, 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 reporting the concern as outlined in Policy 4.9 – Employee Grievance.



#### 4.7.2 SEXUAL HARASSMENT PROCEDURE

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 4.7.1/6.23.1.

#### 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.

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 and pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

- A. **Actual Knowledge** – notice of sexual harassment or allegations of sexual harassment by the Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. Actual knowledge is not met when the only College official with actual knowledge is a Respondent.
- B. **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. **Consent** – explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual

activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: i) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; ii) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or iii) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

- D. Dating Violence** – crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.
- E. Domestic Violence** – crimes of violence against a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person with whom the individual cohabitates or has cohabitated as a spouse or intimate partner; a person similarly situated to the individual as a spouse under local domestic laws; or any other person who is protected under local domestic laws of the jurisdiction.
- F. Education Program or Activity** – for purposes of these Procedures, this means any locations, events, or circumstances over which the College exercised 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 document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the College investigate the allegation(s). A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections.
- 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. Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- J. Retaliation** – to intimidate, threaten, coerce, or discriminate against any 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.

- K. **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.
- L. **Sexual Harassment** – *quid pro quo* harassment; unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity, including conduct based on sex stereotyping; or any instance of sexual assault, dating violence, domestic violence, or stalking.

Quid pro quo harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person’s participation in unwelcome sexual conduct.

- M. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.
- N. **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.
- O. **Supportive Measures** – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of support measures are counseling, 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.
- P. **Title IX Coordinator** – for purposes of these Procedures, the Title IX Coordinator refers to Lauren Saunders. The Title IX Coordinator’s office is in A-Building, Room 128. The phone number is 828-726-2304 and the email is [lsaunders@cccti.edu](mailto:lsaunders@cccti.edu).
- Q. **Deputy Title IX Coordinator** – for purposes of these Procedures, the Title IX Deputy Coordinators refer to Rose Moon. Ms. Moon’s office is in A-Building, Room 121. The phone number is 828-726-2269 and the email is [rmoon@cccti.edu](mailto:rmoon@cccti.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
4. Third parties participating in a College education program or activity

**B. These Procedures apply to conduct that occurs in a College Education Program or Activity located within the United States and of which the College has actual knowledge.****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 alleged Complainant 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 or Deputy Coordinators 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.

Students can also seek confidential guidance or advice from one of the following college employees.

<b>Name</b>	<b>Title</b>	<b>Phone</b>	<b>Location</b>	<b>Email</b>
Becky Boone	Counselor	828.726.2729	Caldwell Campus, B-137	<a href="mailto:bboone@cccti.edu">bboone@cccti.edu</a>
Shannon Brown	Executive Director, Student Development and Success	828.726.2288	Caldwell Campus, F-149	<a href="mailto:csbrown@cccti.edu">csbrown@cccti.edu</a>
Movita Hurst	Counselor	828.297.2185	Watauga Campus, W460-104	<a href="mailto:mhurst@cccti.edu">mhurst@cccti.edu</a>
Blair Johnston	Counselor	828.297.5263	Watauga Campus, W460-103	<a href="mailto:bjohnston@cccti.edu">bjohnston@cccti.edu</a>
Taylor Reed	Counselor	828.726.2498	Caldwell Campus, F-145	<a href="mailto:treed@cccti.edu">treed@cccti.edu</a>
Tuesday Sigmon	Director, Counseling and Disability Services	828.726.2716	Caldwell Campus, F-150	<a href="mailto:tsigmon@cccti.edu">tsigmon@cccti.edu</a>
Ashleyn Thomason	Counselor	828.726.2620	Caldwell Campus, F-151	<a href="mailto:athomason@cccti.edu">athomason@cccti.edu</a>

Employees seeking confidential guidance or advice should contact Human Resources.

#### **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 immediate and appropriate steps to:
  - a. Communicate with the individual who reported the alleged conduct;
  - b. Implement supportive measures to eliminate and prevent the recurrence of sex harassment, deter retaliation, remedy the effects

## SECTION FOUR: EMPLOYMENT

- 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. The Title IX Coordinator must administratively close a report or complaint of sexual harassment if after an initial assessment:
- a. The allegations as stated do not constitute a violation of this Policy and Procedure, even if proven; or
  - b. The alleged sexual harassment did not occur in the College's Education Program or Activity or did not occur in the United States.
  - c. The Title IX Coordinator will notify the parties if a report or 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.
3. The Title IX Coordinator may administratively close a report or complaint of sexual harassment if:
- a. The Complainant, at any time, requests withdrawal of the report or complaint;
  - b. The Respondent is no longer enrolled or employed by the College; or
  - c. The College is prevented from gathering evidence sufficient to reach a determination of responsibility.
  - d. The Title IX Coordinator will notify the parties if a report or 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.

4. 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 filed.

**C. Informal Resolution**

1. Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time after the filing of a Formal Complaint. 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, and potential outcomes resulting from participating in the informal resolution process.
  - d. The Title IX Coordinator also designates an independent, neutral person to facilitate the informal resolution.
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 hearing 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), 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 evidence, 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.
1. 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.



## SECTION FOUR: EMPLOYMENT

2. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy.
3. 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.
4. The College aims to bring all investigations to a resolution within thirty (30) business 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.
  - c. The Title IX Coordinator will inform the Complainant and Respondent at regular intervals of the status of its investigation.
  - d. The College may remove a student pending the completion of an investigation and resolution, when the College performs an individualized safety and risk analysis and determines the person poses an immediate threat to the physical health or safety of any member(s) of the College community.
    - i. In all cases in which an emergency removal is imposed, the student shall be given notice of the conditions and duration of such emergency removal and an opportunity to challenge

## SECTION FOUR: EMPLOYMENT

- the removal decision immediately following the removal by submitting a written appeal to the President.
    - ii. Violation of an emergency removal under this Procedure is grounds for expulsion or termination.
  - e. The College may place an employee on paid administrative leave pending the completion of an investigation and resolution. An employee does not have a right to appeal a determination to place the employee on paid administrative leave pending the conclusion of the Title IX grievance procedure.
5. Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.
6. 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.
7. Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely.
- a. The Complainant and Respondent may submit a written response to the evidence within ten 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.
8. Following an investigation and at least 10 days prior to a grievance hearing, the investigator submits an investigative report to the parties that fairly summarizes relevant evidence. The report includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; and a summary of the evidence relevant to a determination of responsibility.

## **V. GRIEVANCE HEARINGS**

At least 10 days after the issuance of an investigation report, the College must hold a live hearing in front of a decision-maker to determine responsibility of a Respondent. The decision-maker may not be the Title IX Coordinator or the investigator(s). A "live hearing" means either in person or virtually. The following hearing rules apply:

- A. All parties must be able to see and hear the questioning of parties and witnesses.
- B. Any party may request a virtual hearing. If requested, the College will provide a virtual hearing.
- C. All parties have an equal opportunity to present witnesses, including fact and expert witnesses.
- D. The parties' advisors are permitted to cross-examine the parties and any witnesses.
  1. The parties are prohibited from directly conducting cross-examination. Cross-examination must be conducted by a party's advisor.
  2. The decision-maker determines whether questions asked during cross-examination are relevant to the determination of responsibility. If the decision-maker disallows a question, they will explain the basis for their decision at the hearing. Parties and advisors may not challenge the decision-maker's relevancy determinations during the hearing.
  3. Evidence or questions that inquire about the Complainant's sexual predisposition or prior sexual history are prohibited (i.e. rape-shield protections) unless such questions and evidence are offered to prove that

## SECTION FOUR: EMPLOYMENT

someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

4. To the extent permitted by law, the decision-maker may consider statements of persons not present at a hearing and/or not subject to cross-examination unless the statements are subject to exclusion under another provision in this Procedure. "Statements" include but are not limited to opinions and statements in police reports, medical records, court records, investigation notes, emails, written statements, text messages, social media postings, and the like.
  5. Records with a legally recognized privilege, such as medical treatment records, may not be used unless the individual or entity who holds the privilege waives the privilege. Any waiver must be written and made in advance of a hearing.
  6. If a party does not have an advisor, the College will provide an advisor at no cost to the party. The advisor may, or may not, be an attorney.
  7. Other standard Rules of Evidence do not apply in grievance hearings under these Procedures.
- E. The College will provide either an audio recording, audiovisual recording, or transcript of the hearing to all parties.
- F. The decision-maker evaluates all relevant evidence and reaches a determination regarding responsibility. The decision-maker issues their final written determination to all parties within ten (10) days of the hearing. The final written determination includes a summary of the allegations; a description of the procedural steps taken by the College to investigate and reach a determination of responsibility; findings of fact supporting the determination; conclusions regarding the application of College policies to the facts; a statement of and rationale for the result as to each allegation, including a determination of responsibility; any disciplinary sanctions the College recommends or imposes; whether remedies designed to restore or preserve equal access to an education program or activity will be provided to the Complainant; and the College's appeal procedures.
- G. 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. Recommendation of Expulsion
- 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. Recommendation of Demotion
- f. Recommendation to Suspend with or without Pay
- g. Recommendation of Dismissal
- h. Other consequences deemed appropriate to the specific violation

If the decision-maker is required to make a recommendation for student expulsion or employee suspension, demotion or dismissal, such recommendation will be made to the appropriate College official after the time for appeal has expired. If the decision-maker 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 decision-maker.

**VI. APPEALS**

After the decision-maker submits their determination of responsibility 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 affected the outcome;
- B. New evidence that was not reasonably available at the time of the hearing that could affect the outcome; and/or
- C. The Title IX Coordinator, investigator, or decision-maker had a bias or conflict of interest that affected the outcome.

Parties must submit any appeal to the President of the College by 5:00 p.m. eastern standard time via email or mail, within ten (10) days of receiving the decision-maker's 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 two (2) business days of receiving a copy of 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, the decision-maker's written determination of responsibility, 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.

The President's written decision is final.

## **VII. 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.

## **VIII. PROVIDING FALSE INFORMATION**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials or who knowingly 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 a determination regarding responsibility alone is not sufficient to conclude a false report or complaint was made.

## **IX. 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.

## **X. FERPA (Family Educational Rights and Privacy Act)**

A student's personally identifiable information found in a student's education records will be shared only with 1) College employees who need to know to assist with the

College's response to sexual harassment and 2) parties involved in the Title IX grievance process who are legally entitled to evidence obtained during a Title IX investigation.

A student's personally identifiable information found in a student's education records will not be disclosed to third parties unaffiliated with the College unless:

- A. The student gives consent;
- B. The College must respond to a lawfully issued subpoena or court order; or
- C. The College is otherwise required by law to disclose.

## **XI. 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.

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

The Title IX Coordinator, investigators, decision-makers, and those involved in any informal resolution process shall receive annual trainings on topics including:

- A. The definition of sexual harassment for Title IX purposes;
- B. The scope of the College's education programs and activities under Title IX;
- C. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- D. How to serve impartially, including avoiding prejudgment of facts at issue, conflicts of interest, and bias;
- E. Technology to be used at live hearings;
- F. Issues of relevance of questions and evidence, including rape-shield limitations; and
- G. Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

All training materials are posted on the College's website.

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

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

- A. Information about safe and positive options for bystander intervention skills;
- B. What "consent" means with reference to sexual activities;

- C. Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks;
- D. How and to whom to report an incident regarding discrimination, harassment and sex-based violence;
- E. The importance of preserving physical evidence in a sex-based violent crime; and
- F. Options about the involvement of law enforcement and campus authorities, including the alleged victim's option to: i) notify law enforcement; ii) be assisted by campus authorities in notifying law enforcement; iii) decline to notify law enforcement; and iv) obtain "no-contact" or restraining orders.

Each year, all students and employees will receive an electronic copy of these Procedures sent to their college email address of record. These Procedures will be maintained online in the college's website and a hard copy will be kept on file (in English and Spanish) in the Title IX Coordinator's office. Other translations will be made available upon request.

### **XIII. RECORDKEEPING**

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

### **XIV. VICTIM AND EDUCATIONAL RESOURCES**

#### **Counseling and Community Resources**

CCCTI Counseling Services  
2855 Hickory Blvd.  
Hudson, NC 28638  
Phone#: (828) 726-2288  
<http://www.cccti.edu/Students/CounselingAdvising.asp>

Shelter Home of Caldwell County  
PO Box 426  
Lenoir, NC 28645  
Phone#: (828) 758-0888  
FAX#: (828) 758-8949  
[www.shelterhomeecc.org](http://www.shelterhomeecc.org)

Smokey Mountain Center  
Phone#: (800) 849-6127 (24 hours)  
[www.smokymountaincenter.com](http://www.smokymountaincenter.com)

CCCTI Counseling Services  
372 Community College Dr  
PO Box 3318  
Boone, NC 28607  
Phone#: (828) 297-2185 x5263  
<http://www.cccti.edu/Students/CounselingAdvising.asp>

Oasis  
PO Box 1591  
Boone, NC 28607  
Phone#: (828) 262-5035 (24 hours)  
[www.oasisinc.org](http://www.oasisinc.org)

Caldwell UNC Memorial Hospital  
321 Mulberry Street SW  
Lenoir, NC 28645  
Phone# (828) 757-5100



<http://www.caldwellmemorial.org/>

Appalachian Regional Healthcare  
System  
336 Deerfield Rd  
Boone, NC 28607  
Phone#: (828) 262-4100  
<http://www.apprhs.org/>

Women's Resource Center  
125 3<sup>rd</sup> Street NE  
PO Box 1608  
Hickory, NC 28601  
Phone#: (828)322-6333 x 202  
<http://www.wrchickory.org/>

Rape Crisis Center of Catawba, Inc.  
848 Highland Avenue NE  
Hickory, NC 28601  
Phone#: (828) 322-6011  
FAX#: (828) 322-1704  
<http://www.rapecrisiscenter.com/>

**Law Enforcement Agencies**

Caldwell County Sheriff's Department  
2351 Morganton Blvd SW  
Lenoir, NC 28645  
Phone#: (828) 758-2324  
FAX#: (828) 757-8685  
[www.caldwellcountync.org/sheriff](http://www.caldwellcountync.org/sheriff)

Lenoir Police Department  
1035 West Avenue  
Lenoir, NC 28645  
Phone#: (828) 757-2100  
FAX#: (828) 757-2103  
[www.cityoflenoir.com](http://www.cityoflenoir.com)

Hudson Police Department  
550 Central Street  
Hudson, NC 28638  
Phone#: (828) 728-5021  
FAX#: (828) 726-0827  
[www.townofhudson.com/police-department](http://www.townofhudson.com/police-department)

Granite Falls Police Department  
5 Falls Avenue  
Granite Falls, NC 28630  
Phone#: (828) 396-3358  
[www.granitefallsn.com/police](http://www.granitefallsn.com/police)

Watauga County Sheriff's Office  
184 Hodges Gap Road  
Boone, NC 28607  
Phone#: (828) 264-3761  
[www.wataugacounty.org/App\\_Pages/Dept/Sheriff/contact.aspx](http://www.wataugacounty.org/App_Pages/Dept/Sheriff/contact.aspx)

Boone Police Department  
1500 Blowing Rock Road  
Boone, NC 28607  
Phone#: (822) 268-6900  
FAX#: (828) 268-6919  
[www.townofboone.net/departments/police-department/](http://www.townofboone.net/departments/police-department/)

Blowing Rock Police Department

1036 Main Street  
PO Box 47  
Blowing Rock, NC 28605  
Phone#: (828) 295-5200  
[www.townofblowingrocknc.gov/government/police](http://www.townofblowingrocknc.gov/government/police)

**National Governmental Resources**

US Department of Education, Office of Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
800-421-3481  
[www.ed.gov/ocr](http://www.ed.gov/ocr), email: [OCR@ed.gov](mailto:OCR@ed.gov)

US Department of Justice, Office on Violence Against Women  
Office on Violence Against Women 145 N Street, NE, Suite 10W.121  
Washington, DC 20530  
202-307-6026  
[www.justice.gov/ovw](http://www.justice.gov/ovw)

National Sexual Assault Hotline  
800-656-HOPE(4673)  
[www.rainn.org](http://www.rainn.org)

National Sexual Violence Resource Center  
877-739-3895  
[www.nsvrc.org](http://www.nsvrc.org)

National Domestic Violence Hotline  
800-799-SAFE(7233)  
[www.thehotline.org](http://www.thehotline.org)

National Teen Dating Abuse Helpline  
866-331-9474  
[www.loveisrespect.org](http://www.loveisrespect.org)

Stalking Resource Center  
202-467-8700  
[www.victimsofcrime.org/our-programs/stalking-resource-center](http://www.victimsofcrime.org/our-programs/stalking-resource-center)

Break the Cycle  
Washington DC Office  
202-824-0707  
[www.breakthecycle.org](http://www.breakthecycle.org)

NO MORE  
[www.nomore.org](http://www.nomore.org)

Know Your IX  
[www.knowyourix.org](http://www.knowyourix.org)

Not Alone: Together Against Sexual Assault  
[www.notalone.gov](http://www.notalone.gov)

The Red Flag Campaign  
<http://www.theredflagcampaign.org/>

**State Governmental Resources**

NC Coalition Against Sexual Assault

NC Victim Assistance Network

SECTION FOUR: EMPLOYMENT

811 Spring Forest Rd. Suite 900  
Raleigh, NC 27609  
919-871-1015  
[www.nccasa.org](http://www.nccasa.org)

5700 Six Forks Road, Suite 101  
Raleigh, NC 27609  
800-348-5068  
[www.nc-van.org](http://www.nc-van.org)

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

SECTION FOUR: EMPLOYMENT

## 4.8 Temporary Teleworking Policy

Temporary teleworking, or working remotely temporarily, may be considered in situations when teleworking can be mutually beneficial for both the College and an employee. In certain circumstances, an employee may request approval from their direct supervisor to telework for part of or for the entirety of a work day. Examples of permissible reasons for temporary telework include, but are not limited to, the following:

1. Completing a particular work assignment
2. Addressing a short-term employee's need, such as repair work
3. Family emergency
4. Utility failure
5. Public state of emergency
6. Convenience of the College, such as conducting facility renovations

Supervisors will consider the feasibility of an employee teleworking in such circumstances both in terms of the employee's ability to complete their job duties remotely and in terms of the impact that the employee working remotely could have on other employees, offices, and services. Employees who wish to request temporary teleworking should contact their supervisor.

Faculty members may request temporary teleworking, in addition to their nine flexible hours, as needed, for the mentioned permissible reasons.

### I. Demonstration of Suitability

Both full- and part-time positions may be eligible for teleworking in certain circumstances. 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. 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; and
- E. The employee can be supervised and readily contacted when teleworking.

In unusual situations, and to ensure continuity of college operations, the President may grant teleworking approval for an extended period of time or for positions that would not normally be considered appropriate for teleworking.

## II. Employee Requirements

Employee job responsibilities will not change due to teleworking. Professionalism in terms of job responsibilities, work output, and service delivery will continue to follow the standards set by the College. All College policies and procedures will apply at the telework site. All employees approved to telework must agree to the following:

- A. During scheduled telework hours, employees will apply themselves to their work and not engage in activities that are not work-related.
- B. Teleworking is not intended to alter the basic understanding that employees are expected to work their appointed hours.
  - I. Teleworking does not change normal employee workweek requirements. All lunch and duty-free breaks should be adhered to as if working onsite (see 4.2.3 Full-time Employee Workloads).
  - II. Teleworking employees must not engage in overtime work without prior supervisor approval. Non-exempt teleworking employees must continue to complete the appropriate timesheet (see 4.2.4 Compensatory Time).
  - III. Employee compensation and benefits, including annual, sick, and other forms of leave will not be affected by temporary teleworking. Teleworking is not intended to be used in place of leave.
  - IV. Teleworking employees are responsible for all travel costs to and from the employee's telework site regardless of distance (see 7.11 Travel, Transportation, and Allowances).
- C. Teleworking employees are responsible for maintaining an off-site environment that is safe.
- D. The College and the teleworking employee will agree on the provision of office supplies and equipment, if any, and the maintenance to be provided by the College and/or the employee to enable the teleworking arrangement.
- E. Employees who telework agree to comply with all college internal security regulations pertaining to the acceptable use of college information systems and other cybersecurity best practices (see Policy 8.2 Internet and Network Acceptable Use).
- F. The Supervisor will articulate how the employee's performance will be measured when teleworking. Annual performance evaluations will be conducted in accordance with college policies and procedures (See 4.5 Employment Practices Evaluations).

## III. Employees with Disabilities

## SECTION FOUR: EMPLOYMENT

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 accommodation as necessary to fulfill their job duties while teleworking.

Faculty members who telework during their nine flexible hours are expected to adhere to all requirements as listed in this policy and Procedure 4.8.1 Temporary Teleworking.

#### **4.8.1 TEMPORARY TELEWORKING PROCEDURE**

As a public employer, the College has a special obligation to ensure that employees and work resources are being used efficiently and productively. Supervisors are responsible for determining and managing the appropriate work arrangements for their operations that are consistent with the needs of the College and the people with which they serve.

##### **I. Requesting Teleworking**

All temporary teleworking will be coordinated by the supervisor of the teleworking employee. Employees must request approval for temporary teleworking from their immediate supervisor. If the employee's immediate supervisor agrees with the temporary teleworking request, the request should be documented by the supervisor.

In cases where two or more employees with similar duties request to telework, the supervisor may not be able to approve all requests.

If an immediate supervisor denies the request to telework, for any reason, the supervisor will notify the employee's supervisory chain of the decision. The communication should clearly explain why the request is not approved. Denial for any reason, except those deemed as impermissible, is not grievable under Policy 4.9 Grievance Policy. Impermissible grounds are defined as reasons related to the employee's race, religion, color, national origin, sex, gender, gender identity, age, disability, genetic information, political affiliation, status as a covered veteran or if the decision is otherwise a violation of state or federal law.

##### **II. Consideration**

Upon receipt of a temporary teleworking request, the supervisor will carefully consider how teleworking might affect the completion of duties and other individuals served by the employee.

Key issues that supervisors should assess when considering temporary teleworking include the suitability of the position and employee, as outlined in Policy 4.8 Temporary Teleworking, sections I and II. Additional items of consideration are as follows:

###### **A. Hours and Availability**

- i. An employee's temporary telework request should yield to the needs of the College. Employees are expected to attend required in-person job-related meetings and training at their primary campus as requested by their supervisor.
- ii. An employee must be available via telephone or email during temporary telework hours, with availability and reachability similar to when an employee is working on-campus.



## SECTION FOUR: EMPLOYMENT

- iii. A teleworking employee must notify their supervisor of any change to the teleworking schedule.
- iv. Leave must be submitted for any personal appointments scheduled during teleworking hours.
- v. Work for a secondary employer is not permitted during scheduled teleworking hours.
- vi. The employee's immediate supervisor must approve, any time over thirty-six (36) 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.
- vii. Teleworking may be requested as a reasonable accommodation under the Americans with Disabilities Act (ADA), or to facilitate a return to work related to Family Medical Leave (FMLA).
  - a. If teleworking is considered a reasonable accommodation pursuant to the ADA, or as a measure to support the return to work of an employee on FMLA, the College will follow its process with respect to approving such requests in addition to the temporary teleworking policy and procedure.

### B. Telework Site

- i. Costs associated with working off-site, such as utility services, homeowner's insurance, furniture/equipment, or cleaning services, will not be paid for by the College and are the employee's responsibility.
- ii. The employee is responsible for site set-up and safety measures, ensuring that all furniture is ergonomically correct with proper lighting and ventilation provided. Also, the employee is responsible for ensuring compliance with local zoning regulations or rental agreements.
- iii. Employees are encouraged to consult with a tax expert to determine the implications of a home office. The College will not provide guidance, nor claim responsibility for any federal or state tax liability.
- iv. In-person work-related meetings with professional colleagues or students at the telework site is prohibited.
- v. The College is not liable for loss or destruction that may occur at the telework site. However, liability may extend to employee accidents which occur at said site.
  - a. Any work-related accident must be reported within 24-hours to Human Resources using the Employee Accident Form.

- b. To qualify for Workers' Compensation benefits, an employee must be working in the capacity of their job at the time of the incident, and the incident must have occurred during the employee's agreed upon telework hours. In this instance, the College retains the right to make an on-site inspection of the work area, at a mutually agreed upon time.

C. Office Supplies and Equipment

- i. The College may provide standard office supplies (i.e., pens, paper, pencils, envelopes, etc.) associated with the work functions of the employee's position. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed.
- ii. The College will not provide printers, monitors, or surge protection equipment. Neither should the employee purchase or rent equipment, services, or supplies assuming the College will reimburse the cost.
- iii. The College is not obligated to purchase special equipment or software to facilitate temporary teleworking.
- iv. Any equipment provided by the College must be properly inventoried and updated if returned, or new equipment is assigned. The employee is required to return any College property upon request.
- v. The College's Computer Services staff will ensure that college-owned computers and software are working properly. If an issue cannot be resolved over the phone, it is the employee's responsibility to bring the equipment to campus for troubleshooting. The employee will not perform maintenance or repairs on provided equipment without prior approval.

D. Confidentiality and Security

- i. VPN connections may be used to support remote work functions on a limited basis, with prior approval from a senior administrator. Only college-issued devices with up-to-date security and software patches will be allowed remote access into the College.
- ii. The College reserves the right to monitor all college-owned devices and to log all network activity, including email and internet sites visited.
- iii. The employee is responsible for ensuring that non-employees do not access college data in print or electronic form, and that all hardcopy information is returned to campus or shredded.

## SECTION FOUR: EMPLOYMENT

- iv. Products, documents, and records used and/or developed while teleworking are property of the College and subject to Policy 5.2.1 Intellectual Property.

## 4.9 Grievance Policy

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

A grievance exists in any situation in which an employee feels that there has been a violation of an existing policy. Employees will not be penalized for proper use of the grievance process. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay, harassment, or repeatedly raises meritless grievances. Implementation of the grievance process by an employee does not limit the right of the institution to proceed with any disciplinary action that is not in retaliation for the use of the grievance process.

Situations involving unlawful discrimination will be handled through Policy 4.7 (Unlawful Discrimination and Harassment Policy) and Procedures 4.7.1 (Unlawful Discrimination Procedure) and 4.7.2 (Sexual Harassment Procedure).

### A. Informal Grievance Process

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

Not proceeding to a formal grievance within the time period specified in section B will result in the grievance not being heard and the matter being closed.

### B. Formal Grievance Process

In the even the matter is not resolved informally, the employee may submit the grievance in writing using CCC&TI's grievance form (available on the MyCCCTI Portal) to the appropriate vice president. The vice president will hear all parties involved in the grievance and render a written decision.

1. A copy of the grievance must be filed within 20 business days from the date on which the act or purported act which is the subject of the grievance occurred.

## SECTION FOUR: EMPLOYMENT

2. The vice president will meet with all parties involved in the grievance and render a written decision within ten (10) business days of receipt of the grievance. If the grievance is against the vice president, the president will perform the functions of the vice president as required by this policy. The vice president should document the result of the meeting and maintain this record in the event the appeal proceeds further.
3. Should the grievance not be satisfactorily resolved or should no decision be forthcoming in the time prescribed above, the grievance may, within ten (10) business days, be submitted to the director, human resources. If not submitted within ten (10) days the grievance will be considered settled on the basis of the last answer proved and there shall be no further appeal or review.

The employee must submit the following information to the director, human resources.

- A letter appealing the decision of the vice president
- A copy of the original CCC&TI Employee Grievance Form
- A copy of the vice president's written decision

The director, human resources will present the grievance to the president, who will convene the Grievance Committee that will hear all parties involved in the grievance and render a decision within ten (10) business days of receipt of the appeal.

The committee will make a recommendation to the president, whose decision shall be binding on all parties.

The chair of the Grievance Committee will be appointed at the first meeting called by the president or the Chairman of the Board of Trustees, if the grievance is against the president. The Grievance Committee will consist of full-time college administrators, faculty and staff including four standing members and one additional member who will be selected at the time of the grievance. In addition to the committee members, a recorder will be assigned. The parties involved may challenge the impartiality of any of the members selected by the president or the Chairman of the Board of Trustees.

In addition to the person who filed the grievance, the chair of the Grievance Committee may allow other individuals to present relevant testimony or evidence. An audio recording will be kept of all the hearings. The committee will act as a hearing committee for all employee grievances.

The time limits specified in this procedure are necessary to provide a speedy resolution of matters. Reasonable extensions of time should be requested in writing to the chair of the Grievance Committee.

The grievant may withdraw the grievance at any level.

## 4.10 Reduction in Force – Involuntary Leave Without Pay

### 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, 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 4.6.3 – 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. 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.

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



## **4.11 Employee Political Activity**

### **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 email, 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.

The president shall notify the Board, at its next scheduled meeting, of any employee running for office.

### **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, shall send notification to the president of his/her intention to run and shall certify, in writing, that s/he will not campaign or otherwise solicit support during regular work. Further, any employee who seeks a public office shall certify, in writing, that s/he will not involve the college in his/her political activities. The president will notify the Board at their next scheduled meeting.

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, the employee will request leave.

Any employee who is elected or appointed to a full-time public office or the General Assembly must either resign from his/her position with the college or

have approval from the Board of Trustees for a leave of absence without pay upon assuming that office. If a leave of absence is granted, the length of the leave of absence without pay shall be determined by the Board.

**B. COLLEGE PRESIDENT**

If the president decides to run for public office, s/he shall notify the Board of Trustees, prior to filing for that office, of his intention to run and certify, in writing, that no campaigning or political activities will be engaged in during regular work hours and that the college will not be involved in the president's political activities.

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

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

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

**C. DEFINITIONS**

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

Legal Reference: 1C SBCCC 200.99

## 4.12 Alcohol and Drugs 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. 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 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.

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. *Impairing 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).
- F. 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.

### III. DUTY TO REPORT

Pursuant to Procedures 3.6.1 – 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.

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. 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 for substances, including controlled substances or alcohol.

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 4.6.2 – Disciplinary Action, Suspension, and Dismissal.

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

## 4.13 Secondary Employment

### I. SECONDARY EMPLOYMENT

In compliance with State Board of Community Colleges Code (1C SBCCC 200.94 Local College Personnel Policies), the College's Board of Trustees will adopt, publish, and implement personnel policies, including policies that address conflicts of secondary employment with an employee's primary job responsibilities and institutional resources.

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.

At the start of each academic year and prior to beginning any secondary employment, the employee shall submit a Secondary Employment Approval Form describing their intended secondary employment to their supervisory reporting chain for review. If each supervisor in the employee's reporting chain approves the request for secondary employment, the approval form will be forwarded to the President or President's designee. The President or designee shall review and approve or disapprove the request for secondary employment.

Employees will submit a Secondary Employment Approval Form each year for each of their intended secondary employment opportunities. If at any time, particulars of an employee's secondary employment arrangement change to a substantive degree, the employee is required to resubmit a Secondary Employment Approval Form following the process described above.

Approval of secondary employment is also required for contractual work to be performed by a full-time employee on behalf of the College that is outside the scope of that employee's regular full-time responsibilities at the College.

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,

## SECTION FOUR: EMPLOYMENT

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, SACSCOC visits or state or regional committee involvement. Exceptions to this section of the policy must be approved by the president.

## Secondary Employment Approval Form

Caldwell Community College and Technical Institute's *Policies and Procedures Manual* states that:

*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.*

*At the start of each academic year and prior to beginning any secondary employment, the employee shall submit a Secondary Employment Approval Form describing their intended secondary employment to their supervisory reporting chain for review. If each supervisor in the employee's reporting chain approves the request for secondary employment, the approval form will be forwarded to the President or President's designee. The President or designee shall review and approve or disapprove the request for secondary employment. (Section 4.13)*

**To facilitate the approval process, please complete this form and forward to your supervisor.**

Employee Name: \_\_\_\_\_

Title at CCC&TI: \_\_\_\_\_

Name of Secondary Employer: \_\_\_\_\_

Brief Description of Duties: \_\_\_\_\_

Average Hours Worked Per Week at Secondary Employer: \_\_\_\_\_

Weekly Scheduled Hours at Secondary Employer (Day/Time): \_\_\_\_\_

If work is not virtual, provide location of secondary employer: \_\_\_\_\_

*I hereby confirm that I have reviewed Policy 4.13, Secondary Employment, and that the secondary employment described above will not interfere with my work at the College as outlined in my position description and the College's policies and procedures. I hereby confirm that I will not utilize College time, facilities, supplies or equipment in relation to any secondary employment. I hereby confirm that if any of the particulars of the secondary employment arrangement described above change to any substantive degree that I will inform my direct supervisor and that such changes may require an updated secondary employment approval form be submitted.*

Employee Signature: \_\_\_\_\_

First Level Supervisor Signature: \_\_\_\_\_

Second Level Supervisor Signature: \_\_\_\_\_

Supervising Vice President/Executive Director Signature: \_\_\_\_\_

Chief of Staff Signature: \_\_\_\_\_



#### **4.14 Exit Interview**

Employees leaving the college are required to schedule an exit interview with the office of human resources. This interview allows the College to formally out-process an employee and understand the reasons employees leave employment.

### 4.15 Emeritus Status Designation

The purpose of the emeritus status designation is to grant honorary standing to retired faculty or staff for faithful and distinguished service. Emeritus status is the highest honor bestowed to our former employees and will only be considered in those cases when a former employee's contributions, outstanding personal and professional achievements, and unselfish devotion to the college are exemplary.

#### Procedure

- A. By letter of nomination to the President, a College employee, or group of College employees may nominate a former employee of the College for emeritus status. The following conditions must apply:
  1. The nominee must be in a retired status, not employed in any capacity at the College at the time of consideration.
  2. The nominee must be retired from full-time employment for at least one year before consideration is given.
  3. The nominee must have completed a minimum of 15 years of cumulative full-time service at CCC&TI.
  
- B. The President will forward the nomination to Executive Council for review and consideration. All nomination requests must be supported by a nomination package developed by the originator which includes rationale for the nomination, including (but not limited to) a chronological work history during the nominee's tenure at the college, specific achievements/accomplishments, and other supporting documentation.
  
- C. Executive Council will review the merits of the request.
  1. If the request warrants consideration, Executive Council will submit their recommendation to the president.
  2. If the request for nomination is denied, Executive Council will return the nomination package to the originator with reasons for the denial.
  3. If denied, the originator may resubmit the nomination package one additional time, but no sooner than six months after the package was initially denied.
  
- D. The President of the College, upon recommendation from Executive Council, will have the following options:
  1. If approved, the President will send the nomination of the Board of Trustees.
  2. If disapproved, the President will send the nomination package back to Executive Council for further analysis with reasons for the denial.
  3. Executive Council will then have the option to resubmit the request to the president or return the nomination package to the originator with reasons for the denial.
  
- E. The Board of Trustees is the sole entity with the authority of conferring emeritus status, and the decision to grant such a request rests solely within its powers. Due to the uniqueness of this prestigious honor, emeritus status must be approved by a majority of the trustees with a quorum present.

- F. The recipient of emeritus status may enjoy many privileges, including (but not limited to) participation in College-related activities (e.g., academic processions, guest attendance at functions/conferences, and holiday gatherings) sponsored by the College and continued use of College facilities (e.g., library, bookstore, and recreation).

**SECTION FIVE: FACULTY AND INSTRUCTION**

## **5.1 Role of Instruction**

### **5.1.1 ROLE OF INSTRUCTIONAL PERSONNEL IN ACADEMIC GOVERNANCE**

#### **I. ROLE OF INSTRUCTIONAL PERSONNEL IN ACADEMIC GOVERNANCE**

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

- A. Have primary responsibility for the content, quality and effectiveness of the curriculum.
- B. Participate in program/department/division level decisions and activities.
- C. Participate in college committees based on the president or designee's appointment.
- D. Participate in a governance body (e.g., Executive Council, College Planning Council, or Faculty Senate), which is designed to provide broad based participation in the college's planning process, educational issues, and other related issues.

#### **II. DUTIES AND RESPONSIBILITIES OF INSTRUCTIONAL PERSONNEL**

Quality instruction is a primary function of Caldwell Community College & Technical Institute (CCC&TI). It is the policy of CCC&TI to place primary responsibility for the content, quality, and effectiveness of its curriculum with the faculty. Instructors exercise this responsibility through their active participation in program/subject area, department, and division meetings; in meetings with advisory committees; in the Faculty Senate; and through institutional committees. It is the direct responsibility of each instructor to provide effective teaching in every class. Each faculty member is encouraged to share any ideas for improving instruction or the curriculum with his/her appropriate director, dean, and/or vice president.

Job descriptions defining teaching, advisement, and other responsibilities for the faculty are provided to instructional staff on an annual basis. Job descriptions are maintained in the Office of Human Resources.

#### **III. STANDARDS FOR CCC&TI INSTRUCTIONAL PERSONNEL**

CCC&TI has expectations of its faculty beyond the minimal academic requirements for employment. These expectations fall into four categories: knowledge of the adult learner, technology, life-long learning, and professional/ethical behavior.

##### **A. The Adult Learner**

All students at CCC&TI are to be considered adults. As adults,

1. they should be respected for the knowledge and experience they do possess, and this knowledge should be viewed as a valuable classroom resource
2. their values and beliefs should be treated with respect; much of the information presented in classes may conflict with their prior experience, and learning may be slowed as students re-evaluate old concepts and integrate new information and values

3. they respond well to application examples and to information for which they see a direct need
4. many are under stress from life-changing events, and instructors should acknowledge their stress and offer assistance in the form of appropriate referrals
5. their rights to privacy and personal dignity should be protected with regard to their classroom performance, grades, and personal information.

**B. Technology**

All CCC&TI instructional personnel are expected to have sufficient technological and information literacy skills as required by the position including accessing information from student information systems, effectively using electronic communications, and navigating learning management systems. Training will be provided as needed to ensure that faculty members remain up-to-date as changes in technology occur.

**C. Life-Long Learning**

Life-long learning is ideally a choice motivated by a love of learning. It is also a necessity created by changing technologies in the workplace and by the changing demands of the marketplace. In both regards, CCC&TI faculty should act as models for students by presenting themselves as active learners, as well as experts in their respective disciplines.

**D. Guidelines for Professional/Ethical Behavior**

As employees of CCC&TI and as professionals, instructors are expected to uphold certain standards of professional and ethical behavior. These standards include, but are not limited to, the items listed below. Any questions concerning these guidelines should be directed to the appropriate supervisor or mentor.

1. commitment to excellence in all work
2. understanding and supporting the mission of the institution
3. behaving in ways that reflect integrity and honesty
4. encouraging student learning
5. adhering to institutional policies and procedures
6. exercising responsible stewardship of resources
7. staying professionally current
8. contributing productively in partnerships and collaborative efforts
9. managing personal life so that overall professional effectiveness is maintained

**E. College Meetings**

Full-time instructors are *required* to attend meetings when called by the chief academic officer and other appropriate instructional administrators. Deans may call department meetings when appropriate.

**F. Advisory Committees**

An advisory committee at CCC&TI is a diverse group of citizens selected from area employers, employees, and students to advise the appropriate college faculty/staff about designated educational programs. Individuals who serve on advisory committees at CCC&TI are appointed by the president and serve on a voluntary basis. Advisory committees generally meet twice per year with the appropriate program areas. Minutes from advisory committee meetings are housed in the Office of the Vice President, Instruction.

**G. Faculty Senate**

The Faculty Senate is an organization through which the instructional personnel of CCC&TI convey their opinions and make recommendations to the administration. The minutes of the Faculty Senate are archived on MyCCCTI Portal.



## 5.1.2 FACULTY SENATE CONSTITUTION

### **Preamble**

Because cooperative relationships between instructors and administrators are essential to the success of our institution, it has been deemed prudent and logical to establish a senate to ensure involvement of faculty in an advisory capacity to the administration.

### **Article I MEMBERSHIP**

**Section 1** Membership of the Faculty Senate will be made up of all full-time and 30-hour part-time personnel of CCC&TI whose duties are primarily instructional. “Full-time” is defined as employment for a nine-month or longer contract. “Thirty-hour part-time” is defined as employment for a minimum of nine months per year and a minimum of 30 hours per week. “Primarily instructional” is defined as having at least one of the following duties: a) teach at least 15 contact hours per week (curriculum faculty), (b) teach an average of 9 to 15 hours per week (continuing education and workforce development faculty), or (c) work at least 51% of the time in classroom-related instructional duties.

Eligibility for membership will be determined by the following procedures.

1. Deans and directors (or appropriate supervisors) will submit nominations for membership in the faculty senate to the Membership Committee in a timely manner (within one month of employment). The Membership Committee includes the faculty senate officers.
2. The Membership Committee will determine if the nominee meets the minimum requirements for membership as stated in Article 1, Section 1.
3. If nominee meets required criteria, nominee's name will be presented at the next scheduled faculty senate meeting for membership approval.
4. The Membership Committee will notify the nominee of membership.

**Section II** Members shall decide by vote any motion before the group or any amendment to this constitution.

### **Article II OFFICERS**

**Section I** The officers of the senate shall be the president, the vice president, and the secretary elected by members of the senate. They shall hold office for one year.

**Section II** The president shall preside at all meetings of the faculty senate; he/she shall appoint members of the faculty senate to college standing committees; he/she shall be the official spokesperson for the faculty between meetings of the faculty senate; he/she shall transmit all records of office to his/her successor.

**Section III** The vice president shall assume all duties of the president (in case of absence or resignation of the president); he/she shall manage any monies obtained by the faculty senate and shall collect money from the faculty senate to support senate-designated activities; and he/she shall perform other duties as the president requests.

**Section IV** The secretary shall keep a record of the proceedings of the faculty senate, provide copies of minutes to each member, and conduct the correspondence of the senate.

**Article III MEETINGS**

**Section I** The faculty senate shall determine at its first meeting of each semester the regular time of meeting for that semester; it will make every attempt to vary meeting times to avoid continued exclusion of members because of conflicts. Any special called meetings shall be limited to the business for which it was called.

**Article IV POWERS**

**Section 1** The senate's delegated powers are advisory powers and operate in areas of educational policies such as the following:

- admission standards
- curriculum revisions
- requirements for degrees and certificates
- class size
- academic calendar
- appointment and reappointment of educational duties
- promotion of faculty and staff
- merit pay and criteria
- duration and time of instructional period
- graduation ceremonies
- vacation schedule
- student recruiting
- student decorum
- social affairs–faculty and student
- advancement and utilization of faculty and staff
- faculty workload
- other matters pertaining to faculty welfare

Since the senate is made up of the faculty, they must support its recommendations and resulting actions. Since the senate is an advisory body, the administration is not necessarily bound to concur with the recommendations, but it is obligated to give them careful consideration and report to the senate approval or disapproval, with justification.

**Article V STANDING COMMITTEES**

**Section I** The Faculty Senate shall appoint representatives to serve on the following college standing committees. The faculty senate president may appoint a designee to represent the senate at his or her discretion.

1. College Executive Council – president of the faculty senate
2. Academic Affairs Committee – six faculty members (3 from college transfer and three from technical areas) of the senate. The faculty senate president will serve as a representative from his or her area.

## SECTION FIVE: FACULTY AND INSTRUCTION

3. Admissions Committee – three faculty members of the senate
4. Financial Aid Committee – one faculty member of the senate
5. Health and Safety Committee – three faculty members of the senate
6. College Planning Council – president of the faculty senate
7. Trustee Students Awards of Merit – one faculty senate member
8. Scholarship Selection Committee – four faculty members of the senate and the faculty senate president
9. Calendar Committee – two faculty senate members from the Caldwell campus and two faculty senate members from the Watauga campus

**Section 2** The faculty senate shall elect members to the following senate standing committees:

1. Student Awards Committee – one faculty senate member from each department plus the faculty senate president
2. Membership Committee – current faculty senate officers

### **Article VI AMENDMENTS**

**Section I** Proposed amendments shall be submitted in writing to the faculty at least ten working days prior to a special election on the amendment.

**Section II** Ratification of an amendment shall require an affirmative vote by two-thirds of the members present.

### **Article VII RULES/QUORUM**

**Section I** The rules contained in *Robert's Rules of Order* shall govern the senate in all cases where they are applicable and in which they are not inconsistent with the special rules of this group. (A quorum consists of twelve members except in the event of special or called meetings where a majority of the total membership will be required.)

### 5.1.3 INSTRUCTIONAL PROGRAMS

The State Board of Community Colleges authorizes CCC&TI to provide the following academic programs:

- A. **Curriculum Programs.** Curriculum programs are organized sequences of courses leading to an associate degree, a diploma or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.
- B. **Continuing Education Programs.** Continuing education programs provide education and training opportunities for targeted audiences. Courses are non-curriculum credit, short-term, and are offered in a variety of instructional delivery modes and locations. Included within continuing education programs are:
  - 1. **Occupational Extension Programs.** Occupational extension courses consist of single courses or a series of courses designed 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. In addition, Human Resources Development (HRD) courses provide skill assessment services, employability skills training and career counseling to unemployed and underemployed adults.
  - 2. **Self-Supporting Programs.** Self-supporting courses are specific courses of interest requested by the community or which serve a special need for the community and college. Self-supporting courses focus on personal or leisure needs rather than occupational or professional employment.
  - 3. **Customized Training Programs.** Customized training programs provide small business training, counseling, and referral services as well as job/company-specific training customized for job growth, technology investment or productivity enhancement.
- C. **Adult Education Programs.** Adult education programs provide courses for students seeking an adult high school diploma, high school equivalency, general education development, or other specific types of education services including adult basic education, English Language Acquisition (ELA), and compensatory education (special populations/Compass).

Legal Reference: 1D SBCCC 200.3

### 5.1.3.1 CUSTOMIZED TRAINING PROGRAMS

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.

Legal Citation: N.C.G.S. § 115D-5.1; 1D SBCCC 500.98

**5.1.4 TENURE AND ACADEMIC RANK**

CCC&TI does not grant tenure to any employee. CCC&TI has no system of academic rank.

### **5.1.5 CURRICULUM DEVELOPMENT**

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.

Legal Reference: 1D SBCCC 400.10

### 5.1.6 CREATING, MODIFYING, OR TERMINATING CURRICULUM COURSES AND PROGRAMS PROCEDURE

Individuals seeking to initiate action to create, modify, or terminate a course or program at CCC&TI must follow the proper channels of approval.

#### A. **New Course, already included in the Combined Course Library**

The procedures for initiating a new course differ according to whether the course is currently included in the Combined Course Library (CCL) or whether the initiator is petitioning for the approval of a completely new offering. If the course is included in the CCL, the initiator follows these steps:

1. Checks to make sure that the course is included in the curriculum standard for the program.
2. Submits the request on academic affairs change form to the dean whose department will offer the course.
3. If approved, submits to the Vice President, Instruction.
4. If approved by the appropriate dean(s) and Vice President, Instruction, the proposal is reviewed by the registrar who forwards the proposal with the appropriate signatures to the Academic Affairs Committee.
5. If approved by academic affairs, the course is forwarded to NCCCS for approval and inclusion in the program of study. It is listed among the course descriptions and the programs of study in the *College Catalog*.
6. If the proposal is not approved at any point along the administrative chain, the proposal will be returned to the initiator with a written explanation by Academic Affairs Committee, the dean, or the Vice President, Instruction.

#### B. **Special Course – Selected Topics**

Occasionally, in response to a particular need, a department may wish to offer a course that has not been validated by NCCCS for inclusion in the CCL. The course must be identified by a subject prefix, the numbers 191-193 or 291-293, depending on the first- or second-year level of the course, and the term “Selected Topics,” followed by the specific title; e.g., ENG 193, Selected Topics/The Romantic Poets. In most cases, selected topic courses are considered one-time offerings. If a course needs to be taught again, the initiator must follow the process outlined under “C. New Course, not included in the CCL.”

#### C. **New Course, not included in the CCL**

Comprised of instructional administrators from throughout the NCCCS, the Curriculum Review Committee (CRC) is charged with maintaining and sustaining the viability of the



CCL. The CRC recognizes its responsibility for assuring that colleges maximize the use of the CCL and voluntarily limit the proliferation of courses throughout the system. The CRC has authority for reviewing requests from individual colleges for the approval of additions, changes, and deletions to the CCL. The CRC meets twice each calendar year, once during the fall and once during the spring semester.

If a proposed new course is not included in the Combined Course Library, the initiator will follow steps above. Then the process continues as described below.

If the new course is approved through all the proper channels, the college submits a request for approval to the CRC, outlined in the NCCCS Curriculum Procedures Reference Manual.

**D. Changes in Existing Courses**

Modifications to existing courses within the “Catalog are limited to changes in local prerequisites or changes in the wording of the fourth sentence of the course description designed to reflect slight differences in instructional emphasis. Data relevant to the revision must be submitted on the academic affairs change form.

Steps outlined above must be followed in proposing changes to local prerequisites or to the fourth sentence.

More substantive changes must be approved by the CRC in accordance with the procedure described in section C, “New Courses, not included in the CCL.”

**E. Course Termination**

Courses are eliminated from the *College Catalog* by the process described in section A, New Courses. If the dean(s), Vice President, Instruction, and Academic Affairs Committee approve deletion of the course from the *College Catalog*, this request for modification to the program of study is submitted to NCCCS for approval.

For additional information on procedures for making revisions to the Combined Course Library, see the NCCCS Curriculum Procedures Reference Manual.

**F. New Programs**

Any employee of the college or any external stakeholder of the college who advocates for creation of a new program should bring the idea before the appropriate dean. If the dean determines the program to be viable, he/she will bring it to the attention of the Vice President, Instruction. After discussion and consideration, the Vice President, Instruction will determine if the proposal warrants further study. If so, the appropriate dean will begin the program planning process. As part of this process, the Vice President, Instruction will notify the NCCCS and all appropriate North Carolina community colleges of intent to initiate the planning process for a new program. If the proposed program receives approval from this group, the dean will draft a curriculum program application which is reviewed by the Vice President, Instruction. As part of this process,

the proposed program of study is also reviewed by the Academic Affairs Committee and the president.

Budgetary considerations should be addressed through annual planning procedures (POA) which allow input at the program, departmental, divisional, and institutional levels. Budget requests are considered at the annual budget retreat.

If the college determines that sufficient funds are available, the proposal is sent to the CCC&TI Board of Trustees. If approved by the CCC&TI board, the curriculum application is sent to NCCCS who forwards the application on to the State Board of Community Colleges. If at any point, a program is rejected, the proposal (along with reasons for disapproval) is returned through the channels to the initiator. In addition to the submission of the program application, the dean will develop a substantive change prospectus for the SACSCOC liaison to submit to SACSCOC in keeping with the CCC&TI substantive change policy.

#### **G. Changes in Existing Programs**

The modification of an existing program parallels many of the steps enumerated in section A *New Courses*. Typically, such changes will include the addition or deletion of a class, changes in which semester a given class will be offered, etc. The person seeking to make changes in the program begins by checking to make sure that the proposed change adheres to the guidelines set forth in the Curriculum Standard for the given program and then follows steps listed above. Data supporting modifications to the program must be submitted on the academic affairs change form.

#### **H. Termination of Programs**

Termination of a curriculum program may be based on an analysis of the following:

1. advisory committee recommendations
2. faculty comments/recommendations
3. student/graduate evaluations/comments
4. employer comments
5. program review
6. cost per FTE
7. accreditation/licensure status (if appropriate)
8. low enrollment

When questions of program viability occur, the dean for the department that offers the program in question will analyze program data, research the level of interest, need, and/or commitment to the program. The Vice President, Instruction will review a summary of findings, comments, and recommendations and will recommend to the president one of four courses of action:

##### **A. Continue the program**

- B. Place the program on probationary status** which allows the program to continue to admit students within a designated time period with increased efforts on marketing and recruitment. Program continuation will be reassessed at the end of this period. At this point, program status may change.
- C. Place program on inactive status** which begins the “teach out” phase of program termination. At this point, the program no longer admits students. Should interest in the program change during this period, the Vice President, Instruction can recommend probationary status for the program. Since the termination of a curriculum program of study is considered a substantive change, the president will inform SACSCOC of the termination of the program of study detailing:
1. Date of closure (date when new students will no longer be admitted).
  2. An explanation of how affected parties (students, faculty, staff) will be informed of the impending closure.
  3. An explanation of how all affected students will be helped to complete their programs of study with minimal disruption.
  4. An indication as to whether the teach-out plan will incur additional charges/expenses to the students and, if so, how the students will be notified.
  5. Copies of signed teach-out agreements with other institutions, if applicable
  6. How faculty and staff will be redeployed or helped to find new employment resources and other assets.

Programs that are placed on inactive status with SACSCOC can be reactivated by sending a notification letter within five (5) years of the initial inactive placement.

**D. Terminate the program**

If the program termination is approved, the appropriate dean submits the academic affairs change form indicating the elimination of the program to the Academic Affairs Committee for review, comment, and/or recommendations. The committee’s comments and recommendations are presented to the Vice President, Instruction for consideration. All program terminations must be approved by the Board of Trustees. Once all segments of the leadership channel approve the termination, the Vice President, Instruction will notify the NCCCS of the final termination status.

Programs placed on inactive or probationary status will be monitored closely.

### 5.1.7 CREATING, MODIFYING, OR TERMINATING CONTINUING EDUCATION COURSES AND PROGRAMS PROCEDURE

Individuals seeking to initiate action to create, modify, or terminate a course at CCC&TI must follow the proper channels of approval.

#### A. New Course, already included in the Combined Course Library

The procedures for initiating a new course differ according to whether the course is currently included in the Combined Course Library (CCL) or whether the initiator is petitioning for the approval of a new offering. If the course is included in the CCL which is found on the NCCCS website, the initiator follows these steps:

1. Ensure the appropriate course is included in the current CCL.
2. If included in the current CCL, it is available for immediate use upon approval by the direct supervisor, director, and/or dean.
3. The CCL course number and description will then be used to schedule the course.

#### B. New Course, not included in the CCL

If a proposed new course is *not* included in the Combined Course Library and there is nothing similar to copy (COCO) the course from, the initiator will proceed with the following:

1. Confirm the course is not included in the current CCL by going to the NCCCS website to research for similar courses.
2. Submit the request to include the course title, course description, contact hours, program area, funding source, and projected start and end dates to the dean and Vice President, Instruction recommending a new course be created.
3. If approved, the proposal is forwarded to the continuing education office manager for electronic submission to NCCCS. In addition, the office manager will mail a hard copy with appropriate signatures to the NCCCS.
4. The continuing education office manager notifies appropriate NCCCS employees once a proposed new course is submitted electronically.
5. If approved by NCCCS and the state board, CCC&TI is notified and the new course will be included in the current CCL.
6. The program may be offered for 90 days while waiting for approval from the system office.

7. If the proposal is not approved at any point through the process, the proposal will be returned to the initiator with a written explanation from the dean or Vice President, Instruction.

**C. Changes/Modifications to Existing Courses**

Changes/modifications to existing courses within the *College Catalog* may include increase/decrease in contact hours, change in course title, and/or course description.

Steps 2–7 outlined above must be followed in proposing modifications to existing courses.

**D. Course Termination**

Continuing education courses are not terminated in the CCL system by request of an individual college. Courses are eliminated or marked as obsolete only by NCCCS personnel. Proper notification is emailed to each college prior to elimination or marking as obsolete to ensure the appropriate amount of time is given to cycle through the use of the course number.

**E. New Course(s)**

Any employee of the college or any external stakeholder of the college who advocates creation of a new course should bring the idea before the appropriate director, dean and/or Vice President, Instruction. If the director, dean, and the Vice President, Instruction determines the course to be viable, he/she will bring it to the attention of the president to determine what the next step should be depending on the specifics of the course and funding requirements. The program area expansion may warrant the research to include the program area in the planning process and begin addressing the need through the annual plan of action (POA) which allows input at the program, departmental and institutional levels. At the annual planning retreat, Executive Council will determine whether to proceed with the program area funding.

If at any point, a course(s) is rejected, the proposal (along with reasons for disapproval) is returned through the channels to the initiator.

**F. Termination of Courses at the Local Level**

Termination of a local course may be based on an analysis of the following:

1. advisory committee recommendations
2. faculty comments/recommendations
3. student/graduate evaluations/comments
4. employer comments
5. program review
6. cost per FTE
7. accreditation/licensure status (if appropriate)
8. low enrollment

## SECTION FIVE: FACULTY AND INSTRUCTION

When questions of a course's viability occur, the director and dean will analyze course data, research the level of interest, need, and/or commitment to the course to determine whether to schedule additional course offerings. A recommendation will be made as to the continuation of the course to the Vice President, Instruction. The Vice President, Instruction will review a summary of findings, comments, and recommendations and will recommend to:

1. continue the course
2. place the course on inactive status
3. discontinue the course(s)

Courses are reviewed annually by NCCCS to determine their status on the CCL.

### 5.1.8 INSTRUCTIONAL SERVICE AGREEMENTS

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.

Legal Reference: 1D SBCCC 400.7

### **5.1.9 ACADEMIC ADVISING**

The Vice President, Student Services shall supervise the College's academic advising system. All instructional faculty are expected to participate in academic advising each semester including advisor training. 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 prerequisites, and the College's academic program offerings.



**5.1.10 ACADEMIC TERMS****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 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 of Community Colleges 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 of Community Colleges Code.

Legal Reference: 1G SBCCC 100.1, 200.93; CC17-017

### 5.1.11 FTE REPORTING

The College shall follow the requirements and provisions for calculating and reporting FTE for curriculum, continuing education and other applicable classes/programs, as proscribed in the State Board of Community Colleges Code.

Contact hours are defined as:

Contact hours are calculated based on the actual number of hours a student attends the course. Actual hours of attendance are recorded on the appropriate attendance record by the instructor. The total per student is keyed accordingly into Colleague. Classwork is lecture and other classroom instruction. Classwork must be under the supervision of an instructor. Contact hours are used for multi-entry/multi-exit classes such as labs and for all adult education classes, both seated and online. Online hours must be documented with an approved management system report with a time stamp showing student hours of engagement as well as work completed.

Membership hours are defined as:

Membership hours are calculated based on the intent that each student is expected to be in attendance for every hour scheduled. Membership hours for FTE purposes are calculated by the number of students officially enrolled and in attendance at the 10 percent point of the course multiplied by the total number of course contact hours. All coursework must be under the supervision of an instructor.

Legal Reference: 1G SBCCC 100.99; CC17-017.

## **5.2 Faculty and Instruction**

### **5.2.1 INTELLECTUAL PROPERTY**

The College encourages the development, writing, invention, and production of intellectual property designed to improve the productivity of the College and/or to enhance the teaching and learning environment. The College also 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, may not use College resources to commercialize or publish a work nor may they use or request the use of College resources to duplicate or make transportable such works. Any deviation from this policy must be requested in writing and approved by 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 the 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 6.28 – Student Grievance. 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.

**5.2.2 INSTRUCTIONAL MATERIAL SELECTION**

- A. Overall responsibility for seeing that instructional materials are ordered in a timely manner rests with each academic dean.
- 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. This procedure is discussed further in Section 6.
- C. Requests for textbooks are to be made as soon as possible. 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.

### **5.2.3 INSTRUCTIONAL PERSONNEL QUALIFICATIONS**

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.

Legal Reference: 1C SBCCC 300.3

### 5.2.4 FIELD TRIPS

Field trips are considered a very important aid in the communication of knowledge, ideas, and understanding to students.

The following procedures apply to all field trips:

#### A. Planning

1. Field trips are to be planned in advance by submitting a Field Trip Form to the appropriate supervisor for approval prior to the field trip.
2. The site visited should be engaged in practices which demonstrate something related to the subject matter being covered.
3. All arrangements are to be made in advance of the trip.
4. Transportation shall be arranged by the responsible party. 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.
6. For overnight travel, out-of-state travel, or other special action, a Travel Authorization Form must be submitted along with the Field Trip Form.

#### B. Voluntary Educational 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 President prior to the College soliciting staff or students to participate.
3. The College, either directly or through a third-party travel agency, may charge students and employees participating in the trip the actual cost of all travel expenses, including but not limited to: transportation, lodging, food, travel insurance, taxes, activities and tours, and administrative costs. The College shall have no obligation to refund, in whole or in part, any participant for any amount of money paid directly to the College or a third party for a trip that is cancelled or postponed for any reason. If the College collects and holds money for an authorized trip and that trip is cancelled by the College, the College shall reimburse participants any remaining funds held in the trip account.



## SECTION FIVE: FACULTY AND INSTRUCTION

4. All trip participants are expected to sign a waiver releasing the College from liability for any injury or loss occurring during a trip.

### 5.2.5 CLASSROOM PROCEDURES

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.
- B. **General Housekeeping** – Prospective students, 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. Classrooms are to be used for instruction and College-approved meetings only. The allowance of food and drinks in classroom is at the discretion of the instructor. Food and drinks are prohibited in all computer labs. Smoking and the use of smokeless tobacco products are prohibited in all College buildings, facilities and grounds.
  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, 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.
  - E. **Professional Appearance** – Instructors should always present a professional image.

- F. 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.
  5. Students without authorization are prohibited from using equipment and machinery.
  6. Long hair must be tied at the back and placed under a hat or some type of covering while working in any of the vocational shops.
  7. Protective eye devices should 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.
  10. All instructional personnel on campus are required to participate in safety/emergency drills.

- G. 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. Damaged and missing equipment should be reported to the employee's supervisor. New equipment must be inventoried 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.
- H. Miscellaneous** –
1. **Instructor Absences**  
When an instructor is unable to attend his/her class for any reason, he/she must inform the appropriate supervisor immediately so arrangements may be made for a substitute or other appropriate procedures. **Instructors (both full- and part-time) must notify the appropriate supervisor in writing of the absence even if they have made their own arrangements for substitutes.** In all cases, substitutes must be qualified and competent and must be acceptable to deans and other College officials.
  2. **Off-Campus Meetings**  
Administrative staff and full-time instructional personnel should notify the appropriate administrative support personnel when there is reason to be away from the campus during the normal work day. Information should be left where the individual may be reached and when that individual will return to the campus.
  4. **Course Outlines**  
Students must receive a course outline within the first week of class. Course outlines are reviewed each semester, are approved by the appropriate dean, and must follow the College standard format, which includes the following headings:

## SECTION FIVE: FACULTY AND INSTRUCTION

- a. course description
- b. related program and student learning outcomes
- c. textbook, related program and student learning outcomes
- d. course outcomes
- e. attendance
- f. course grading system
- g. assignments/requirements
- h. course sequence
- i. resources available

Each semester, instructors must submit copies of their official course outlines to the appropriate dean and/or program director/coordinator and faculty administrative assistant who archives course outlines on MyCCCTI Portal. Any deviation from the above-listed procedures must have approval of the Vice President, Instruction, dean, or director/coordinator.

- I. **Classroom Breaks** – To facilitate a climate conducive to learning, breaks should be scheduled in class sessions. Breaks should be scheduled based on ten minutes for each hour of instruction. Breaks for one contact hour may be taken at the end of the first 50 minutes. Any exception to these guidelines must have the approval of the dean.

### **5.2.6 ACADEMIC FREEDOM**

Academic freedom is fundamental for the protection of the rights of the instructor in teaching and of the student in learning. CCC&TI conducts its programs for the combined good of the individual and not to further the interest of either the individual instructor or the College as a whole. CCC&TI is dedicated to the exchange of knowledge, the development of skills, confidences and understandings, and to the nature of those personal and intellectual habits and attitudes which are peculiar to responsible individuals in a free, open, democratic society. The Board of Trustees, therefore, shall ensure and protect academic freedom in the College. The board shall also require the exercise of responsible judgment on the part of personnel of the College as they exercise academic freedom in accomplishing the objectives of the College.

### 5.2.7 CURRICULUM FACULTY WORKLOAD

A regular weekly workload for a full-time faculty member is defined as a minimum of thirty-six (36) hours in direct service to the institution. These thirty-six (36) hours may include, but are not limited to, direct instructional hours, office hours, travel time (to and from scheduled classes, labs, etc.), instructional preparation time, academic advisement, and committee assignments. Instructors are required to be on-campus or at an approved alternate location for at least twenty-seven (27) hours per week, Monday through Friday, and allows flexible scheduling for the remaining nine (9) hours.

A regular full-time teaching load will be considered 15 to 22 contact hours per semester. Contact hours for a class that is team-taught will be calculated based on the number and type of instructional hours assigned to each faculty member teaching the class.

Directors, coordinators, and deans will have primary responsibility for ensuring that full-time faculty members in their areas are assigned appropriate teaching loads each semester. The Vice President, Instruction must approve, in writing, any semester teaching load for a full-time faculty member that is less than 15 hours. However, before requesting such an assignment, the dean will make efforts to assign classes in other curriculum departments, continuing education, or business and industry.

Directors, coordinators, and deans will have a reduction in workload as approved by the Vice President, Instruction to accommodate their additional duties. The president of the faculty senate should be assigned an average teaching load of 12–15 contact hours during their term of office. Reductions in teaching load will not be considered in times of limited College funding or when a qualified teaching replacement cannot be obtained.

Additionally, a minimum of nine (9) office hours are required weekly, unless otherwise authorized by the area dean or Vice President, Instruction. Office hours should be held in no less than thirty (30) minute intervals and may be achieved through a variety of in-person and virtual options. In person office hours must be held on at least four (4) individual days in a week.

On days when classes are in session, instructors are required to be on campus for scheduled class meetings and office hours. When classes are not in session, faculty are expected to observe their normally posted schedule unless on leave. When absent for an entire or partial duty day, faculty should submit leave for the hours they would normally work based on their posted schedule. It is left up to the instructor's professional discretion to know when to spend additional time in preparation or other institutional activities.

#### **Overload Payment**

In order to take full advantage of specialized teaching and administrative skills of institution employees, the President is authorized to develop and implement uniform procedures for paying approved employees for contracted teaching or other highly specialized assignments over and above established workloads and/or during official vacation periods.

Instructional overload payments will be considered when a full-time faculty member's assigned load exceeds 22 contact hours for a semester. Instructional overloads and corresponding part-

## SECTION FIVE: FACULTY AND INSTRUCTION

time instructional contracts must be approved by the appropriate instructional dean, the Vice President, Instruction, and the Chief of Staff prior to the start date of the instructional contract. In the interest of maintaining instructional quality and respecting the life/work balance of faculty, overloads exceeding 8 contact hours are strongly discouraged. Instructional deans and coordinators will make every effort to equitably distribute teaching assignments in their areas in order to meet enrollment needs while maintaining instructional quality and minimizing instructional overloads whenever possible.

If the overload assignment is in the currently assigned area of responsibility, the instructor's hourly rate will be used to determine the overload payment. If this rate is determined to be less than what the individual would earn at the adjunct rate, the adjunct rate will apply.

If the overload opportunity is in an area of responsibility other than their assigned area, the employee must submit the Secondary Employment Approval Form for approval of the additional workload. Once the form is received in Human Resources an appropriate rate of pay will be determined.



## 5.2.8 FACULTY EVALUATION

### **Full-Time Faculty**

All full-time faculty participate in an annual performance evaluation. Its primary purpose is the review and evaluation of the employee's job performance. It is to be completed in conjunction with all probationary reviews and annual performance reviews. A completed evaluation form may also be used as an objective basis for making personnel decisions, determining merit increases/bonuses, identifying training needs, and validating selection procedures.

Performance evaluations occur during the first quarter of the calendar year and are due in the human resources office no later than April 1. Prior to the annual evaluation, the instructor and the instructor's supervisor schedule a time to meet to discuss the instructor's job description and primary job responsibilities, to assess progress toward the achievement of objectives for the current year, and to set specific employee-oriented goals and objectives for the upcoming year. The instructor completes a self-evaluation for review during the evaluation conference; also during this conference, the results of course evaluations are reviewed and analyzed. Prior to and/or during the meeting, the supervisor prepares a written Job Description/Performance Evaluation and discusses the contents with the employee. At the conclusion of the evaluation meeting, the faculty member has opportunity to present any relevant comments in writing. A generic Job Description/Performance Evaluation for full-time faculty and part-time faculty employed 20 hours or more is available through Human Resources. This document serves to outline the published criteria against which the faculty member is evaluated.

During the course of the semester, another faculty member, the coordinator/director, the dean, or chief academic officer may visit classes. This observation is designed to provide support and the professional contact necessary to help assure quality instruction.

### **Part-Time Faculty**

Part-time faculty are evaluated according to the following process:

Before the term begins, the part-time faculty member submits a course outline for each course he/she is teaching for review and evaluation by his/her immediate supervisor. Concerns about content, requirements, or other matters are immediately addressed by the supervisor.

Courses taught by part-time faculty are evaluated according to the system described below.

At least once during each academic year, the program director/coordinator, the dean, or designee observes the part-time faculty member as he/she conducts class. In the case of distance learning courses, the appropriate supervisor "visits" the part-time faculty member's class via the learning management system (LMS). The observer completes a classroom evaluation form that defines the criteria against which the part-time faculty member is evaluated. After reviewing and analyzing the results of the course evaluations and classroom observation, the program director/coordinator or dean provides the faculty member with written comments and an evaluation conference. The faculty member is invited to make written comments to the evaluation and/or to suggest strategies for improving instruction in his/her subject area.

The evaluation packet with evaluation of classroom instruction, and conference notes (signed by the instructor and supervisor) is reviewed by the appropriate dean and Vice President, Instruction and filed the office of the office manager, curriculum instruction.

### **Course Evaluation Procedure**

Course evaluations are designed to improve course content, format, and delivery at CCC&TI. The purpose of these evaluations is to provide feedback to instructors regarding course content. The ultimate goal of this process is to improve student learning. The integrity of the process rests upon the confidentiality of students' ratings. If the results are to be meaningful, students and faculty must be guaranteed that the results remain confidential.

The principal purpose of the course evaluation process at CCC&TI is to provide a climate for all instructional personnel to reach their maximum professional potential and improve their course content and instructional practice in ways that enhance student learning. Course evaluations

- encourage students to anonymously express their opinions about the effectiveness of the instructional environment at CCC&TI;
- contribute to instructors' ability to evaluate the strengths and areas of improvement for their courses; and
- create a college-wide system of feedback about instruction for faculty.

The Office of Accountability and Strategic Initiatives is available to provide advice on developing, administering, and interpreting course evaluation reports.

In keeping with best practices of course assessment, all CCC&TI courses will be evaluated.

### **Evaluation Instrument**

CCC&TI uses a standardized questionnaire to gather student feedback on the effectiveness of the course and the instruction. This questionnaire has been developed by the Teaching Excellence Team (TET) and approved by Instructional Council. The questionnaire was presented to Faculty Senate for input and information.

### **Administration**

The Office of Accountability and Strategic Initiatives administers course evaluations electronically through the CCC&TI Learning Management System. While student participation is voluntary, students receive popup reminders until they have completed the survey or until the survey has closed. Student responses and comments are held in strictest confidence. Course evaluation administration logistics include the following:

- All courses will be evaluated using online course evaluation software and disseminated through email and the LMS. Special circumstances will be handled on a case-by-case basis.
- Communication to students regarding policy, procedures, and delivery and communication to faculty regarding the policy, procedures, software, FAQs, and understanding evaluation reports;
- Electronic administration to gather student feedback will include multiple administrations during the term;
- Summer semester administration will be available based on specialized need through special request;

## SECTION FIVE: FACULTY AND INSTRUCTION

- Administration of course evaluations will remain open for two (2) weeks and will end at midnight on the night prior to grades being due;
- Identification of courses with low response rates will be monitored by Office of Accountability and Strategic Initiatives staff to ensure adequate student participation;
- Courses that are designated as work-based learning (WBL) and independent study will be excluded from the administration process;
- Courses that have five (5) or fewer students enrolled will not receive an evaluation report;
- Course evaluations comments will not be censored by Office of Accountability and Strategic Initiatives; and
- Office of Accountability and Strategic Initiatives will provide specialized training for program directors and program coordinators on how to analyze and interpret course evaluation reports.

### **Results**

Results from course evaluations will be available to instructors, directors/coordinators, and deans following the end of each semester, once grades have been submitted. The Course Evaluation Report will be available electronically and should be downloaded and saved by instructors and administrators. Please note that Office of Accountability and Strategic Initiatives will not censor comments, summarize data from individual course evaluations, nor create specialized aggregated data reports across instructors, courses or semesters. Office of Accountability and Strategic Initiatives will provide guidance on how to use functions built within the reporting system that allow instructors to view their course evaluations in aggregate form.

### **Revision Responsibility**

The chief academic officer, working with the Office of Accountability and Strategic Initiatives, will review these procedures annually. Any revisions to this process will be presented to Faculty Senate for information.

### 5.3 Academic Integrity Policy

It is the responsibility of every student, staff member, and instructor at CCC&TI to maintain the highest standards of academic integrity. For this reason, the college will not tolerate any instance of cheating, plagiarism, or any other act that violates standards necessary to maintain academic honesty.

Violations of the college's Academic Integrity Policy include cheating, plagiarism, conspiring, and deception.

1. Cheating is taking, possessing, or using any academic material without permission, including but not limited to
  - test information including test banks, notes, and online resources
  - receiving or giving help during tests, including online tests
  - copying or attempting to copy another person's paper, exam, assignment, or other graded work
  - allowing another to copy such paper, exam, or graded work
  - sharing or using information from an online sharing site

In addition, unauthorized use of any electronic devices, such as cell phones, smart watches, ear buds, or headphones, during a testing situation may be in violation of the policy.

2. Plagiarism is taking another person's work or ideas, published or unpublished, and submitting it as one's own, including but not limited to
  - copying a phrase, sentence, or passage from another's work and not identifying or citing the source
  - using information from a source and failing to cite the source fully
  - paraphrasing or summarizing inadequately
  - submitting a paper, in whole or part, written by another
3. Conspiring is attempting to help another person commit an act of academic dishonesty, including but not limited to
  - distributing test questions or substantive information about test content
  - intentionally allowing another to copy from one's paper during an examination or test
  - collaborating on academic work—such as online, on campus, and take-home tests, quizzes, and assignments—without an instructor's explicit permission
  - taking an examination or test for another student
  - signing another name on an academic exercise or attendance roster

It is the students' responsibility to seek clarification from their instructor when there is a question about collaboration on an assignment or test.

4. Deception is providing false information, including but not limited to
  - intentionally lying to college personnel

## SECTION FIVE: FACULTY AND INSTRUCTION

- trying to impede an investigation
- failing to provide accurate and clear information when asked

Violations of this policy may result in failure of the course and academic probation for one semester. Subsequent violations are likely to result in suspension or expulsion from the college. Any student who disagrees with the penalty associated with violations of the Academic Integrity Policy may file an appeal in accordance with the college's Grade Appeal Procedure as outlined in the College Catalog and Student Handbook.

## **5.4 Instructional Credits**

**5.4.1 AWARDING CURRICULUM CREDIT FOR PRIOR LEARNING**

In cases where the learning outcomes of a current, CCC&TI continuing education course or industry-recognized credential/prior learning experience align with the learning outcomes of a curriculum course(s), credit may be given. These courses and credentials must be pre-approved by the appropriate program coordinator/director, dean, and chief academic officer. Students wanting to receive credit for industry-recognized credentials or CCC&TI continuing education courses should contact Student Services to determine if a credential or continuing education course qualifies for academic credit.

Students who receive continuing education training at CCC&TI may request curriculum credit for approved courses under certain conditions as listed below.

1. The continuing education course requires at least the same student learning outcomes as the curriculum course as documented on the course syllabus.
2. The continuing education course is comparable in hours of instruction to the curriculum course as documented on the course syllabus.
3. The credentials of the continuing education course instructor meet the CCC&TI Faculty Credential Policy for the equivalent curriculum course.
4. The continuing education course requires assessment of coursework using metrics comparable to the equivalent curriculum course, evaluation of performance by exam, and attendance as documented on the course syllabus.
5. Only CCC&TI continuing education courses that have been preapproved by the appropriate academic department will be considered for curriculum credit equivalency. Only continuing education units with a satisfactory or equivalency to a grade of “C” that have been earned within the last five years as documented on a CCC&TI transcript will be considered.
6. No more than 75% of a degree, diploma, or certificate may be earned with continuing education units that have been accepted for curriculum credit; the final 25% of any credential must be earned by completing curriculum education credit courses.
7. Students requesting curriculum credit must meet admission requirements, be admitted into an associate in applied science degree, diploma, or certificate program of study, and be currently enrolled in at least one curriculum course in the degree program past the census date (10% date of the semester).
8. No course substitutions are permitted. These continuing education courses will only be applied to their curriculum equivalent and may not be used to substitute for required coursework in any program.

**ADDITIONAL NOTES REGARDING CONTINUING EDUCATION TO CURRICULUM CREDIT**

1. Students who register for curriculum courses will pay curriculum tuition and fees. Students who register for continuing education courses will pay continuing education registration and other applicable fees. Students may not change their registration type beyond the posted schedule adjustment period.
2. Students who register for curriculum credit may be eligible for federal financial aid and/or veteran’s benefits. In most cases, students who register for continuing education units are not eligible for federal financial aid and/or veteran’s benefits. Students will not

be awarded financial aid for continuing education courses converted to curriculum credit retroactively.

3. When continuing and curriculum education classes meet simultaneously with the same instructor, the instructor will complete and submit both continuing education and curriculum education attendance and final grade rosters. Continuing education students will earn a grade that represents satisfactory completion of all coursework at a level corresponding to a “C” or higher in the equivalent curriculum course. Curriculum students will earn letter grades as detailed in the *College Catalog* and outlined in the course syllabus.
4. When continuing education students are participating in a continuing education course that is approved for potential curriculum credit equivalency, instructors will assign a grade that represents satisfactory completion of all coursework at a level corresponding to a “C” or higher in the equivalent curriculum course
5. Students who attempt the curriculum course and fail may not request articulated credit for the comparable continuing education course.

This procedure for granting curriculum credit for continuing education courses is effective beginning with the spring 2018 semester.



#### **5.4.2 CREDIT BY EXAM**

A student wishing to receive credit by examination must petition the dean under whom the course is offered. If the dean deems the course suitable for credit by examination, the student may receive permission to take the examination developed by the dean and appropriate instructors. The dean will decide the appropriate score demonstrating competence in the course. No fees will be charged unless the student attends class.

### 5.4.3 AWARDING CREDIT HOURS

#### **Procedure for Awarding Credit Hours**

CCC&TI awards credit hours for courses and programs based on the definition of credit hours contained within the State Board of Community Colleges Code (SBCCC).

Specifically, credit hours are defined as:

- Credit of one semester hour is awarded for each 16 hours of “class work.” Class work is lecture and other classroom instruction. Class work is under the supervision of an instructor.
- Credit of one semester hour is awarded for each 32 hours of “experiential laboratory work.” Experiential laboratory work means instruction given to a student by an instructor to increase the student's knowledge and skills without immediate student application.
- Credit of one semester hour is awarded for each 48 hours of “faculty directed laboratory work.” Faculty directed laboratory involves structured and coordinated demonstration by an instructor with immediate student application.
- Credit of one semester hour is awarded for each 48 hours of “clinical practice.” Clinical practice is a structured, faculty-directed learning experience in a health sciences program which develops job proficiency. Clinical practice requires significant preparation, coordination, and scheduling by the faculty and is under the supervision of an instructor or preceptor who is qualified for the particular program.
- Credit of one semester hour is awarded for each 160 hours of “work experience” such as cooperative education, practicums, and internships. Work experience involves the development of job skills by providing the student with employment that is directly related to, and coordinated with, the educational program. Student activity in work experience is planned and coordinated by a college representative, and the employer is responsible for the control and supervision of the student on the job.

Legal Reference: 1D SBCCC 400.1

#### **5.4.4 INDEPENDENT STUDY**

A student may apply to take a course on an independent study basis when it is listed in the *College Catalog* but is not being offered during the designated semester. Permission must be obtained from the dean responsible for the course before the student may register for the course.

An independent study request form is submitted to the dean for approval. If the request is approved, the Executive Director, Enrollment Management processes the request form and the student registers for the course.

### **5.4.5 CURRICULUM COURSE REPEAT**

When a student repeats a course, the best grade is recorded as the final grade for the course and is used in the student's grade point average. Students may take a course a total of three times, including courses for which they have received transfer credit, withdrawals, and audit.

Exceptions to this policy must be approved by the appropriate academic advisor, and the Vice President, Instruction. Exceptions to this policy include the following:

- special disabled condition
- change in technology
- student failure of a course or to improve a grade
- for additional student improvement and learning

Veterans are advised that they cannot receive VA benefits for courses previously passed.

The CCC&TI course repeat policy does not apply to Continuing Education and Adult Education students.



## 5.5 Attendance

Students are expected to attend all regularly scheduled classes. However, it is recognized that occasional absences may be necessary. A student who misses class is responsible for all work missed and is expected to be prepared for the next class. Academic departments establish their own class attendance policies; however, in most cases, students are dropped after missing 20 percent of class. The instructor will explain the attendance policy at the first class meeting. Students who have not attended at least one class by the ten percent date will be dropped by the instructor as *never attended*.

At the end of the course, instructors must record final grades as directed. Faculty members are expected to maintain an archived record of how final grades are calculated. These records must be turned in to the appropriate dean at the conclusion of employment. Instructional deans are responsible for clarifying specific procedures for maintaining class records including attendance and grade reports to all part-time and full-time instructors.

**5.5.1 ABSENCES DUE TO RELIGIOUS OBSERVATIONS PROCEDURE**

Pursuant to G.S. 115D-5, students may request two excused absences per academic year for religious observances. Students shall be given the opportunity to make up tests or other work missed as required by this statute.

Detailed instructions and appropriate forms are available in Student Services.

### **5.5.2 INCLEMENT WEATHER CLASS MAKE-UP PROCEDURE**

In accordance with numbered memo CC11-001 from NCCCS, CCC&TI is obligated to deliver the instruction for which students pay tuition and fees. Curriculum classes that are missed or not held for any reason, including inclement weather or other emergency events, should be rescheduled whenever possible.

CCC&TI has determined that up to 20% of seated courses missed could be made up by other alternatives including extra assignments, individual conferences, etc. In some instances, but not limited to, the college may choose to add additional minutes to the current class schedule, utilize student breaks as instructional make-up days, or extend the length of the semester in order to meet instructional obligations.

In all circumstances, the college must be able to document how any instructional time that was not rescheduled was made up in order for the class hours to be reported for budget FTE reimbursement



**5.5.3 ABSENCES FOR MILITARY SERVICE PROCEDURE**

The college shall allow any enrolled student who is in the United States Armed Forces who has received temporary or permanent reassignment 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.

Legal Reference: 1C SBCCC 500.1 and CC17-048

## **5.6 Adult, Continuing Education, and Workforce Development**

### 5.6.1 ADULT, CONTINUING EDUCATION, AND WORKFORCE DEVELOPMENT ACCOUNTABILITY AND INTEGRITY PLAN

#### Policy

Caldwell Community College and Technical Institute (CCC&TI) will maintain appropriate internal auditing and accountability procedures for Adult, Continuing Education, and Workforce Development programs. All procedures will be consistent with recommendations of the North Carolina State Board of Community Colleges and the mission of the college.

#### Purpose

CCC&TI, in accordance with the North Carolina State Board of Community Colleges Code (1D SBCCC 300.4), is mandated to provide an internal program accountability plan and to review programs to ensure that training is relevant to the workforce, responds to training needs, and utilizes state funds responsibly. The plan is comprised of three (3) components that establish goals and plans for meeting those goals: Accountability in Governance, Academic Integrity and Program Accountability, and Accountability in Market Forces.

#### Oversight

This plan will be monitored and reviewed annually, and reviewed every three (3) years by the CCC&TI Board of Trustees.

#### Accountability in Governance

**Goal 1:** Demonstrate accountability and credibility of operational functions.

**Plan:** A. Identify and establish authority for roles and functions responsible for operations, program development, policy creation, and fiscal management.  
B. Develop written processes for core reporting requirements for accuracy and consistency.

**Goal 2:** Demonstrate operational accountability for data reported for state budget allocations.

**Plan:** A. Perform regular internal audits to ensure no material findings identified in annual review of records.  
B. Respond effectively to non-compliance issues identified in biennial internal audit of records.

**Goal 3:** Demonstrate accountability to performance benchmarks aligned with state and federal agencies.

**Plan:** A. Develop a written process to align course standards with state and federal best practices.  
B. Develop work teams to focus on NCCCS Performance Measures.

#### Academic Integrity and Program Accountability

**Goal 1:** Prove program relevance, rigor, viability, and student success through an established program review process.

**Plan:** A. Analyze program/course criteria to attain relevant licensure, credentials, and/or to demonstrate course completion requirements.  
B. Align student-learning outcomes to actual student learning culminating in demonstration of competency and/or attainment of licensure or credentials.

C. Continue to monitor requirements by outside governing agencies and align all course content.

**Goal 2:** Validate specific course criteria to attain relevant license, credential, or course completion.

**Plan:** A. Review student evaluations to determine course relevancy improvements.  
B. Examine employer evaluations and feedback to ensure alignment of employment needs with program outcomes.

**Goal 3:** Ensure credentialed, informed faculty deliver quality courses/programs.

**Plan:** A. Authenticate instructor credentials to ensure delivery of relevant, quality training through effective instructional methods.  
B. Formalize processes to ensure instructor credentials are current.

### **Accountability in Market Forces**

**Goal 1:** Demonstrate collaboration with workforce and economic development entities to leverage resources and strengths.

**Plan:** A. Collaborate with workforce development boards and economic development groups in planning and development of training programs supporting industry sectors identified in labor market data and industry growth.  
B. Ensure that education/workforce partners collaborate to identify strategic solutions for current and future workforce needs.

**Goal 2:** Demonstrate proactive and reactive response to industry training needs.

**Plan:** A. Establish tools to respond actively to training needs through an effective response to industry training based on industry standards and documented business needs.  
B. Partner and participate in workforce development, economic development and chamber meetings/events to gather data and information for development of relevant workforce training.

**Goal 3:** Demonstrate the development of a quality workforce prepared to succeed in employment by leveraging employability skills across training programs.

**Plan:** A. Collaborate with all internal and external partners to provide students with a comprehensive training pathway to enable students to succeed in the current and future workforce.  
B. Develop training programs affecting employability of workforce.

## 5.6.2 ADULT, CONTINUING EDUCATION, AND WORKFORCE DEVELOPMENT CLASS VISITATION PLAN

### Overview

The Class Visitation Plan is an integral part of the college's commitment to provide the highest quality educational courses in accordance with its mission. The functions of the plan are accomplished by a systematic and disciplined approach of evaluation while maintaining the highest level of respect, integrity, competence and service.

### Definitions:

**Off Campus:** Defined as a class held in a location not owned or leased by the college or held in a center that is not under the supervision of a resident supervisor/director who is on-site during the entire instructional period.

**Distance Education:** Class offered through distance education technology (Internet or telecourse) and which does not physically meet on campus for at least half of the time scheduled.

### Course visitation procedure

- A. The instructor's supervisor or designee is responsible for visiting and evaluating new instructors during their first teaching assignment and 25% of all on-campus and off-campus ACEWD courses each semester, with the following exceptions:
  1. Occupational courses that meet for twelve (12) hours or less, verified by student registration and signature.
  2. Self-support courses.
  3. Self-support community service courses (personal enrichment courses).
- B. All class visits will be documented, with documentation filed in the appropriate vice president's office. An annual report will be available for review for state compliance visits.
- C. Fee Waiver Eligible Course Review: The instructor's supervisor or designee is responsible for randomly selecting and reviewing courses that are eligible for fee waivers and maintaining the appropriate documentation.
- D. Distance Learning Course Review: The instructor's supervisor or designee is responsible for randomly selecting and reviewing online ACEWD courses and maintaining the appropriate documentation.
- E. Non-traditional Scheduled Course Review: The instructor's supervisor or designee is responsible for randomly selecting and reviewing courses that are scheduled to meet non-traditional or irregular hours and maintaining the appropriate documentation.
- F. Random Student Review: A college representative, as warranted, may contact a random sample of students registered in courses.

**SECTION SIX: STUDENT SERVICES**

## 6.1 General Admissions Policy

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

### 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.

Provisions with respect to admissions of high school students under concurrent enrollment regulations outlined in the Curriculum Procedures Manual Section 14 Career & College Promise and are set forth in the State Board of Community College Code 1D SBCCC 200.95 and 1D SBCCC 300.99. 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. 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 5.2 – General Admissions.

### II. Undocumented Immigrants

An undocumented immigrant is any immigrant who is not lawfully present in the United States. The college shall admit undocumented immigrants under the following conditions:

- a. Community colleges shall admit an undocumented immigrant only if the individual has earned a High School Equivalency Diploma or attended and graduated from a United States public high school, Adult 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.

Furthermore, graduation from a CCC&TI program alone does not guarantee that the student has met all eligibility requirements for licensure, certification, or registry required in order to practice in the related field. Prospective students should contact the appropriate agency prior to enrollment if they have any questions concerning their eligibility for credentialing examinations and legal ability to practice.

### **III. 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. The list of states CCC&TI is authorized to provide instruction for is on the [Out of State Student Information](#) page on the college website.

Admission of applicants residing outside of North Carolina to an online degree, diploma, certificate program or individual online courses offered by the College is dependent on the College's ability to secure authorization from the applicant's state of residence. The College reserves the right to refuse admission to distance learning courses and programs for any applicant residing in a state where the college is not authorized to provide post-secondary education. State authorization does not affect the cost of attending the College. Tuition requirements, including those for out-of-state students, still apply.

### **IV. 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.  
Reference Procedure



**V. Health Science Programs**

Health Science programs have additional admissions requirements for admission. Interested students should contact the Coordinator of Health Science Admissions for additional information. Clinical space limits the number of students accepted each year. Reference Procedure

**VI. High School Enrollment**

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. Reference Procedure

**VII. International Students**

CCC&TI is authorized by the U.S. Citizenship and Immigration Services to admit international students. This permission was granted on July 12, 1966, with authorization number WAS 2141562. International students must meet admission requirements set forth by CCC&TI as well as requirements specified by the U.S. Citizenship and Immigration Services. Reference Procedure

**VIII. 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.

**IX. Appeal for Admissions Denials**

If an applicant is denied admissions to the College for any of the reasons specified in Section II-VIII, the student may file a grievance as outlined in the Policy 6.28 – Student Grievance.

Legal Reference: 1D SBCCC 200.95 and 400.2; NC Community College Written Memoranda CC10-026 (issued 7/12/10)

## 6.2 General Admissions Procedures

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 transitional or developmental level courses before being accepted into their desired academic curriculum program.

The Executive Director, Enrollment Management in conjunction with the Vice President, Student Services (“vice president”) administers all admissions requirements and enforces all college admission policies and procedures.

### I. Curriculum Programs

#### A. Certificate, Diploma, and Degree Seeking Applicants

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.

For curriculum certificate, diploma and degree seeking applicants, all applicants must:

1. Complete the North Carolina Residency Determination process online by visiting <http://ncresidency.cfnc.org>. Students who have previously received a Residency Classification Number (RCN) from the Residency Determination Services (RDS) from another college should bring their number to Student Services upon applying to the college.
2. Submit a completed application for admission. The electronic application for admission is available online at [www.cccti.edu](http://www.cccti.edu).
3. Provide an official high school transcript or official high school equivalency scores from a regionally accredited institution. These transcripts must include the date the diploma was awarded and the unweighted high school GPA of the student. It must be mailed or electronically transferred from the issuing institution or agency to CCC&TI. 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.
4. The Reinforced Instruction for Student Excellence (RISE) Assessment computerized tests are given to all students who are entering a major/program without a State Board of Community Colleges approved GPA or who are taking courses with a requisite if the high school graduation occurred over ten years ago. The tests include reading, English, writing, and math. Students take certain tests, or the whole sequence,

## SECTION SIX: STUDENT SERVICES

depending upon their program or course choices. Other forms of assessment that may demonstrate college readiness may include:

- a. Transfer credits in English, math and one college-approved reading intensive course
- b. Satisfactory SAT, ACT, or Accuplacer scores
- c. Completion of NC DAP tests at a regionally accredited higher education institution
- d. Completion of developmental coursework at a regionally accredited higher education institution with a grade of “P,” “C,” or higher

### **B. Returning Students**

Returning students who are eligible for readmission and who have not been enrolled at the college for two (2) academic semesters (excluding summer) must submit a new admission’s application and update residency classification prior to registration. The student is required to meet the curriculum requirements in effect at the time of readmission according to the current *College Catalog*.

Students who have been placed on academic or disciplinary suspension must fulfill the terms of their suspension before being considered for readmission. Students on disciplinary suspension must also submit a letter to the vice president requesting readmission.

### **C. Special Studies**

Special Studies applicants 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).

Special Studies students are not eligible for federal financial aid. Students interested in utilize their veterans’ benefits should contact the Coordinator of Special Populations for program eligibility.

Students seeking to change to a degree-seeking status must complete an Application for Admissions and follow admissions procedures for the certificate, diploma, or associate degree.

### **D. Provisional Admissions**

In certain situations, an applicant may be provisionally accepted by the college and permitted to register prior to completion of all admissions requirements.

Students who are admitted on a provisional basis must complete all admission requirements within the first semester of attendance. Failure to complete the provisional requirements could result in the student being denied continued admissions for the next semester.

**II. Continuing Education Programs**

Continuing education programs provide education and training opportunities for targeted audiences. Courses are non-curriculum credit, short-term, and are offered in a variety of methods and locations. Students wanting to register for a continuing education program will complete a Continuing Education Registration Form indicating the course selected and pay registration and institutional fees.

Continuing Education students are not eligible for federal financial aid. Students interested in utilizing their veteran's benefits should contact the Coordinator of Special Populations for program eligibility.

Students seeking to change to a degree-seeking status must complete an Application for Admissions and follow the admissions procedures for the certificate, diploma, or associate's degree.

## 6.2.1 HIGH SCHOOL AND MINOR STUDENT ENROLLMENT PROCEDURE

**I. Enrollment of High School Students**

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, requiring the successful completion of thirty (30) semester hours of college transfer courses, including English and mathematics, for qualified high school students;
- B. Career and Technical Education Pathway, leading to a certificate or diploma aligned with one or more high school Tech Prep Career Clusters;
- C. Career and Technical Education – Workforce Continuing Education, leading to a State or industry recognized credential; and
- D. Cooperative Innovative High School Pathway 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.

High school students taking college courses under Career and College Promise provisions are exempt from applicable tuition for certain classes. Activity fees as well as applicable textbooks and supplies may be charged to students enrolled through Career and College Promise, Caldwell Early College High School, and Caldwell Career Center Middle College.

The College will develop specific and uniform admission’s criteria and program requirements for CCP enrollment that 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.

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

**6.2.2 HEALTH SCIENCES PROGRAMS PROCEDURE**

The Health Sciences Programs identified in the following chart 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 Sciences 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.

Specific requirements for Health Sciences Programs are available from the Health Sciences Admissions Office, the college website, and in the current *College Catalog*.

<b>Programs with additional entrance requirements</b>	
Cardiovascular Sonography	Medical Assisting
Medical Sonography	Ophthalmic Medical Personnel
Nuclear Medicine Technology	Physical Therapist Assistant
Associate Degree Nursing	Radiography
Practical Nursing	Speech Language Pathology Assistant
Human Services	Practical Nursing to Associate Degree Nursing Bridge

**6.2.3 BASIC LAW ENFORCEMENT TRAINING PROCEDURE**

The North Carolina Basic Law Enforcement Training (BLET) is a State accredited program designed to prepare entry level individuals with the cognitive and physical skills to become certified police officers and deputy sheriffs.

To be accepted into CCC&TI's BLET program, students must meet the following criteria:

1. Must complete a BLET application.
2. Must be at least 20 years of age or older.
3. Must be a citizen of the United States of America.
4. Must be a high school graduate or have earned a high school equivalency (high school diplomas earned through correspondence enrollment are not recognized toward educational requirements).
5. Must provide to the BLET Director a medical examination report, properly completed by a physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine the applicant's fitness to perform the essential job functions of a criminal justice officer.
6. Must take a standardized reading comprehension test and score at the tenth grade level or higher within one year prior to entrance into the BLET program.
7. Must provide the BLET Director a certified criminal record check for local and state records for the time period since the applicant had become an adult and from all locations where the applicant has resided since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check will satisfy this requirement.
8. Must have not been convicted of a felony or:
  - i. a crime for which the punishment could have been imprisonment for more than two years; or
  - ii. a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment unless the applicant intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission; or
  - iii. four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of conviction; or
  - iv. four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be enrolled if the last conviction occurred more than two years prior to the date of enrollment; or



## SECTION SIX: STUDENT SERVICES

- v. a combination of four or more “Class A Misdemeanors” or “Class B Misdemeanors” regardless of the date of conviction unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.
9. Every individual who is admitted as a trainee in the BLET program shall notify the BLET of all criminal offenses which the trainee is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of, and all Domestic Violence Orders (N.C.G.S. § 50B) which are issued by a judicial official and which provide an opportunity for both parties to be present.

The notifications must be received by the college within thirty (30) days of the date the case was disposed of in court.

Legal Reference: NCDOJ Basic Law Enforcement Training

#### **6.2.4 INTERNATIONAL STUDENTS PROCEDURE**

CCC&TI is authorized by the U.S. Citizenship and Immigration Services to admit international students. This permission was granted on July 12, 1966, with authorization number WAS 2141562. International students must meet admission requirements set forth by CCC&TI as well as requirements specified by the U.S. Citizenship and Immigration Services. In addition to the application, the Test of English as a Foreign Language (TOEFL), with a minimum acceptable score of 500 (paper) or 173 (computer-based), is required as evidence of adequate proficiency in English. The TOEFL scores must be no more than two years old at the time of application for admission. Students must request that an official high school transcript from an appropriate agency be sent directly to CCC&TI certifying the equivalency of a United States high school credential. All official high school transcripts must show a graduation date.

Transcripts of course work completed at a college or university located outside the United States must be accompanied by a certified English translation and a course-by-course evaluation. Transfer credit from foreign colleges or universities will be reviewed on a case-by-case basis. Course descriptions, a comprehensive course-by-course evaluation and/or a catalog-match evaluation may be required if transfer credit is being requested for certain courses.

Applicants must use one of the following official evaluation organizations to have their transcripts officially evaluated and sent directly to CCC&TI.

Educational Credential Evaluators, 414-289-3400 or [www.ece.org](http://www.ece.org)

Educational Perspectives, nfp., 312-421-9300 or [www.edperspective.org](http://www.edperspective.org)

Global Credential Evaluators, 800-707-0979 or [www.gcevaluators.com](http://www.gcevaluators.com)

WES Organization Evaluators, 800-937-3899 or [www.wes.org](http://www.wes.org)

### 6.3 Student Classification Procedure

#### Student Classifications

Full-Time Student – A student enrolled for 12 or more semester credit hours

Part-Time Student – A student enrolled for fewer than 12 semester credit hours

Provisional Student – A student whose admissions requirements are not complete when classes begin. (Refer to current *College Catalog*)

Audit Student – An audit student is enrolled in a course with the understanding that no credit or final grade will be assigned. The student is expected to attend class regularly but does not take tests or examinations. The audit grade cannot be changed later to credit. Audits must be declared at time of registration.

Special Studies Student – A special studies student is one enrolled in one or more curriculum courses but who is not enrolled in a degree, diploma, or certificate program. For admission, a special studies student need only complete the application. A special studies student may register for any course provided he/she course prerequisite(s) meets the prerequisite requirements for the course(s).

Transfer Student – A transfer student is a student entering CCC&TI who has earned credit at another institution and wishes to apply these credits toward a CCC&TI degree, diploma, or certificate. Students desiring to transfer credits must have all official transcripts sent to CCC&TI by the institutions that originally granted the credit. If applicable credit has been accepted from another institution, transfer students may be exempt from some of the admission placement tests.

High School Student – A high school student is enrolled in high school and simultaneously enrolled in college courses. A high school student may enroll in a course provided the student meets the requirements of Career & College Promise and meets the prerequisite requirements for the course.

## 6.4 Acceptance of Credit Policy

- A. Course work transferred or accepted for credit toward a degree, diploma or certificate must represent collegiate course work relevant to the credential with course content and level of instruction resulting in student competencies at least equivalent to those of students enrolled in the College's degree, diploma or certificate 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. Transfer credit will not be awarded for courses in which a student has received a grade for credit by exam or has been granted credit for proficiency placement exams. 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, Instruction.
- C. The responsibility for determining transfer credit from other colleges and universities rests with the Registrar. When there is doubt about the appropriateness of transfer credit or

## SECTION SIX: STUDENT SERVICES

when a student wishes to appeal a transfer credit decision, the transcript will be referred to the Vice President, Instruction or designee, whose decision will be final.

- 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.
  2. The Registrar's office staff will evaluate 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 6.5.

### 6.4.1 ACCEPTANCE OF CREDIT PROCEDURE

The College recognizes the following additional opportunities for awarding academic credit:

#### II. **Advanced Placement**

The College grants credit for the Advanced Placement Examinations conducted by the College Board. By scoring 3 or higher on the appropriate Advanced Placement Examination, students will be awarded credit for approved courses. The grade of AP will be posted on the transcript, and credit hours will be granted, but no quality points will be given.

#### III. **Articulated Credit**

CCC&TI awards College credit for identified high school courses based on criteria outlined in the North Carolina High School to Community College Articulation Agreement. All criteria below must be met for College credit to be awarded.

- Grade of “B” or higher in the course.
- A converted score of 93 or higher on the standardized CTE post assessment.
- Students must enroll at CCC&TI within two years of high school graduation date.
- Students must provide official high school transcript and CTE post assessment scores.

See the [Student Services website](#) for more information on local articulation opportunities. A grade of AC will be posted on the transcript. Credit hours will be granted, but no quality points will be given.

#### IV. **CLEP/DSST**

CCC&TI offers College credit for the subject area examinations included in the College Level Examination Program (CLEP) and DSST (DANTES). The student must provide an official copy of test scores before credit is granted. Credit must be applicable to the student’s current degree or diploma requirements. If CLEP (CL) or DSST/DANTES (DT) credit is granted, credit hours will be noted on the student’s transcript, but no quality points will be awarded. Information on the acceptance scores is available in Student Services.

#### V. **Proficiency Examination**

Students enrolled at CCC&TI who are qualified to accelerate their studies because of their demonstrated abilities may receive proficiency credit by examination for some of their curriculum courses. The proficiency examination process is used for a student desiring credit for prior learning. Students may not use this examination to repeat a course, nor may the student repeat the examination.

The student wishing to receive credit must petition the dean under whom the course is offered. If the dean deems the course suitable for proficiency credit, the student may receive permission to take the examination developed by the dean and appropriate instructors. For those students in their last semester prior to fulfilling the qualifications for graduation, application for proficiency credit must be made at least 20 calendar days prior to the end of the semester. The test must be taken within the next 15 calendar days. Appeals for exception may be made to the Vice President, Instruction.

## SECTION SIX: STUDENT SERVICES

The dean will decide the appropriate score demonstrating competence in the course and, in all courses, the final score must equal a “C,” or better. If the examination is passed, the student will earn credit hours toward graduation but no quality points. A grade of “CR” (Credit by examination) will be indicated on the student’s transcript. If the examination is not passed, no notation will be made on the transcript.

Note: “CR” credit is not guaranteed to transfer and does not meet Comprehensive Articulation Agreement (CAA) requirements.

### VI. **Military Credit**

Educational experiences in the Armed Services may be submitted for transfer credit evaluations. One semester hour of Physical Education credit will be granted for any Armed Service personnel who have completed basic training. To request an evaluation of military service schools, the student must complete the following steps:

1. Submit official copies of Military Transcripts, which can be obtained from the various service branches through the [American Council on Education transcript services webpage](#).
2. Attach documentation of successful completion of course. Documentation may include:
  - DD Form 295 Application for the Evaluation of Educational Experiences During Military Service
  - DD Form 214 Armed Forces of the United States Report of Transfer or Discharge, and any of the following that may be applicable:
    - course completion certificates,
    - AARTS (Army/ACE Registry Transcript System) transcripts,
    - SMART (Sailor/Marine/ACE Registry Transcript System) or
    - MOS (Military Occupational Specialty) Evaluation Score Reports.
3. Submit applicable documents to the Admissions and Records Office.

Military educational experiences are evaluated using the ACE (American Council on Education) Guide to the Evaluation of Educational Experiences in the Armed Services. Credit must be applicable to the student’s current degree or diploma requirements. Only hours earned are awarded.

## 6.5 Credit for Prior Learning Policy

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 6.5.1.

### A. CREDIT THROUGH APPRENTICESHIP

The College shall award CPL based on statewide articulation as approved by the Curriculum Course Review 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.



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, contact the service school(s) and ask them to which regional accrediting agency they belong. Contact Student Services for more information.

**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 Program: College course credit will be granted to students who earn scores of 5 and higher. Additionally, IB courses are offered at the Standard Level (SL) and Higher Level (HL).
6. Child Development Associate (CDA) Credential: College course credit will be granted to students with a score of 3 or higher.

**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.

## SECTION SIX: STUDENT SERVICES

Official documentation from the training provider or credentialing entity shall be provided to the College to validate the training.

**Legal Reference:**

N.C.G.S. § 115D-5; 1D SBCCC 800.1; 4A SBCCC 100.1; 4B SBCCC 100.1

### 6.5.1 CREDIT FOR PRIOR LEARNING PROCEDURE

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 make application to the College for prior learning through Student Services and provide any documentation that supports their application.
- C. 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).
- D. 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.
- E. Upon completion of evaluations, the student will be informed of recommendations for award of credit or course work needed.
- F. All documentation of the PLA process, including evaluation results, must be maintained in the student's file.

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 College department that offers courses in that area or a designee of the Vice President, Instruction. Such requests will be evaluated on a case-by-case basis.

## 6.6 Graduation Policy

Graduation exercises will be held in May. All candidates are expected to be in attendance. A student is eligible for graduation when the following requirements have been completed:

- The student must have filed an application for degree/diploma/certificate and pay the applicable fee by the published deadline. In order to participate in the May graduation exercises, students must apply for graduation by the established deadline and complete all graduation requirements by the end of the spring semester. The graduation fee will be waived for certificate graduates not attending graduation exercises.
- All the requirements for a degree/diploma/certificate in a particular program must be satisfactorily completed with a program grade point average of at least 2.0.
- Health Science graduates must follow graduation requirements as stated in their program manual received upon acceptance into the program.
- Students transferring from other colleges and schools are required to complete at least 25 percent of the course hours in their program of study in residence at CCC&TI. “In residence” denotes credit hours earned at CCC&TI.
- The student must take care of all financial obligations to CCC&TI prior to commencement or distribution of credentials.

**6.6.1 GRADUATION WITH HONORS**

A graduating student who has earned a program grade point average of 3.5 or better during studies at CCC&TI will receive the degree, diploma, or certificate “with honors.” Diplomas will be denoted with a gold seal.

### **6.6.2 COLLEGE CATALOG REQUIREMENTS**

Candidates for a degree, diploma or certificate may meet graduation requirements as outlined in either (1) the *College Catalog* for the year they initially entered their program of study provided continuous enrollment is maintained (fall and spring semester) and no more than 10 years have elapsed or (2) in the *College Catalog* for the year of their graduation. Students who have not enrolled in two consecutive semesters (excluding summer semester) are not considered as continuously enrolled and must reapply for admission to CCC&TI. Requests for exceptions may be filed with the registrar.

### **6.6.3 POSTHUMOUS CREDENTIAL POLICY**

Caldwell Community College and Technical Institute has a long history of compassionate interaction with families and friends of students who passed away while enrolled at the College. A posthumous credential may be awarded upon request to the President. A student who passes away while enrolled and pursuing a degree or diploma may be considered for a posthumous credential up to one year after the student's death based on the following criteria:

- Credential-seeking students who have completed at least 75% of a program's requirements may qualify for a posthumous credential.
- The student must have a 2.0 GPA and be in good academic standing.

The statement "awarded posthumously" will be printed on the student's academic record, but not on the credential. The posthumous degree or diploma will not be included in any state or federal reporting data.

Exceptions may be made at the discretion of the President.



## 6.7 Financial Aid Types Policy

The purpose of the financial aid program at CCC&TI is to provide financial assistance to those who would benefit from further education but who, without such help, could not do so. The financial aid program is administered according to the institutional principles and the guidelines established by the U.S. Department of Education.

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 Catalog* and on the College's website.

The Vice President, Student Services is directly responsible for supervision of the student financial aid program. The Director, Financial Aid is responsible for evaluating the financial circumstances of the applicant based on a needs analysis, for packaging aid, and for providing the business office with proper authorization for disbursement of aid awards. The Executive Director, Foundation responsible for overseeing the investment of scholarship funds, and the Vice President, Finance and Administration is responsible for assuring that proper business and accounting procedures are maintained in the administration of federal, student, and local funds.

**6.7.1 SCHOLARSHIPS**

Scholarships provided by clubs, individuals, industries, businesses, etc. are available. Scholarships criteria are established by the donor and administered by the foundation office

**6.7.2 FEDERAL PELL GRANT**

This is a federal grant program administered by the institution with needs analysis provided by a federal contract agency. All students seeking assistance must complete the FAFSA. The program is generally available to all students who do not already have a baccalaureate degree, who are high school graduates or have an equivalency diploma, who are enrolled in an eligible program, and who are United States citizens or permanent residents. Male applicants born after December 31, 1959, must be registered with the Selective Service, unless on active military duty.

**6.7.3 FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM**

These funds are disbursed to Pell Grant recipients on a first come, first serve basis.

**6.7.4 FEDERAL COLLEGE WORK STUDY PROGRAM**

Students who demonstrate sufficient need, meet program eligibility requirements and interested in a job to help pay school expenses, may be eligible for employment under this program. The Federal College Work Study Program is funded by federal and matching local funds.

**6.7.5 NCCCS GRANT**

Students who are NC residents and who are eligible under guidelines determined by the State Education Assistance authority may receive aid from this grant if they otherwise meet eligibility requirements for a Federal Pell Grant.

**6.7.6 NCELS – NORTH CAROLINA EDUCATION LOTTERY SCHOLARSHIP**

NC legal residents who are enrolled full-time and who demonstrate exceptional financial need may qualify for this grant.

**6.7.7 LOANS**

Private loan costs vary depending upon interest rates, repayment schedules, opportunities to apply. CCC&TI currently participates in the NC Forgivable Education Loans for Services (FELS) Program. CCC&TI does not participate in the Federal Direct Student Loan Program.



**6.7.8 VOCATIONAL REHABILITATION**

Students with a disability may obtain grants and aid covering tuition, fees, and books, through the NC Vocational Rehabilitation office.

### **6.7.9 VETERAN'S ADMINISTRATIVE PROGRAMS**

Veterans who have served on active duty for more than 180 days may be eligible for educational benefits to attend college. Benefits are also available for current members of NC National Guard. Veteran's Dependents Educational Assistance Act Children 18–26 years old and spouses of deceased veterans or totally disabled veterans are eligible for educational benefits to attend college provided the death or disability occurred as a result of service in the armed forces.

Many scholarship and loan programs are available for veterans and/or their dependents. Eligibility for each of the programs varies. Students are encouraged to visit the Office of Financial Aid or their local Veteran's Affairs Office to find out more about these programs.

The following programs are for veterans and/or their dependents to assist with educational expenses:

1. Montgomery GI Bill – Active Duty (MCGIB/Chapter 30)
2. Post 9/11 GI Bill – Must have active duty after 9/11/2001. (Chapter 33)
3. Montgomery GI Bill – Selected Reserve (MCGIB/Chapter 1606)
4. Survivors' and Dependents' Educational Assistance Program (DEA/Chapter 35)
5. Tuition Assistance “Top Up” Program
6. Veterans Educational Assistance Program (VEAP/Chapter 32)
7. Vocational Rehabilitation for Veterans with Service Connected Disabilities (Chapter 31)

For more information regarding these programs please see the Veterans Coordinator in the Financial Aid Office or contact the local Veteran's Affairs Office.

**6.7.10 CHILD CARE SCHOLARSHIP**

Funding to assist student-parents with child care expenses is available to eligible students who are enrolled in a curriculum program. Eligibility is determined in part from the data received from the FAFSA. Applications for child care assistance can be found on the Financial Aid webpage or by visiting the Office of Financial Aid.

## **6.8 Emergency Assistance Policy**

The Student Emergency Assistance Fund (available for all students) was established to aid students facing critical emergency situations. Any faculty or staff member may initiate action for a student once they have determined there is a true emergency situation. Once that has been determined, the faculty or staff member must give the student a note indicating the need and send it with the student to the Vice President, Student Services on the Caldwell campus or the Executive Director, Watauga on the Watauga Campus. These funds are contingent upon funding availability.

## 6.9 Financial Aid Eligibility Procedures

Students may apply for a scholarship, grant, loan, works-study, or any combination of these aid opportunities. The total combined sum of the award must not exceed the student's total unmet need. Eligibility requirements:

1. Be a U.S. citizen or eligible non-citizen.
2. Be registered with Selective Services, if required.
3. Have not previously been awarded a Baccalaureate degree (for most aid programs).
4. Be older than compulsory age of secondary school attendance.
5. Maintain Satisfactory Academic Progress (SAP) as defined for aid recipients by the U.S. Department of Education (See Satisfactory Academic Progress Policy).
6. Not owe an overpayment on a previous grant or be in default on a student loan.
7. Be enrolled in a Title IV eligible program of study.
8. Have a high school diploma or equivalent.

To determine eligibility, the student files a Free Application for Federal Student Aid (FAFSA). The financial aid office then receives an electronic report from federal central processing. Next, financial aid staff evaluates the Institutional Student Information Record (ISIR) and determines the types and amount of aid, creates the recipient's award file, and notifies the recipient electronically using the Data Management Information System. The award notification is then sent to the students' official college email account.

Financial aid staff informs the business office of appropriate dates to allocate funds to the recipient's account and to prepare checks. Financial aid payment checks will be prepared by the business office in accordance with the schedule of payment determined by the Director, Financial Aid and the business office staff. The business office will distribute the checks to the student via U.S. post upon approval of the Director, Financial Aid.

All major changes in the financial situation of students receiving financial aid must be reported to the Director, Financial Aid to permit reevaluation of the adequacy of existing financial assistance.

## **6.10 Financial Aid Student Responsibilities Policy**

It is the responsibility of the student to be aware of the following as it directly has an effect on their awards and continued eligibility to receive federal, state and/or institutional funds.

- Be familiar with CCC&TI's Satisfactory Academic Progress (SAP) policy.
- Understand the college's Refund Policy and the Return to Title IV Refund Policy.
- To satisfactorily perform the work agreed upon in a Federal Work Study job.
- Notify the college of any change in name, address, or attendance status.
- Frequently check official student email or Self Service for eligibility notifications and/or changes in eligibility.
- Read, understand, and keep copies of all forms they are asked to sign.
- Notify the Office of Financial Aid Office when planning to take coursework at another college while receiving aid at CCC&TI.
- Provide all additional documentation, verification, corrections and/or new information requested by the Office of Financial Aid in a timely manner.
- Meet all deadlines for applying/reapplying for aid or submitting SAP appeals.
- Understand that aid cannot be received from two separate schools for the same term of enrollment.
- Understand aid cannot be used to pay for remedial coursework taken at another college.

## 6.11 Calculation of Federal and State Aid Procedures

### I. Calculation of Pell Grant (Title IV) Funds

Calculation of eligibility for Pell Grant funds is based on the amount of credit hours in which the student is enrolled. Verification of enrollment is verified by the Office of Financial Aid prior to the disbursement of funds.

Adjustments that effect aid eligibility can be made to student financial aid records at any time for the following reasons:

- Notification of a never attended class.
- Late enrollment update.
- Notice that the student has received federal funds from another institution for the same semester.
- Enrolled in a program not eligible for TITLE IV funding.
- Taking classes outside the identified TITLE IV eligible program of study.
- Exceeding the maximum amount of remedial class eligibility of 30 credit hours.
- Repeating passed courses more than the maximum allowable two attempts.
- Notification from the Department of Education indicating the student is no longer eligible for additional disbursements or the student's eligibility status has changed.

**Return to Title IV (R2T4):** In the event that a student receiving aid withdraws from the institution prior to the 60 percent point of the term, the student will be responsible for any return of Title IV funds. Students are given 45 days to repay or make arrangements to repay the overpayment. Should this not occur, the debt will be turned over to the Department of Education, and the student will not be eligible for any Title IV funds anywhere until the debt has been repaid.

### II. Calculation of State Grant/Scholarship Funds

North Carolina State Education Assistance Authority (NCSEAA) has provided guidelines on elective coursework as it relates to State Grant/Scholarship eligibility.

- If a student's academic program requires completion of a certain number of elective courses to receive a degree, diploma, or certificate, those elective courses are considered part of the student's program when determining enrollment status and cost of attendance for the purposes of awarding state grants.
- Once a student has satisfied the number of elective courses required by the program of study, any additional electives in which the student enrolls are not considered part of the student's program of study and may not be included when determining the student's enrollment status or cost of attendance for the purposes of awarding state grants.
- If a student takes additional coursework beyond the courses that are required for graduation, even if those additional courses are within the program of study, they may not be included when determining the student's enrollment status or cost of attendance for the purposes of awarding state grants. For example, if a student has exceeded the number

## SECTION SIX: STUDENT SERVICES

of hours required for a degree and has already completed their major/divisional/basic requirements, additional courses must be excluded for the purposes of awarding state grants.



## 6.12 Satisfactory Academic Progress Policy

Federal regulations require that students receiving Federal financial aid must make satisfactory progress as defined by the college. CCC&TI has elected to apply the standards set forth below to all students who receive aid from any of the following programs: Federal Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), Federal Work Study Program, North Carolina Community College Grant, and North Carolina Education Lottery.

Financial aid satisfactory academic progress (SAP) is determined by three standards of measurement: qualitative, quantitative, and maximum time frame.

- A. **Qualitative Measurement-Grade Point Average (GPA) Rule**  
The qualitative measurement for financial aid shall be a cumulative grade point average of 2.0.
  
- B. **Quantitative Measurement-Completion Rate (PACE)**  
The quantitative measurement will be a completion rate of 67% of all cumulative attempted credit hours to meet the minimum standards. Successful completion is defined as receiving a grade of A, B, C, D and P. All classes dropped/withdrawn from outside the official drop/add period will be included in the Completion Rate (PACE) calculation.
  
- C. **Maximum Time Frame Measurement**  
The maximum time frame measurement requires students to complete their primary program of study within 150% of the published length of the program. Example: if a program of study requires 64 credit hours to complete a degree, the student may attempt a maximum of 96 hours before the student exceeds his or her eligibility for financial aid ( $64 \times 1.5 = 96$ ).  
  
Up to 30 credit hours of required remedial course work will not be calculated as a part of the attempted hour count. Students who reach maximum time frame SAP status, are not eligible to receive additional federal or state aid unless they successfully appeal their Satisfactory Academic Progress status.
  
- D. **Lifetime Eligibility Used**  
In addition to the three standards above, there is a lifetime limit to the amount of federal aid students can receive, which differs from the maximum time frame measurement. Students are eligible to receive the Federal Pell Grant for the equivalent of six years or 12 full-time semesters of combined enrollment at all institutions. However, state grants typically have a more restrictive timeframe than Federal Pell Grants. If students fail to meet one of the SAP criteria listed above, they will no longer be eligible to receive additional federal or state aid.

### 6.12.1 EVALUATING SATISFACTORY ACADEMIC PROGRESS

The Academic Progress and the Financial Aid Satisfactory Academic Progress (SAP) Evaluation are two processes occurring at similar times at the end of each term. Students will receive separate notifications regarding each status. The Financial Aid Satisfactory Academic Progress (SAP) Evaluation from the Office of Financial Aid notifies students of their eligibility to receive financial aid for the upcoming term. It is possible for a student to continue enrollment from the Academic Evaluation, but due to an unsatisfactory Financial Aid evaluation not be allowed to continue to receive financial aid. Students should pay close attention to the source of their notification and the status they have been assigned from each area.

Satisfactory Academic Progress is calculated based on **all** credit hours attempted, including transfer credit, at the end of each term in which the student is enrolled regardless of aid eligibility or use.

The first time a student fails to meet the minimum SAP standards (minimum cumulative 2.0 GPA and/or minimum cumulative 67% Completion Rate (PACE)), the student will be assigned a “Warning” SAP status. Students can continue to receive aid for one additional term on “Warning” SAP status. If the student does not meet minimum SAP standards after the “Warning” SAP status term, their status will be moved to “Suspended/Appeal Required” SAP status. At that time, students cannot receive additional federal or state aid unless a SAP appeal has been submitted and approved.

## **6.12.2 SATISFACTORY ACADEMIC PROGRESS PROCEDURE**

### **Reinstatement of Aid/Appeal**

Students who are no longer eligible for aid because of GPA, Completion Rate (PACE), or max time may appeal their SAP status.

The Director, Financial Aid will convene an appeal committee who may reinstate aid eligibility after reviewing the SAP appeal. If the appeal is approved, the student's SAP status will be moved to “probation on appeal” SAP status. Reinstatement of aid will remain in effect for as long as the student meets the terms of the appeal as described in the SAP appeal plan of action. The SAP appeal plan of action is the finalized agreement between the Financial Aid Office and the student that addresses what steps the student is required to take to address any deficiencies regarding their SAP status.

If the student does not meet the terms of the SAP appeal plan of action, in which they are on a probationary status, the student will then be placed on a “terminated” SAP status.

### **Restrictions**

Individual SAP appeal plan of actions can include the restriction of aid eligibility and/or registered credit hours. Restriction recommendations can be made by one or more of the following: the Director, Financial Aid, financial aid committee members, advisors, counselors, or student success coaches.

### **Funding while on Appeal**

Students must secure an alternative source of funding to cover their educational expenses if their SAP status is unsatisfactory. If students are continuing on a SAP plan of action, they must plan secure an alternative form of payment or utilize the payment plan option until grades are verified and SAP has been calculated for the prior term.

### **Review of Program of Study**

If a student chooses to appeal their SAP status, he or she must meet with either their faculty advisor or Student Services advisor to discuss their program of study. During this meeting, the student and the advisor will review their current program of study. If necessary, the student may change their current program of study before appealing in order to become academically successful. In all instances, the program of study in which the appeal was approved must not be changed as long as the student is receiving aid while on an appeal status.

All SAP appeal determinations are final.

All SAP information is available on the CCC&TI webpage and in the *College Catalog*.

## 6.13 Attendance Policy

### 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" (NA). The student is no longer considered in the class and will not earn credit or receive a tuition refund for the course. This may also impact any financial award per federal guidelines.

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%) 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. Reinstatement requires the recommendation of the instructor of the course, the consent of the curriculum dean, and the approval of the Vice President, Instruction.

- C. Faculty members are responsible for administering these attendance rules for their respective courses, for excusing absences, for determining how missed work should be made up, and for assessing grade penalties. Departments may establish stricter attendance policies as required by program accreditations. A grade of "W" will be assigned for any course from which the student is administratively withdrawn.
- D. 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. Students may request accommodation for religious observations by completing the appropriate form located in Student Services. 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

## SECTION SIX: STUDENT SERVICES

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.

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.

### E. Absences for Military Service Members

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.

1. The college shall provide the student the opportunity to make up any test or other work missed during the excused absence.
2. 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.
3. 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.
4. 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.

Legal Reference: N.C.G.S. § 115D-5(u); 1B SBCCC 500.99; 1G SBCCC 200.93; 1B SBCCC 500.1

## 6.14 Withdrawal from Courses Policy

Students who withdraw from a class or from the college should first consult with a member of Student Services. A student may withdraw from a course and receive a grade of “W” up until sixty percent of the class contact hours have elapsed. After that point, all drops will be initiated by the instructor who may assign a grade of “W” or “F” at the end of the semester. Students who do not attend class by the 10% point of a class will be dropped from the class as a never attend.

Veterans should check with the veterans’ coordinator in the Student Services department for specific VA regulations concerning withdrawals and class repeats.

**Financial aid recipients should be aware that withdrawals will affect their “Financial Aid Satisfactory Academic Progress Requirements” and may require a portion of unearned aid to be repaid.** Therefore, financial aid recipients should seek advisement from the Financial Aid Office before making any withdrawals.

Veterans should check with the veteran’s coordinator in student services for specific financial aid regulations concerning withdrawals.

### 6.15 No Show Reporting Procedure

Attendance is reported using the Colleague Web Attendance function. Faculty should begin entering their class attendance on the first day of the term. The Vice President, Student Services (vice president) 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 “Never attend” 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 in the appropriate electronic signature box and click “Submit.” 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 vice president will work with the deans to ensure attendance reports are completed by the deadline.

## 6.16 Auditing Courses Policy

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 provided the individual meets the other criteria listed herein.
- B. 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.
- C. Auditing students do not take tests or examinations; do not receive grades, academic credit, continuing education units, or certificate of completion; and cannot later change the “audit” to credit. Title IV (Federal Pell Grant) funding cannot include credit hours of an audited class in determining award amounts.
- D. Students auditing a course must meet the same course corequisite/prerequisite, including placement tests. Auditing a course will not meet the prerequisite of any sequential or higher-level course.
- E. Students who audit a course and withdraw or are dropped from the course will be issued a grade of “W”.
- F. Students who desire to audit must indicate their intent at registration. Audits appear on the grade report as “AU”.

Legal Reference: 1D SBCCC 700.1; S.L. 2017-57



## 6.17 Grading Scale Policy

### Grading Scale

Students enrolled in curriculum courses and continuing education courses that are 96 hours and above will be graded by the scale below:

A	=	90 – 100
B	=	80 – 89
C	=	70 – 79
D	=	60 – 69
F	=	59 and below

### Grade Codes

AC	Articulated Credit – no quality points
AP	Advanced Placement – no quality points
AU	Audit – indicates no grade or credit
CL	CLEP (College Level Examination Program) – no quality points
CR	Credit by Examination – no quality points, reflects competence of “C” level or better
CS	Continued study to meet course objectives (obsolete August 2013)
DT	DANTES – no quality points
EI	Emergency Incomplete – indicates course learning outcomes were not completed due to the declared federal disaster in fall 2024 (Hurricane Helene)
EW	Emergency Withdrawal – student withdrew from a course due to the declared federal disaster in fall 2024 (Hurricane Helene)
I	Incomplete – indicates failure to complete certain course requirements because of extenuating circumstances
IE	Incomplete Emergency – indicates course requirements were not completed due to the declared federal emergency in spring 2020 (COVID-19)
NA	Never Attended
NG	No grade available
P	Pass – no quality points, reflects competence of “C” level or better
P1	Pass – level 1 - no quality points, reflects competence of “C” level or better
P2	Pass – level 2 - no quality points, reflects competence of “C” level or better
P3	Pass – level 3 - no quality points, reflects competence of “C” level or better
R	Repeat
S	Satisfactory
SR	Senior Audit
TR	Transfer Credit
U	Unsatisfactory
W	Student withdrew from the course
WE	Withdrawal Emergency – student withdrew from a course due to the declared federal emergency in spring 2020 (COVID-19)

### Grades of I (Incomplete)

An “I” grade in a course indicates the student is making satisfactory progress at the end of the semester but, because of extenuating circumstances, is unable to complete the course requirements. When an incomplete is given, a form outlining the work to be completed must be

signed by the instructor, program director/coordinator, and the appropriate dean. Instructors will record “I” on their grade roster in Self-Service and record the expiration date for the following term. All work must be completed by the end of the following semester (by the end of the following fall semester for an incomplete received during spring semester). At that time, the incomplete must be changed to a letter grade by the instructor. Incompletes are automatically converted to F's if not resolved by the required deadline.

Veterans should check with the Financial Aid Department upon receiving an “I” grade.

### **Temporary Policy Addendum – Incompletes Issued in Spring 2020 Resulting from COVID-19**

#### **Grades of IE (Incomplete Federal Emergency)**

An “IE” grade in a course during the Spring 2020 semester indicates the student is making satisfactory progress at the end of the term but, because of circumstances related to COVID-19, cannot complete course requirements. Students will have until the end of the Spring 2021 semester to complete course requirements. IE grades will automatically convert to WE’s (Withdrawal Federal Emergency) if not resolved by the end of the Spring 2021 semester.

The Vice President of Instruction must authorize any exceptions to the timelines for completing coursework outlined in these policies.

### **Temporary Policy Addendum – Incompletes Issued in Fall 2024 Resulting from Hurricane Helene**

#### **Grades of EI (Incomplete Federal Disaster)**

An “EI” grade in a course during the Fall 2024 semester indicates the student is making satisfactory progress at the end of the term but, because of circumstances related to a declared federal disaster, cannot complete all course learning outcomes. Students issued a grade of EI will have until the end of the Spring 2025 semester to complete outstanding course learning outcomes. A grade of EI will convert to a grade of EW if outstanding course learning outcomes are not completed by the end of the Spring 2025 semester.

The Vice President of Instruction must authorize any exceptions to the timelines for completing coursework outlined in these policies.

## 6.18 Academic Progress Policy

CCC&TI's academic standards policies attempt to maintain academic quality and prevent prolonged failure for all students. The policies governing academic progress at CCC&TI are intended to assist students in completing their program of study in a timely manner. Procedures are designed to identify students experiencing academic difficulty and to ensure effective corrective action. These procedures are supported by both the faculty and staff, who are committed to:

- a. informing all students of minimum academic standards and grading procedures
- b. identifying and alerting students displaying signs of academic difficulty early in the semester through the CCC&TI Early Alert Process
- c. providing recommendations and opportunities for corrective action to such students
- d. notifying all students of their grade point average immediately following the end of the semester.

Students enrolled in a degree, diploma, or certificate program are expected to maintain satisfactory academic progress toward the completion of the requirements for their program.

A minimum grade point average (GPA) of at least 2.0 is required to graduate with a credential from CCC&TI. Enrollment Management Services reviews students' transcript at the end of each semester to determine if the student is satisfactorily progressing toward graduation. Students will be notified of their academic progress through their student email account and by letter from Student Services.

### A. **Academic Warning**

A student failing to meet the minimum cumulative GPA of 2.0 during any semester or term will receive an academic warning notification by email and letter from Student Services. The warning status notification will inform the student of his/her academic status and require the student to meet with his/her assigned advisor to develop an academic improvement plan.

### B. **Academic Probation**

A student who continues to remain below the required standards of a 2.0 cumulative GPA for a second consecutive semester will be placed on academic probation. A student placed on academic probation will receive notification by email and letter informing the student of his/her academic status and their need to meet with an assigned advisor to prepare an academic improvement plan to improve his/her academic performance prior to any registration activity. Students may be limited in the number of credit hours they are allowed to register for each semester.

### C. **Academic Suspension**

A student who is on academic probation for two or more successive semesters may be subject to a one semester suspension. A student on academic suspension who believes extenuating circumstances exist that should prevent the suspension must submit a written appeal to the Director, Enrollment Management. Upon

## SECTION SIX: STUDENT SERVICES

written receipt of appeal the Director, Enrollment Management will convene an appeals committee which will be composed of three members of the faculty or staff to determine appropriate action. The decision of this committee is final. A student may automatically enroll for the semester following suspension but will continue to be on probation until his/her cumulative GPA is at or above 2.0. Academic progress will continue to be monitored to ensure the student is progressing in a positive manner towards graduation.

CCC&TI students are required to meet all course prerequisite and/or corequisite requirements at the time of registration for the course. Enrollment in and successful completion of required requisites helps ensure that the student is academically prepared for higher level courses. Course prerequisites and corequisites can be found in the *College Catalog* and Self Service.

Students who do not have documentation of required prerequisites/corequisites listed in their CCC&TI academic record may fulfill course requirements by providing evidence of appropriate academic competencies. Prerequisites and corequisites requirements may be met through documented evidence of placement tests scores, coursework completed at another regionally accredited institutions, experiential learning, professional certification or licensure, or other education and training. Competencies based on the above must be approved by the appropriate dean documenting approval then maintained in the student's academic file in student services.

Legal Reference: 1D SBCCC 400.8

## **6.19 Repeating Courses and Course Substitutions Policy**

### **I. REPEATING COURSES**

#### **A. Curriculum Courses**

When a student repeats a course, the best grade is recorded as the final grade for the course and is used in the student's grade point average. Students may take a course a total of three times, including transfer credit, withdrawal, and audit. Exceptions to this policy must be approved by the appropriate departmental dean or Vice President, Instruction. Exceptions to this policy include:

1. Special disabling condition
2. Change in technology
3. Student failure of course or to improve grade
4. Additional student improvement and learning opportunity

Veterans are advised that they cannot receive VA benefits for courses previously passed. Financial Aid will only pay for two attempts at a class.

#### **B. Continuing Education Courses**

Students may enroll in continuing 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. Continuing Education programs/courses are designed to enable participants to progress, at their individual achievement rates, in gaining knowledge and skills in specific educational areas.

### **II. COURSE SUBSTITUTIONS**

When it is determined to be in the best interest of the student's declared educational objective, appropriate courses may be substituted for other courses for graduation purposes.

Under special circumstances, a course substitution may be made in a program. Any course substitution must have written approval of the dean and the Vice President, Instruction. Once approved, substitution forms must be submitted to the registrar. In the event a course has been deleted from a particular program, a course substitution may be used to meet the requirement.

## 6.20 Overview of Student Rights Policy

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the community. Students should exercise their freedom with responsibility. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership. As members of the larger community of which the college is a part, students are entitled to all rights and protection accorded them by the laws of that community. By the same token, students are also subject to all laws, the enforcement of which is the responsibility of duly constituted authorities. When students violate laws, they may incur penalties prescribed by legal authorities. In such instance, college discipline will be initiated only when the presence of the student on campus will disrupt the educational process of the college. However, when a student's violation of the law also adversely affects the college's pursuit of its recognized educational objectives, the college may enforce its own regulations. When students violate college regulations, they are subject to disciplinary action by the college whether or not their conduct violates the law. If a student's behavior simultaneously violates both college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

### Student Rights

- All rights and privileges guaranteed to every citizen by the Constitution of the United States and by the state of North Carolina shall not be denied any student.
- Student have the right to have their academic performance evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. For more information regarding attendance and academic standards, see policies contained in Policy 6.13 – Attendance.
- Students have the right to freedom of expression, inquiry, and assembly without restraint or censorship subject to reasonable and nondiscriminatory rules and regulations regarding time, place, and manner. For more information, consult the Campus Free Speech, Distribution of Material, and Assembly Policy.
- 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.
- Students and former students have the right to review their official records and to request a hearing if they challenge the contents of these records. 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 6.21 – Student Records – FERPA.

## SECTION SIX: STUDENT SERVICES

- 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 6.22 – Student Code of Conduct.
- Students have the right to voluntarily withdraw from courses under certain criteria. For more information, consult Policy 6.14 – Withdrawal from Courses.
- 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 6.23 – Unlawful Discrimination and Harassment.

## **6.21 Student Records – FERPA Policy**

All student records must be current and maintained with appropriate measures of security and confidentiality. The College is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained by the college.

### **I. COMPLIANCE WITH FERPA RIGHTS**

- A. The Family Educational Rights and Privacy Act (FERPA) provides students with certain rights to privacy of their educational records and rights of access by others to their educational records. College employees are expected to fully comply with this Policy.
- B. For purposes of this Policy, “student” means an individual who is or has been in attendance at the college. It does not include persons who have not been admitted, who have been admitted but did not attend the College. “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, Student Services, or his/her designee, is responsible for preparing and delivering this annual notice.

### **III. RIGHT TO INSPECT RECORDS**

- 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 Executive Director, Enrollment Management a written request that identifies the record(s) you wish to inspect. The Executive Director, Enrollment Management 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 Executive Director, Enrollment Management, you will be directed to the correct official to whom your request should be made.
- B. Students may obtain copies of their educational records if circumstances make on-site inspection impractical. 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



## SECTION SIX: STUDENT SERVICES

2. Major field of study
  3. Dates of attendance
  4. Degrees, honors and awards received and awards received
- B. CCC&TI considers the date of birth, enrollment status, participation in officially recognized activities and sports, and student contact information (mailing address, telephone number, and email address) to be limited directory Information that will only be disclosed under certain circumstances. These circumstances include:
1. Dates of birth may be disclosed only as a means of verifying a student's identity when a College employee has no other means of doing so.
  2. Mailing address, telephone number, email address, enrollment status, participation in officially recognized activities, and sports may be disclosed only for educational purposes, at the discretion of College administration.
- C. 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.
- D. 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. CCC&TI faculty and staff who are determined to have a legitimate educational interest may access student records. Faculty/staff are considered to have a legitimate educational interest if they might reasonably need to access information to conduct official college business.
  2. A member of the Board of Trustees
  3. To comply with a lawfully issued subpoena or judicial order

## SECTION SIX: STUDENT SERVICES

4. To officials of another college in which a student intends to enroll or has enrolled
5. To authorized representatives on the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, or state and local education authorities
6. In connection with the application for, or receipt of, financial aid
7. To accrediting organizations
8. To appropriate officials in case of a health and safety emergency
9. State and local authorities, within a juvenile justice system, pursuant to specific state law
10. To authorized officials for audit or evaluation purposes
11. Organizations conducting certain studies for or on behalf of the school
12. Outcomes of disciplinary proceedings may be released to the victim of an alleged perpetrator of a crime of violence or non-forcible sex offense
13. To parents, as defined in 34 C.F.R. 99.3 of a dependent student under the Internal Revenue Code\*
14. Directory Information\*\*

\*Under the Act, CCC&TI may not disclose personally identifiable information to the parents of an “eligible student” without the written consent of the student unless the disclosure is to parents of a dependent student as defined in Internal Revenue Code. An “eligible student” means a student who is 18 years of age or is attending an institution of postsecondary education. Parents must provide appropriate tax return information documenting the dependent status of the student before disclosure will be made without his/her written consent.

\*\*A part of FERPA states that certain information called “directory” information can be disclosed without the written consent of the student. Directory information includes information contained in the educational record of a student that would not be considered harmful or an invasion of privacy if disclosed.

- C. In compliance with Title IX, the college may disclose the final results of campus disciplinary proceedings in which a responding party is charged with a violent crime or non-forcible sex offense. Upon the request of the reporting party, 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.

**VII. MISCELLANEOUS**

- A. 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

- 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.

Legal Reference: 10 U.S.C. § 983; 20 U.S.C. § 1232g; 34 C.F.R. pt. 99

## 6.22 Student Code of Conduct Policy

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 this code is not to restrict student rights but to protect the rights of individuals in their academic pursuits.

The following regulations set forth offenses for which disciplinary proceedings may be initiated.

- **Academic Dishonesty** (see Policy 5.3 – Academic Integrity) – a second violation of the CCC&TI Academic Integrity Policy shall be treated as a disciplinary issue carrying severe consequences.
- **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 the Service Animals and Other Animals on Campus Policy.
- **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.
- **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 person or 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.
- **Communicating Threats** – Students shall not verbally, in writing, through a third party or by any other means threaten to physically injure another student or CCC&TI employee, or that person's child, sibling, spouse or dependent, or willfully threaten to damage the property of another. N.C.G.S. § 14-277.1
- **Cyberstalking** – Students shall not the use of the Internet or other electronic means to stalk or harass an individual, group, or organization in accordance with N.C.G.S. § 14-196.3
- **Disobedience / Insubordination** – Students shall comply with instructions of college officials acting in performance of their duties and adhere to the terms of any disciplinary action.
- **Disorderly Conduct and Disruption** – Students shall not obstruct or disrupt any teaching, research, administration or disciplinary proceedings, or other college

## SECTION SIX: STUDENT SERVICES

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.

- **Drugs and Alcohol** – Students shall not unlawfully possess, use, manufacture, dispense, sell or distribute alcohol, illegal or unauthorized controlled substances or impairing substances or being under the influence of at any college location. For more specific information, see Policy 6.25 – 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.
- **Failure to Report Criminal Activity** – Students shall 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 6.25 – Students – Alcohol and Drugs on Campus.
- **Financial Impropriety** – Students shall not commit financial improprieties such as failure to pay college-levied fines, misuse or failure to properly account for club or student organization funds, or the passing of worthless checks, drafts or orders to college officials.
- **Gambling** – Students may not gamble on campus or at any college-affiliated activities or events.
- **Sexual Harassment** – Students shall not engage in sexual harassment and/or sexual violence. For more specific information and definitions of prohibited activities, consult Policy 6.23 and Procedure 6.23.2 – Sexual Harassment Procedure.
- **Improper Use of the College Network/Technology** – Students are prohibited from engaging in any activities prohibited under Policy 6.26 – Student Computer Usage.
- **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.
- **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.
- **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.

- **Stalking** – Students shall not engage in patterns of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific student or CCC&TI employee that would cause a reasonable person to feel fear. N.C.G.S. §14-277.3A.
- **Tampering with Fire Alarms** – Students shall not set off a fire alarm or tamper with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment. N.C.G.S § 14-286.
- **Theft of, Misuse of, or Damage to College Property** – Students shall not steal or damage college property or another student's or CCC&TI employee'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.
- **Traffic Violations** – Students shall obey college regulations regarding the operation and parking of motor vehicles.
- **Trespass to Property** – Students shall not trespass on college 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.
- **Unauthorized Access to College Records** – Students may not access, view, copy or change official college records without expressed authority to do so.
- **Unlawful Harassment and Discrimination** – Students shall not engage in unlawful discrimination. For more specific information and definitions of prohibited activities, consult Policy 6.23 and Procedure 6.23.1 – Unlawful Harassment and Discrimination.
- **Verbal, Physical, and Emotional Abuse** – A student shall not intentionally cause, or attempt to cause any verbal, physical, or emotional abuse of any person on college premises, at college sponsored, or college supervised functions. This includes any verbal or physical actions which threaten or endanger the health and safety of any such persons, the educational process, or based on an objective reasonable standard for the situation, promotes hatred or racial prejudice. This includes acts of bullying, hazing, and cyber-bullying. The N.C.G.S. §14-35 defines hazing and the punishment set forth for hazing. The N.C.G.S. §14-458.1 defines cyber-bullying and the punishment set forth for cyber-bullying.
- **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.
- **Violations of Normal Classroom Behavior** – Students shall comply with reasonable rules issued by an instructor, and shall not cause disruption in the classroom or be disrespectful to classmates or the instructor. To result in discipline, 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.
- **Weapons on Campus** – Possession or use of a weapon, as defined by state law, on college premises or at college-sponsored activities, is prohibited under N.C.G.S. §14-269.2. This includes carrying a concealed weapon on campus or to a college-

## SECTION SIX: STUDENT SERVICES

sponsored activity even though in possession of a valid permit. This also includes unauthorized use of any instrument designed to inflict serious bodily injury to any person. 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-sponsored activities.

Exceptions may apply to on duty law enforcement officers attending college classes or activities. Handguns are also permitted under the following 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 other times.

Legal Reference: Communicating Threats N.C.G.S § 14-277.1; Cyberstalking N.C.G.S. 14.196.3; Hazing N.C.G.S §14-35; Stalking N.C.G.S §14-277.3A; Tampering with a Fire Alarm N.C.G.S §14-286; Weapons on Campus N.C.G.S §14-269.2

## 6.22.1 STUDENT CODE OF CONDUCT SANCTIONS PROCEDURES

### Disciplinary Procedures

#### **Immediate Dismissal**

If an act of misconduct threatens the health or well-being of any member of the academic community or seriously disrupts the function and good order of the college, an instructor or administrative officer may direct students involved to cease and desist such conduct and advise them that failing to cease and desist will result in immediate dismissal. If the students fail to cease and desist, the instructor may then dismiss them from the class or an administrative officer may dismiss them from the college until a resolution of the matter can be made. Prior to dismissal, the students shall be given the opportunity to explain his or her conduct to the instructor or administrative officer.

The instructor or administrative officer invoking such dismissal shall notify the Vice President, Student Services in writing of the individuals involved and the nature of the infraction as soon as possible, but no later than the end of the next business day when the incident occurred. The Vice President, Student Services, responsible for implementing student discipline procedures, shall resolve the matter in a timely fashion utilizing the steps outlined below. In order to provide an orderly procedure for handling student disciplinary cases in accordance with due process and justice, the following procedures will be followed:

Any administrative official, faculty member, or student may file charges with the Vice President, Student Services against any student or student organization for violations of college regulations. The individual(s) making the charge must make the following information available to the Vice President, Student Services:

- name of the student(s) involved
- the alleged violation of the specific code of conduct
- the time, place, and date of the incident
- the name(s) of person(s) directly involved or witnesses to the infractions
- any action taken that related to the matter
- desired solution

#### **Investigation and Decision**

Within five (5) working days after the charge is filed, the Vice President, Student Services shall complete a preliminary investigation of the charge and shall schedule a meeting with the student. After discussing the alleged infraction with the student, the Vice President, Student Services may act as follows:

- drop the charges
- impose a sanction consistent with those shown below
- refer the student to a college office or community agency for services

#### **Notification**

The decision of the Vice President, Student Services shall be presented to the student in writing following the meeting with the student. In instances where the student cannot be reached to schedule an appointment with the vice president or where the student refuses to cooperate, the Vice President, Student Services shall send a certified letter to the student's last known address



## SECTION SIX: STUDENT SERVICES

providing the student with a list of the charges, the vice president's decision, and instructions governing the appeal process.

## 6.22.2 STUDENT CODE OF CONDUCT PROCEDURES

## I. Sanctions

The Vice President, Student Services may apply the following sanctions as appropriate:

- A. **Reprimand** – A written communication which gives official notice to the student that any subsequent offense against the Student Code of Conduct will carry heavier penalties because of this prior infraction.
- B. **General Probation** – An individual may be placed on General Probation when involved in a minor disciplinary offense. General Probation has two important implications: The individual is given a chance to show his/her capability and willingness to observe the Student Code of Conduct without further penalty; secondly, if he/she errs again, further action will be taken. This probation will be in effect for no more than two semesters.
- C. **Restrictive Probation** – Restrictive Probation results in loss of good standing and becomes a matter of record. Restrictive conditions may limit activity in the college community. Generally, the individual will not be eligible for initiation into any local or national organization and may not receive any college award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any college or student organization, publication, or activity. This probation will be in effect for not less than two semesters. Any violation of Restrictive Probation may result in immediate suspension.
- D. **Restitution** – The student must pay for damaging, misusing, destroying or losing property belonging to the college, college personnel, or students.
- E. **Interim Suspension** – Students will be excluded from class and/or other privileges or activities as set forth in the notice, until a final decision has been made concerning the alleged violation.
- F. **Loss of Academic Credit or Grade** – This punishment is imposed as a result of academic dishonesty (as determined by the Grade Appeal Procedure).
- G. **Withholding Transcript, Diploma, or Right to Register** – This sanction is imposed when financial obligations are not met.
- H. **Suspension** – The student is excluded from class(es) and/or all other privileges or activities of the college for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation or for repeated misconduct. Students who receive this sanction must get specific written permission from the Vice President, Student Services before returning to the college campus.
- I. **Expulsion** – The student is dismissed from campus for an indefinite period. The student loses his/her student status. The student may be readmitted to the college only with the approval of the president.
- J. **Group Probation** – This sanction is given to a college club or other organized group for a specified period of time. If group violations are repeated during the term of the sentence, the charter may be revoked or activities restricted.
- K. **Group Restriction** – A club or other organization is removed from college recognition during the semester in which the offense occurred or for a longer period (usually not more than one other semester). While under restriction, the group may

## SECTION SIX: STUDENT SERVICES

not seek or add members, hold or sponsor events in the college community, or engage in other activities as specified.

- L. Group Charter Revocation** – This sanction involves removal of college recognition for a group, club, society, or other organization for a minimum of two years. Re-charter after that time must be approved by the president.

### **II. Appeals Procedure**

A student who disagrees with the decision of the Vice President, Student Services may appeal and request a formal hearing with the college's Grievance Committee as outlined in Step III of Policy 6.28 – Student Grievance.

### **6.23 Unlawful Discrimination and Harassment Policy**

The college is fully committed to providing a learning and work environment that is free from prohibited discrimination. The college does not practice or condone discrimination based on race, color, national origin, religion, sex, gender identity, sexual orientation, pregnancy, disability, genetic information, age, political affiliation or veterans' status in the administration or in any of its academic programs 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 sex-based discrimination, see Procedures 6.23.2/4.7.2 – Sex-based Discrimination and Harassment.

For issues related to all other types of unlawful discrimination and harassment, see Procedures 6.23.1/4.7.1 – Unlawful Discrimination and Harassment.

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

### 6.23.1 UNLAWFUL DISCRIMINATION AND HARASSMENT PROCEDURE

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

#### I. DEFINITIONS

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

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a person'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, intimidating or abusive or where submitting to or rejecting the conduct is used as the basis for decisions that affect the person's participation in the College's programs and activities.

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

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

- D. Standard of Evidence** - the College uses the preponderance of the 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 responding party 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 even if 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 CCC&TI’s Office of Disability Services. 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 H.E. Beam Hall (A-Building). 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 as outlined in Policy 6.28 – Student Grievance.

For Unlawful Discrimination incidents between students and employees, the Vice President, Student Services will work in partnership with the Executive Director, 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 reporting the concern as outlined in Policy 4.9 – Employee Grievance.

RESERVED FOR FUTURE POLICY UPDATES



### 6.23.2 SEXUAL HARASSMENT PROCEDURE

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 4.7.1/6.23.1.

#### 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.

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 and pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

- A. **Actual Knowledge** – notice of sexual harassment or allegations of sexual harassment by the Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. Actual knowledge is not met when the only College official with actual knowledge is a Respondent.
- B. **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. **Consent** – explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of

## SECTION SIX: STUDENT SERVICES

sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: i) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; ii) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or iii) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

- D. Dating Violence** – crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.
- E. Domestic Violence** – crimes of violence against a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person with whom the individual cohabitates or has cohabitated as a spouse or intimate partner; a person similarly situated to the individual as a spouse under local domestic laws; or any other person who is protected under local domestic laws of the jurisdiction.
- F. Education Program or Activity** – for purposes of these Procedures, this means any locations, events, or circumstances over which the College exercised 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 document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the College investigate the allegation(s). A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections.
- 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. Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- J. Retaliation** – to intimidate, threaten, coerce, or discriminate against any 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.

## SECTION SIX: STUDENT SERVICES

- K. 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.
- L. Sexual Harassment** – *quid pro quo* harassment; unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity, including conduct based on sex stereotyping; or any instance of sexual assault, dating violence, domestic violence, or stalking.

Quid pro quo harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person’s participation in unwelcome sexual conduct.

- M. Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.
- N. 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.
- O. Supportive Measures** – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of support measures are counseling, 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.
- P. Title IX Coordinator** – for purposes of these Procedures, the Title IX Coordinator refers to Lauren Saunders. The Title IX Coordinator’s office is in A-Building, Room 128. The phone number is 828-726-2304 and the email is [lsaunders@cccti.edu](mailto:lsaunders@cccti.edu).
- Q. Deputy Title IX Coordinator** – for purposes of these Procedures, the Title IX Deputy Coordinators refer to Rose Moon. Ms. Moon’s office is in A-Building, Room 121. The phone number is 828-726-2269 and the email is [rmoon@cccti.edu](mailto:rmoon@cccti.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
4. Third parties participating in a College education program or activity

### B. **These Procedures apply to conduct that occurs in a College Education Program or Activity located within the United States and of which the College has actual knowledge.**

## 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 alleged Complainant 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 or Deputy Coordinators 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.

## SECTION SIX: STUDENT SERVICES

Students can also seek confidential guidance or advice from one of the following college employees.

<b>Name</b>	<b>Title</b>	<b>Phone</b>	<b>Location</b>	<b>Email</b>
Becky Boone	Counselor	828.726.2729	Caldwell Campus, B-137	<a href="mailto:bboone@cccti.edu">bboone@cccti.edu</a>
Shannon Brown	Executive Director, Student Development and Success	828.726.2288	Caldwell Campus, F-149	<a href="mailto:csbrown@cccti.edu">csbrown@cccti.edu</a>
Movita Hurst	Counselor	828.297.2185	Watauga Campus, W460-104	<a href="mailto:mhurst@cccti.edu">mhurst@cccti.edu</a>
Blair Johnston	Counselor	828.297.5263	Watauga Campus, W460-103	<a href="mailto:bjohnston@cccti.edu">bjohnston@cccti.edu</a>
Taylor Reed	Counselor	828.726.2498	Caldwell Campus, F-145	<a href="mailto:treed@cccti.edu">treed@cccti.edu</a>
Tuesday Sigmon	Director, Counseling and Disability Services	828.726.2716	Caldwell Campus, F-150	<a href="mailto:tsigmon@cccti.edu">tsigmon@cccti.edu</a>
Ashleyn Thomason	Counselor	828.726.2620	Caldwell Campus, F-151	<a href="mailto:athomason@cccti.edu">athomason@cccti.edu</a>

Employees seeking confidential guidance or advice should contact Human Resources.

### 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 immediate and appropriate steps to:
  - a. Communicate with the individual who reported the alleged conduct;
  - b. Implement supportive measures to eliminate and prevent the recurrence of sex harassment, deter retaliation, remedy the effects

## SECTION SIX: STUDENT SERVICES

- 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. The Title IX Coordinator must administratively close a report or complaint of sexual harassment if after an initial assessment:
- a. The allegations as stated do not constitute a violation of this Policy and Procedure, even if proven; or
  - b. The alleged sexual harassment did not occur in the College's Education Program or Activity or did not occur in the United States.
  - c. The Title IX Coordinator will notify the parties if a report or 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.
3. The Title IX Coordinator may administratively close a report or complaint of sexual harassment if:
- a. The Complainant, at any time, requests withdrawal of the report or complaint;
  - b. The Respondent is no longer enrolled or employed by the College; or
  - c. The College is prevented from gathering evidence sufficient to reach a determination of responsibility.
  - d. The Title IX Coordinator will notify the parties if a report or complaint of sexual harassment is closed under this section, including the reason(s) for closure, and direct the parties to the

## SECTION SIX: STUDENT SERVICES

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.

4. 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 filed.

### **C. Informal Resolution**

5. Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time after the filing of a Formal Complaint. 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, and potential outcomes resulting from participating in the informal resolution process.
  - d. The Title IX Coordinator also designates an independent, neutral person to facilitate the informal resolution.
6. 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.
7. Informal resolution concludes the matter only when all parties have signed a written agreement that confirms resolution of the allegations.

## SECTION SIX: STUDENT SERVICES

- a. The resolution agreement must include a waiver of the parties' right to have a formal hearing 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.
8. 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), 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 evidence, 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.
9. 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.



## SECTION SIX: STUDENT SERVICES

10. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy.
11. 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.
12. The College aims to bring all investigations to a resolution within thirty (30) business 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:
    - x. The complexity and/or number of the allegations;
    - xi. The severity and extent of the alleged misconduct;
    - xii. The number of parties, witnesses, and other types of evidence involved;
    - xiii. The availability of the parties, witnesses, and evidence;
    - xiv. A request by a party to delay an investigation;
    - xv. The effect of a concurrent criminal investigation or proceeding;
    - xvi. Intervening holidays, College breaks, or other closures;
    - xvii. Good faith efforts to reach a resolution; or
    - xviii. 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.
  - c. The Title IX Coordinator will inform the Complainant and Respondent at regular intervals of the status of its investigation.
  - d. The College may remove a student pending the completion of an investigation and resolution, when the College performs an individualized safety and risk analysis and determines the person poses an immediate threat to the physical health or safety of any member(s) of the College community.
    - iii. In all cases in which an emergency removal is imposed, the student shall be given notice of the conditions and duration of such emergency removal and an opportunity to challenge

## SECTION SIX: STUDENT SERVICES

- the removal decision immediately following the removal by submitting a written appeal to the President.
- iv. Violation of an emergency removal under this Procedure is grounds for expulsion or termination.
  - e. The College may place an employee on paid administrative leave pending the completion of an investigation and resolution. An employee does not have a right to appeal a determination to place the employee on paid administrative leave pending the conclusion of the Title IX grievance procedure.
13. Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.
14. The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during all stages of an investigation.
- c. A party may elect to change advisors during the process.
  - d. All advisors are subject to the same rules:
    - v. 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.
    - vi. Advisors are expected to maintain the privacy of the records shared with them.
    - vii. Advisors are expected to refrain from interfering with investigations.
    - viii. 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.
15. Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely.
- c. The Complainant and Respondent may submit a written response to the evidence within ten days after receipt of the evidence.

## SECTION SIX: STUDENT SERVICES

- iii. 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.
  - iv. Responses may not exceed 10 double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.
- d. The investigator considers any responses received from the parties and conducts any further investigation necessary or appropriate.
16. Following an investigation and at least 10 days prior to a grievance hearing, the investigator submits an investigative report to the parties that fairly summarizes relevant evidence. The report includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; and a summary of the evidence relevant to a determination of responsibility.

### V. GRIEVANCE HEARINGS

At least 10 days after the issuance of an investigation report, the College must hold a live hearing in front of a decision-maker to determine responsibility of a Respondent. The decision-maker may not be the Title IX Coordinator or the investigator(s). A "live hearing" means either in person or virtually. The following hearing rules apply:

- A. All parties must be able to see and hear the questioning of parties and witnesses.
- B. Any party may request a virtual hearing. If requested, the College will provide a virtual hearing.
- C. All parties have an equal opportunity to present witnesses, including fact and expert witnesses.
- D. The parties' advisors are permitted to cross-examine the parties and any witnesses.
  1. The parties are prohibited from directly conducting cross-examination. Cross-examination must be conducted by a party's advisor.
  2. The decision-maker determines whether questions asked during cross-examination are relevant to the determination of responsibility. If the decision-maker disallows a question, they will explain the basis for their decision at the hearing. Parties and advisors may not challenge the decision-maker's relevancy determinations during the hearing.
  3. Evidence or questions that inquire about the Complainant's sexual predisposition or prior sexual history are prohibited (i.e. rape-shield protections) unless such questions and evidence are offered to prove that

## SECTION SIX: STUDENT SERVICES

someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

4. To the extent permitted by law, the decision-maker may consider statements of persons not present at a hearing and/or not subject to cross-examination unless the statements are subject to exclusion under another provision in this Procedure. "Statements" include but are not limited to opinions and statements in police reports, medical records, court records, investigation notes, emails, written statements, text messages, social media postings, and the like.
  5. Records with a legally recognized privilege, such as medical treatment records, may not be used unless the individual or entity who holds the privilege waives the privilege. Any waiver must be written and made in advance of a hearing.
  6. If a party does not have an advisor, the College will provide an advisor at no cost to the party. The advisor may, or may not, be an attorney.
  7. Other standard Rules of Evidence do not apply in grievance hearings under these Procedures.
- E. The College will provide either an audio recording, audiovisual recording, or transcript of the hearing to all parties.
- F. The decision-maker evaluates all relevant evidence and reaches a determination regarding responsibility. The decision-maker issues their final written determination to all parties within ten (10) days of the hearing. The final written determination includes a summary of the allegations; a description of the procedural steps taken by the College to investigate and reach a determination of responsibility; findings of fact supporting the determination; conclusions regarding the application of College policies to the facts; a statement of and rationale for the result as to each allegation, including a determination of responsibility; any disciplinary sanctions the College recommends or imposes; whether remedies designed to restore or preserve equal access to an education program or activity will be provided to the Complainant; and the College's appeal procedures.
- G. The following sanctions may be imposed for those who have violated these Procedures:
2. 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. Recommendation of Expulsion
  - 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. Recommendation of Demotion
  - f. Recommendation to Suspend with or without Pay
  - g. Recommendation of Dismissal
  - h. Other consequences deemed appropriate to the specific violation

If the decision-maker is required to make a recommendation for student expulsion or employee suspension, demotion or dismissal, such recommendation will be made to the appropriate College official after the time for appeal has expired. If the decision-maker 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 decision-maker.

## **VI. APPEALS**

After the decision-maker submits their determination of responsibility 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 affected the outcome;
- B. New evidence that was not reasonably available at the time of the hearing that could affect the outcome; and/or
- C. The Title IX Coordinator, investigator, or decision-maker had a bias or conflict of interest that affected the outcome.

Parties must submit any appeal to the President of the College by 5:00 p.m. eastern standard time via email or mail, within ten (10) days of receiving the decision-maker's 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.

## SECTION SIX: STUDENT SERVICES

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 two (2) business days of receiving a copy of 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, the decision-maker's written determination of responsibility, 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.

The President's written decision is final.

### **VII. 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.

### **VIII. PROVIDING FALSE INFORMATION**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials or who knowingly 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 a determination regarding responsibility alone is not sufficient to conclude a false report or complaint was made.

### **IX. 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.

### **X. FERPA (Family Educational Rights and Privacy Act)**

A student's personally identifiable information found in a student's education records will be shared only with 1) College employees who need to know to assist with the

## SECTION SIX: STUDENT SERVICES

College's response to sexual harassment and 2) parties involved in the Title IX grievance process who are legally entitled to evidence obtained during a Title IX investigation.

A student's personally identifiable information found in a student's education records will not be disclosed to third parties unaffiliated with the College unless:

- A. The student gives consent;
- B. The College must respond to a lawfully issued subpoena or court order; or
- C. The College is otherwise required by law to disclose.

### **XI. 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.

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

The Title IX Coordinator, investigators, decision-makers, and those involved in any informal resolution process shall receive annual trainings on topics including:

- A. The definition of sexual harassment for Title IX purposes;
- B. The scope of the College's education programs and activities under Title IX;
- C. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- D. How to serve impartially, including avoiding prejudgment of facts at issue, conflicts of interest, and bias;
- E. Technology to be used at live hearings;
- F. Issues of relevance of questions and evidence, including rape-shield limitations; and
- G. Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

All training materials are posted on the College's website.

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

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

- A. Information about safe and positive options for bystander intervention skills;
- B. What "consent" means with reference to sexual activities;

## SECTION SIX: STUDENT SERVICES

- C. Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks;
- D. How and to whom to report an incident regarding discrimination, harassment and sex-based violence;
- E. The importance of preserving physical evidence in a sex-based violent crime; and
- F. Options about the involvement of law enforcement and campus authorities, including the alleged victim's option to: i) notify law enforcement; ii) be assisted by campus authorities in notifying law enforcement; iii) decline to notify law enforcement; and iv) obtain "no-contact" or restraining orders.

Each year, all students and employees will receive an electronic copy of these Procedures sent to their college email address of record. These Procedures will be maintained online in the college's website and a hard copy will be kept on file (in English and Spanish) in the Title IX Coordinator's office. Other translations will be made available upon request.

### XIII. RECORDKEEPING

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

### XIV. VICTIM AND EDUCATIONAL RESOURCES

#### Counseling and Community Resources

CCCTI Counseling Services  
2855 Hickory Blvd.  
Hudson, NC 28638  
Phone#: (828) 726-2288  
<http://www.cccti.edu/Students/CounselingAdvising.asp>

Shelter Home of Caldwell County  
PO Box 426  
Lenoir, NC 28645  
Phone#: (828) 758-0888  
FAX#: (828) 758-8949  
[www.shelterhomeecc.org](http://www.shelterhomeecc.org)

Smokey Mountain Center  
Phone#: (800) 849-6127 (24 hours)  
[www.smokymountaincenter.com](http://www.smokymountaincenter.com)

CCCTI Counseling Services  
372 Community College Dr  
PO Box 3318  
Boone, NC 28607  
Phone#: (828) 297-2185 x5263  
<http://www.cccti.edu/Students/CounselingAdvising.asp>

Oasis  
PO Box 1591  
Boone, NC 28607  
Phone#: (828) 262-5035 (24 hours)  
[www.oasisinc.org](http://www.oasisinc.org)

Caldwell UNC Memorial Hospital  
321 Mulberry Street SW  
Lenoir, NC 28645  
Phone# (828) 757-5100  
<http://www.caldwellmemorial.org/>



## SECTION SIX: STUDENT SERVICES

Appalachian Regional Healthcare  
System  
336 Deerfield Rd  
Boone, NC 28607  
Phone#: (828) 262-4100  
<http://www.apprhs.org/>

Women's Resource Center  
125 3<sup>rd</sup> Street NE  
PO Box 1608  
Hickory, NC 28601  
Phone#: (828)322-6333 x 202  
<http://www.wrchickory.org/>

Rape Crisis Center of Catawba, Inc.  
848 Highland Avenue NE  
Hickory, NC 28601  
Phone#: (828) 322-6011  
FAX#: (828) 322-1704  
<http://www.rapecrisiscenter.com/>

### **Law Enforcement Agencies**

Caldwell County Sheriff's Department  
2351 Morganton Blvd SW  
Lenoir, NC 28645  
Phone#: (828) 758-2324  
FAX#: (828) 757-8685  
[www.caldwellcountync.org/sheriff](http://www.caldwellcountync.org/sheriff)

Lenoir Police Department  
1035 West Avenue  
Lenoir, NC 28645  
Phone#: (828) 757-2100  
FAX#: (828) 757-2103  
[www.cityoflenoir.com](http://www.cityoflenoir.com)

Hudson Police Department  
550 Central Street  
Hudson, NC 28638  
Phone#: (828) 728-5021  
FAX#: (828) 726-0827  
[www.townofhudson.com/police-department](http://www.townofhudson.com/police-department)

Granite Falls Police Department  
5 Falls Avenue  
Granite Falls, NC 28630  
Phone#: (828) 396-3358  
[www.granitefallsc.com/police](http://www.granitefallsc.com/police)

Watauga County Sheriff's Office  
184 Hodges Gap Road  
Boone, NC 28607  
Phone#: (828) 264-3761  
[www.wataugacounty.org/App\\_Pages/Dept/Sheriff/contact.aspx](http://www.wataugacounty.org/App_Pages/Dept/Sheriff/contact.aspx)

Boone Police Department  
1500 Blowing Rock Road  
Boone, NC 28607  
Phone#: (822) 268-6900  
FAX#: (828) 268-6919  
[www.townofboone.net/departments/police-department/](http://www.townofboone.net/departments/police-department/)

Blowing Rock Police Department  
1036 Main Street  
PO Box 47  
Blowing Rock, NC 28605

Phone#: (828) 295-5200

[www.townofblowingrocknc.gov/government/police](http://www.townofblowingrocknc.gov/government/police)

**National Governmental Resources**

US Department of Education, Office of Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
800-421-3481  
[www.ed.gov/ocr](http://www.ed.gov/ocr), email: [OCR@ed.gov](mailto:OCR@ed.gov)

US Department of Justice, Office on Violence Against Women  
Office on Violence Against Women 145 N Street, NE, Suite 10W.121  
Washington, DC 20530  
202-307-6026  
[www.justice.gov/ovw](http://www.justice.gov/ovw)

National Sexual Assault Hotline  
800-656-HOPE(4673)  
[www.rainn.org](http://www.rainn.org)

National Sexual Violence Resource Center  
877-739-3895  
[www.nsvrc.org](http://www.nsvrc.org)

National Domestic Violence Hotline  
800-799-SAFE(7233)  
[www.thehotline.org](http://www.thehotline.org)

National Teen Dating Abuse Helpline  
866-331-9474  
[www.loveisrespect.org](http://www.loveisrespect.org)

Stalking Resource Center  
202-467-8700  
[www.victimsofcrime.org/our-programs/stalking-resource-center](http://www.victimsofcrime.org/our-programs/stalking-resource-center)

Break the Cycle  
Washington DC Office  
202-824-0707  
[www.breakthecycle.org](http://www.breakthecycle.org)

NO MORE  
[www.nomore.org](http://www.nomore.org)

Know Your IX  
[www.knowyourix.org](http://www.knowyourix.org)

Not Alone: Together Against Sexual Assault  
[www.notalone.gov](http://www.notalone.gov)

The Red Flag Campaign  
<http://www.theredflagcampaign.org/>

**State Governmental Resources**

NC Coalition Against Sexual Assault  
811 Spring Forest Rd. Suite 900  
Raleigh, NC 27609  
919-871-1015

NC Victim Assistance Network  
5700 Six Forks Road, Suite 101  
Raleigh, NC 27609  
800-348-5068

## SECTION SIX: STUDENT SERVICES

[www.ncccasa.org](http://www.ncccasa.org)

[www.nc-van.org](http://www.nc-van.org)

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

**6.24 Reserved for Future Policy**

## 6.25 Students – Alcohol and Drugs on Campus Policy

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.

- 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).

## SECTION SIX: STUDENT SERVICES

- 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. 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.
- D. A student who violates the terms of this Policy will be subject to disciplinary action in accordance with Policy 6.22 – Student Code of Conduct. At his/her discretion, the Vice President, 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.
- E. 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.
- F. 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 Employee – Alcohol and Drugs on Campus Policy.

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

## 6.26 Student Computer Usage Policy

### I. PURPOSE

The purpose of this document is to define the policies and procedures for using the administrative systems, computer resources, and network systems at CCC&TI.

### 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.
6. Using another person's username/password or sharing of one's own username/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, 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.

## SECTION SIX: STUDENT SERVICES

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. The college 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 Student Code 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.

Freedom of expression is a constitutional right afforded to individuals. However, users of college equipment, systems and software are held accountable for their actions and will respect the rights of individuals who may be offended by the services and images retrieved on the Internet. Individuals who feel they have been harassed should report the incident to the Vice President, Technology/Chief Information Officer or the Vice President, Student Services.

Violators of the computer usage policies and procedures previously stated will be subject to one or more of the following sanctions: verbal and/or written warning, temporary or permanent suspension of computer access privileges, or dismissal from the college as stated in the CCC&TI Student Code of Conduct.

### **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.



## SECTION SIX: STUDENT SERVICES

- 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. 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. Connection to the wireless network at any given time is not guaranteed. The college does not accept liability for any personal equipment that is brought to the college and, therefore, may not assist with configuration, installation, trouble-shooting or support of any personal equipment.

### V. ELECTRONIC MAIL

The college provides free electronic mail accounts to all students. The use of college provided electronic mail accounts should be related to academic pursuits.

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 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 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 8.3.

## **V. ELECTRONIC SIGNATURES**

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.

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 all college policies.

## **VII. PRIVATE WEBSITES 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, students 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, without prior approval of the Vice President, Technology/Chief Information Officer.

Most online social networking sites and resources require an email address and personal profile information. Personal accounts should not be used to officially represent or

promote the college, a college organization, department, division, athletic team, group, official business, campus activity or event. When representing the college, or entity of the college, an approved campus representative account must be used. Individuals or groups are not permitted to freely create campus representative accounts on social networking, blog, wiki, or other social media sites. Only college employees specifically authorized by the Marketing and Communications Department may create online accounts and/or post official college (departmental, divisional, athletic, organizational) information, media files, documents, resources, calendars, and events.

### **VIII. VIOLATIONS**

Each individual is ultimately responsible for his/her own actions. Students may be sanctioned according to procedures described in the Student Code of Conduct and 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.

## 6.27 Grade Appeal Policy

### I. Statement of Policy

The purpose of the Student Grade Appeal Procedure is to provide an orderly and equitable process for resolving differences between students and faculty relating to final course grades. A course grade assigned in a manner consistent with CCC&TI policy can be changed only by the instructor. College administrators can direct a grade to be changed only when it is determined through the procedure established by this policy that the faculty member assigned the course grade impermissibly or arbitrarily as defined below.

#### A. Faculty Responsibility

It is a fundamental principle of higher education that faculty members are expected to exercise their professional judgment in evaluating student performance. At the same time, faculty members have the responsibility to specify in each of their courses at the beginning of the academic term:

- course requirements and expectations for academic performance
- procedures for evaluating performance (method(s) of evaluation and grading scales)

Faculty members must clearly document to all students in the course any subsequent additions to or changes in these requirements, standards, and procedures. Finally, faculty members have the responsibility to apply the specified grading criteria equitably to the academic performance of all students in the course regardless of their race, color, creed, national origin, sex, age, sexual orientation, disabling condition, or other personal characteristics.

#### B. Student Responsibility

Students have the responsibility to know and adhere to college policies and standards pertaining to them. As students willingly accept the benefits of membership in the CCC&TI academic community, they are obligated to uphold and observe the principles and standards articulated in the *CCC&TI Catalog* and the *CCC&TI Student Handbook*.

### II. Applications and Definitions

For purposes of this policy, a course grade is *deemed* to have been assigned arbitrarily or impermissibly if, by clear and convincing evidence, a student establishes that the grade was based on one of the following:

1. The course grade was based upon the student's race, color, creed, national origin, sex, age, sexual orientation, disabling condition, or other personal characteristics,

or for some other arbitrary or personal reason unrelated to the instructor's exercise of his or her professional academic judgment in the evaluation of the academic performance of the student.

2. The course grade was assigned in a manner not consistent with the standards and procedures for evaluation established by the instructor, usually at the beginning of the course in the course syllabus but supplemented on occasion during the semester in other clearly documented communication directed to the class as a whole.
3. The course grade assigned by the instructor was the result of a clear and material mistake in calculating or recording grades. Individual elements (e.g., assignments, tests, activities, and projects) which contribute to a course grade are generally NOT subject to appeal or subsequent review during a grade appeal procedure. However, individual elements may be appealed under these procedures providing *all* of the following conditions are met:
  - a. The student presents compelling evidence that one or more individual *elements* were graded on arbitrary or impermissible grounds (defined above in this section);
  - b. Grounds can be established for determining a professionally sound grade for the appealed element(s); and
  - c. The ensuing grade for each appealed element would have resulted in a different course grade than that assigned by the faculty member.

### III. Procedure

A student who believes his/her final grade in a course has been incorrectly assigned may seek corrective action through the following procedure.

#### **Informal Grade Appeal Process:**

Every reasonable effort should be made to resolve the matter at the informal level.

#### *Step 1: Consultation with the faculty member*

The student should first request a meeting with the instructor to explain why he/she considers the grade to be incorrect. If the instructor is not available, the student should contact the Program Coordinator/Director or Dean to schedule an appointment with the instructor. **This meeting must occur within 10 business days from the day the final grade was posted.** The instructor should document the result of the meeting and maintain this record in the event the appeal proceeds further.

#### *Step 2: Consultation with the Program Coordinator/Director*

If the student and the instructor fail to reach a mutual agreement, the student may submit a written appeal to the Program Coordinator/Director of the area within five business

days. The Coordinator/Director should document the result of the meeting and maintain this record in the event the appeal proceeds further.

*Step 3: Consultation with the Dean*

If the student and Program Coordinator/Director fail to reach a mutual agreement, the student may submit a written appeal to the dean within five business days. The dean should document the result of the meeting and maintain this record in the event the appeal proceeds further.

**Formal Grade Appeal Process:**

If the dispute over the course grade cannot be resolved through the informal process outlined above, the student may submit a grade appeal form, available from Student Services, to the Chief of Staff within five business days of the consultation with the Dean.

*Step 4: Appeal to the Chief of Staff*

- a. Once the formal grade appeal is received, the president will appoint a grade appeal committee to hear the appeal within ten business days of the receipt of the appeal.
- b. The grade appeal committee will be chaired by a faculty member selected by the Chief of Staff, who will be a non-voting member except in the case of a tie. Voting members will consist of three faculty members not associated with the appeal, one student representative with a minimum GPA of 2.5 or greater, and the Vice President, Instruction.
- c. The grade appeal hearing will be conducted in closed session in accordance with the North Carolina Open Meetings Law NCGS § 143-318.10-11 unless otherwise requested in writing by the student. Neither the College nor the student will be permitted to have legal representation during the grade appeal hearing.
- d. The committee will be made up of members from the campus of attendance to assure a fair and equitable hearing.
- e. The committee will hear all parties involved and render a written decision that is considered to be fair and educationally sound within ten business days. ***The decision of the committee will be the final binding decision for the institution.***

**IV. Substitution Provisions**

In the event that the faculty member whose grade is being reviewed is also a Dean or Program Coordinator/Director, the Vice President, Instruction shall do those things required by the Dean or Coordinator/Director. In the event that the faculty member whose grade is being reviewed is also the Vice President, Instruction, the Chief of Staff can name an appropriate substitute to perform the functions of the Vice President as required by this policy.

## 6.28 Student Grievance Policy

CCC&TI is committed to mutual respect among all constituents of the college community. The purpose of this procedure is to provide CCC&TI students an equitable and orderly process to resolve grievances other than grade appeals.

### Definition

A grievance exists in any situation in which students feel that there has been a violation, misinterpretation, or misapplication of an existing college policy. The college prohibits discrimination or harassment in its education activities and programs based on race, color, national origin, religion, sex, gender identity, sexual orientation, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

Every attempt should be made to resolve violations of policy in an informal manner and only when these attempts are not successful should the formal procedure be utilized, except in the case of harassment and unlawful discrimination. These cases will be handled through Policy 6.23 (Unlawful Discrimination and Harassment Policy) and Procedures 6.23.1 (Unlawful Discrimination Procedure) and 6.23.2 (Sexual Harassment Procedure). Persons involved in the grievance procedures shall not be coerced, intimidated, or suffer any reprisal.

### I. Informal Procedure – Step One

Prior to filing a formal grievance, students are strongly encouraged to discuss their grievances with the person alleged to have caused the grievance. The purpose of this informal discussion is to provide the student, employee, or other person with authority the opportunity to address and resolve the grievance at the lowest possible level.

- a. The student shall first informally discuss the matter in question with the college employee most directly involved. If the meeting with the college employee fails to produce a satisfactory settlement, the student may appeal directly to the employee's immediate supervisor, who will attempt to mediate a resolution.
- b. If these informal discussions do not satisfactorily resolve the grievance, the student may proceed to the Formal Grievance Procedure as outlined in Step Two.
- c. The grievance may be initiated at or moved to Step Two without a hearing at a lower step(s), if both parties agree.

### II. Formal Procedure – Step Two

- a. A written formal grievance must be filed with the Vice President, Student Services within 20 business days from the date on which the alleged complaint which is the subject of the grievance occurred. Not proceeding to Step Two within the time period will result in the grievance not being heard and the matter being closed.
- b. Once the formal grievance is received, the Vice President, Student Services will hear all parties involved in the grievance and render a written decision within 10 business days of receipt of the grievance. If the grievance is against the Vice President, Student Services, the president will perform the functions of the Vice President, Student Services as required by this policy.

## SECTION SIX: STUDENT SERVICES

- i. Should a grievance not be satisfactorily resolved or should no decision be forthcoming in the time prescribed above, the grievance may be submitted to the appeal process as noted in Step Three within five business days. If the decision is not appealed within five business days, the grievance will be considered settled on the basis of the last answer provided, and there shall be no further appeal or review.

### III. Appeal – Step Three

If the grievance is not resolved satisfactorily in Step Two, a written formal appeal may be filed with the Office of the President. The appeal must provide a written summary of the specific facts and must contain any other documentation pertinent to the matter. The president will convene the Grievance Committee that will hear all parties involved in the grievance and render a written decision within ten business days of receipt of the appeal.

- a. Time limits under the procedure may be changed by mutual agreement only.
- b. The first meeting will be called by the president or by the chair of the Board of Trustees if the grievance is related to the president. The Grievance Committee will consist of four standing members one of which will be named the chair and one additional member which will be selected at the time of the grievance. A recorder will be assigned to document the proceedings. The parties involved may challenge the impartiality of any of the members selected by the president or by the chair of the Board of Trustees. This committee will act as a hearing committee for all student grievances. The committee's decision is final.



## **6.29 Student Activities and Organizations Policy**

CCC&TI believes that student participation in extracurricular activities contribute to total development of the individual. The College encourages a wide range of student activities that contribute to the development of students. The Student Government Association (SGA) represents the curriculum student body of CCC&TI. The purpose of the SGA is to serve as a united voice of the students, provide a medium for leadership development, and promote self-governance within the student body in order to support students' rights, responsibilities and code of conduct and lead the student body in extracurricular and student-life activities. SGA takes responsibility in promoting various activities and opportunities for out of class learning, social contacts, entertainment, and self-governance. A copy of the SGA Constitution can be found in Student Services and on the college website.

All clubs must be organized in a manner consistent with the requirements of the Student Government Association. Students wishing to initiate new clubs or student activities should contact the Director, Student Activities for assistance. In addition, all student activities and clubs that receive or dispense funds must do so in accordance with procedures specified by the Vice President, Finance and Administration. Activities designed to raise funds and requests for using those funds must be approved by the Student Activities Coordinator, the Vice President, Student Services, the Executive Director, Foundation, and the Vice President, Finance and Administration. Receipt and disbursement of funds shall be in accordance with provisions of the North Carolina State Board of Community College Code, the state auditor's office, and CCC&TI.

The College Executive Council retains final authority to approve, modify, or discontinue student activities or clubs.

**6.30 Athletics**

### **6.30.1 INTERCOLLEGIATE STUDENT ATHLETICS POLICY**

CCC&TI is committed to providing an organized athletic program in order to enhance the personal development of students. The College considers athletics an integral part of the total educational program with equal opportunities offered to all students. The purpose and objectives of athletics comply with the college's purpose and goals. The College President retains final authority to approve, modify, or discontinue, athletics, clubs, or student activities.

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. 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 program to any student athlete. The Athletic Director has the responsibility for organizing and administering the athletic program, hiring coaches and scheduling games and matches. The Athletic Director reports to the Vice President, Student Services who supervises all student extracurricular activities. The Director shall prepare and submit budget requests annually to the college executive council.

All athletic activities shall be conducted in accordance with NJCAA rules and regulation.

### **6.30.2 STUDENT ATHLETICS DRUG TESTING PROCEDURE**

All students participating in athletics at CCC&TI will submit to drug testing at the beginning of the season. Student athletes may be randomly tested throughout the season of participation. A random test will mean that the student athlete must submit to a drug test within a 24-hour period immediately following notification. Failure to participate in a required drug screening shall be considered a “positive” test, and the student athlete will be subject to the action as described below.

If an athlete fails a drug test, the individual will be immediately suspended for 20% of competition according to their respective sport. For example, 6 contests out of 30 in basketball.

During this suspension, the athlete is allowed to practice and travel but is not allowed to dress for any contest. The player may be randomly tested during this suspension as well as at the end of the suspension. The student athlete will be required to attend a drug assessment session with a member of the Counseling Department during this suspension. The athletic director will notify the Vice President, Student Services of the violation. Additionally, the athletic director will verbally inform the parents and/or guardians of the student athlete about the positive test results and the suspension.

If an athlete fails a second test, the individual will be suspended from 40% of competition according to their respective sport. For example, 12 contests out of 30 in basketball.

During this suspension, the athlete is allowed to practice but is not allowed to dress for any contest or travel with the team. The player may be randomly tested during this suspension as well as at the end of the suspension. The student athlete will be required to attend an additional counseling session during this suspension. The athletic director will notify the Vice President, Student Services of the violation. Additionally, the athletic director will verbally inform the parents and/or guardians of the student athlete about the positive test results and the suspension.

If an athlete fails a third test, the individual will be declared ineligible from any athletic participation at CCC&TI for the remainder of the academic year. The athletic director will notify the Vice President, Student Services of the violation. The college will provide the student athlete with a recommendation for external counseling. Additionally, the athletic director will verbally inform the parents and/or guardians of the student athlete about the positive test results and the suspension.

**SECTION SEVEN: BUSINESS SERVICES**

**7.1 Tuition**

### 7.1.1 TUITION AND FEES

#### A. TUITION AND FEES GENERAL REQUIREMENTS

Tuition and fees shall be charged in accordance with state statutes and according to schedules established by the North Carolina State Board of Community Colleges (“State Board”) and/or the College’s Board of Trustees (“Board”). The State Board establishes a general and uniform semester tuition rate for curriculum students. The State Board establishes both a North Carolina resident rate and a nonresident rate. Whether a student is a resident for tuition purposes shall be established in accordance with N.C.G.S. § 116-143.1 and -143.3 (for purposes of Armed Forces personnel and their dependents). For more information concerning residency requirements, see Policy 7.1.2 – Tuition Residency Requirements. The rate for auditing a course is the same as taking the course for credit (an exception for senior citizens has been created at 1E SBCCC 1000.2 Special Provisions for Senior Citizens).

#### B. TUITION AND REGISTRATION FEE WAIVERS

The North Carolina General Assembly and the State Board have promulgated statutes and administrative regulations dealing with authorized groups of students with respect to tuition and registration fee waivers. For information concerning tuition and registration waivers, see N.C.G.S. §§ 115B-1, 115D-5, 1E SBCCC 800.2 and the [North Carolina Community Colleges Tuition and Registration Fee Waiver Reference Guide](#).

To obtain a tuition and registration fee waiver, individuals must establish proof of eligibility as a member of an authorized group. To be eligible for a tuition or registration fee waiver, trainees enrolled in Basic Law Enforcement Training (BLET) courses must obtain a letter of sponsorship from a state, county, or municipal law enforcement agency prior to enrollment and uphold the terms of the sponsorship until completion of the BLET course. The College must maintain documentation of the sponsorship on file. The College shall not grant tuition and registration fee waivers to students enrolled in self-supporting courses. The College shall charge the student the self-supporting fee or use institutional funds to pay for the self-supporting fee on the student’s behalf.

Annually, the President shall report to the State Board the amount of tuition and registration fees waived by the College on behalf of individuals who are members of authorized groups.

#### C. LOCAL FEES

##### 1. Authorization

Pursuant to 1E SBCCC 700.1, the Board adopts the following local fees set forth below. The College shall deposit receipts derived from local fees in an unrestricted institutional account. The College will only use the local fee receipts for the purposes for which the local fee was approved. The President shall annually report all required local fees to the State Board.

**2. Local Fee Waiver**

The following groups are exempt from the following local fees:

Student Activity Fee – Continuing education students; high school students taking college curriculum courses at the high school location; and transitional students.

Campus Service Fee – Continuing education students taking courses at off-campus locations, high school student taking college curriculum courses at the high school location, and transitional students.

Individuals who participate only in meetings and seminars organized by the college (i.e., a group of people gathered for a one-time basis primarily for discussion under the direction of a leader or resource person) are exempt from all local fees. All students will be required to pay applicable Specific Fees and Other Fees.

**3. Authorized Local Fees**

**a. Student Activity Fee**

Pursuant to 1E SBCCC 700.2, the Board establishes a Student Activity Fee as follows: \$7 per course up to a maximum of \$28 per semester (fall and spring) for all curriculum students; \$3 per course up to a maximum of \$9 per semester (summer).

The Student Activity Fee receipts shall be used for the permissible activities and expenses listed in 1E SBCCC 700.2(b)(1)-(2).

**b. Campus Service Fee**

Pursuant to 1E SBCCC 700.4, the Board establishes a Campus Service Fee as follows: \$2 per curriculum class and \$1 per continuing education class up to a maximum of \$10 per each academic semester (fall, spring and summer) for students.

The fee receipts shall only be used to support costs of acquiring, constructing and maintaining the college's parking facilities, parking enforcement and security of college property.

**c. Required Specific Fees**

Pursuant to 1E SBCCC 700.5, specific fees will be charged to students for select courses to cover academic costs for consumable goods or services that are specifically required for that course. Such academic costs include, but are not limited to: tools, uniforms, insurance, certification/licensure



## SECTION SEVEN: BUSINESS SERVICES

fees, e-text, labs and other consumable supplies. The specific fee rate must be based on the estimated cost of providing the good or service.

### **d. Other Fees**

Pursuant to 1E SBCCC 700.6, other fees will be charged to students to support costs of goods or services provided by the College that are not required for enrollment. Examples include, but are not limited to: student health and other insurance fees; graduation fees; transcript fees; optional assessment fees; library/equipment replacement fees and fees to participate in a specific event or activity.

### **e. Excess Receipts**

The fees collected under subsection 3 and 4 above, receipts shall be used for the purpose for which they are charged. If the receipts exceed expenditures for the purpose for which they are charged, the College shall use excess receipts to support the costs of either 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.

## **D. TUITION AND FEE DEFERMENT**

All students, after registering for courses for the specific term, must pay or establish a payment plan through a provider approved by the College on or before a specific date prescribed by the College that is on or before the first date of the course section. Students applying for financial aid that completed their application before the established deadline, and appear to be eligible for assistance, will be allowed to remain in their courses until their financial aid is processed. Students that did not apply for financial aid prior to the established deadline may establish a payment plan.

1. Students wanting to enroll but lacking funds to pay tuition and fees must meet one of three criteria to defer their payment beyond the payment deadline set by the registrar's office:
  - a. Must have applied for financial aid by the application deadline set by the financial aid office and, through preliminary review, appear to qualify for assistance;

## SECTION SEVEN: BUSINESS SERVICES

- b. Must provide (or have their sponsor provide) documentation in writing from a valid third-party agency that the student may be sponsored by the third-party agency once a final review is complete; or
  - c. Must enroll in a payment plan to satisfy the outstanding balance through a third-party provider contracted by the College. All balances must be paid before the last day of the semester.
2. Students who have not completed all requirements by the financial aid office, not supplied a final authorization from their third-party agency or who fail to pay the balance owed by the end of the semester will be subject to the following restrictions until payment in full has been received or until assistance is granted to satisfy the account balance:
  - a. Grades for the term shall be withheld;
  - b. Transcripts shall not be released;
  - c. Registration for future terms shall not be permitted; and
  - d. Permission to participate in graduation shall be denied.
3. Students with outstanding balances shall be notified by a Statement of Account showing the account balance and the nature of the charges and shall be dealt with pursuant to Policy 7.7.1 – Debt Collection.

Legal Reference: N.C.G.S. §§ 115B-1 *et al.*, 115D-5, -39, 116-143.1 and -143.3; 1E SBCCC 200.2, 700.1 – 700.6, 800.2; *NC Community College Tuition and Registration Fee Waiver Reference Guide*

## 7.1.2 TUITION RESIDENCY REQUIREMENT

### 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 rules, consult the Manual.

These special rules impact the following categories of students:

## SECTION SEVEN: BUSINESS SERVICES

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 nonprofit entity** – A lawfully admitted nonresident of the United States who is sponsored by a North Carolina nonprofit 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

## SECTION SEVEN: BUSINESS SERVICES

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. **NC 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

## SECTION SEVEN: BUSINESS SERVICES

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](#).

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)



### 7.1.3 SELF-SUPPORTING COURSE FEES

#### I. AUTHORITY TO CHARGE SELF-SUPPORTING FEES

Pursuant to State Board of Community Colleges Code 1E SBCCC 600.2, 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**

If self-supporting receipts exceed expenditures for the fiscal year, colleges shall use excess receipts to either support the costs of future self-supporting course sections or to support costs authorized by 1E SBCCC 700.7 as noted below.

- a) Excess receipts shall only be used for one or more of the following purposes: instruction, student support services, student financial aid (e.g., scholarships, grants, and loans), student refunds, student activities, curriculum development, program improvement, professional development, promotional giveaway items, instructional equipment, and capital improvements and acquisition of real property.
- b) Excess receipts shall not be used for any of the following purposes: supplemental compensation or benefits of any personnel, administrative costs, entertainment expenses, and fundraising expenses.

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 600.1 – 600.4

## 7.1.4 TUITION AND FEE REFUNDS

### 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.

## SECTION SEVEN: BUSINESS SERVICES

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.

## SECTION SEVEN: BUSINESS SERVICES

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 all of 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.

## SECTION SEVEN: BUSINESS SERVICES

4. *Independently Scheduled Course Section* – is a course sections that meets all of the following criteria:
  - a. Where the begin and end times of the course are not defined;
  - b. Instructional content is delivered asynchronously; and
  - c. A student may enroll during the College’s initial registration period or enroll at any time prior to the census date of the course section.
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 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**

## SECTION SEVEN: BUSINESS SERVICES

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.

Legal Reference:

N.C.G.S. §§ 115D-5; -39; 1E SBCCC 900.1 – 900.5; 1G SBCCC 200.94

## **7.2 Budgeting Processes**



## **7.2.1 FISCAL YEAR AND BUDGETING PROCESSES**

### **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 annual financial statements to the Board of Trustees and, if otherwise required, to the appropriate state and county agencies.

### **II. Budgeting Process**

#### **A. Local Budget Requests**

The College will submit a budget request to the county commissioners of Caldwell and Watauga counties at a time and in a format requested by the counties. The amount allocated by the county commissioners will be included in the institutional budget submitted to the College Board of Trustees for approval.

#### **B. Preparation and Submission**

The Vice President, Finance and Administration is 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.

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, shall authorize 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.

#### **C. Budget Amendments and Budget Transfers**

The Board hereby delegates to the president the authority to make inter-budget transfers as authorized in N.C.G.S. § 115D-58(c). Any such transfer shall be reported to the board at its next regular meeting and entered into its minutes.

#### **D. Budget Management**

The Vice President, Finance and Administration is responsible for the overall management of the College budget system. The vice president will periodically

## SECTION SEVEN: BUSINESS SERVICES

review all budgets and meet with senior administrators to answer questions and discuss potential problems.

Budget managers are responsible for periodically reviewing their budgets and for making any necessary adjustments. Adjustments will be made according to guidelines developed by the Vice President, Finance and Administration. Requisitions may only be prepared if sufficient budget is available in the account number assigned to the requisition.

Legal Reference: N.C.G.S. §§ 115D-54 through -58

## 7.2.2 INSURANCE

### I. Fire, Flood, and Casualty Insurance – College Buildings

As required by N.C.G.S. §§ 115D-58.11, the Board of Trustees, in order to safeguard the investment in institutional buildings and their contents, shall:

- 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. Caldwell and Watauga counties 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.

Legal Reference: N.C.G.S. §§ 115C-58.11 and -58.12

### **7.2.3 SURETY BONDS**

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.

Legal Reference: N.C.G.S. § 115D-58.10

**7.2.4 FACSIMILE SIGNATURES**

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.

Legal Reference: N.C.G.S. § 115D-58.8

### **7.3 Deposits**

### 7.3.1 DAILY DEPOSITS

The objectives of cash management over receipts are to use diligence in collecting funds owed to the College, to provide internal control over cash and cash equivalents and to expedite the movement of monies collected into interest bearing accounts. To accomplish these objectives:

1. Except as otherwise provided by law and approved by the Board of Trustees, all funds belonging to the College, and received by an employee of the College in the normal course of their employment shall be deposited as follows:
  - a. All funds received that belong to the state shall be deposited with the State Treasurer pursuant to G.S. 147-77 and G.S. 147-69.1. All county and institutional funds received shall be deposited to the appropriate bank account under the same rules established for state funds.
  - b. Monies received in trust for specific beneficiaries for which the employee-custodian has a duty to invest shall be deposited with the State Treasurer under the provisions of G. S. 147-69.3.

Funds received shall be deposited daily in the form and amounts received, except as otherwise provided by law and approved by the Board of Trustees. Deposits may be required only when the funds on hand amount to as much as \$250.00, but in any event, a deposit shall be made on the last business day of the month.

The primary point for the collection and deposit of receipts is the Caldwell Business Office. All checks received by mail are routed to the Caldwell Business Office for receipt. Funds are also received regularly at the Business Office on the Watauga campus, the Continuing Education offices on the Caldwell and Watauga campuses, the Campus Stores on the Caldwell and Watauga campuses and the J. E. Broyhill Civic Center.

Funds collected in the Continuing Education office on the Caldwell campus and the Campus Store on the Caldwell campus will be delivered to the Business Office on the Caldwell campus at the close of business each day.

Funds collected at the Watauga Business Office, the Watauga Campus Store and the Watauga Continuing Education office will be deposited directly by those locations. The deposit slip and cashier reports for those locations will be sent to the Caldwell Business Office using the courier the next business day.

All funds received by the cashier will be secured in the Business Office vault until deposited.

In the rare event that it is impracticable for payment to be made at the locations noted above the Vice President, Finance and Administration may approve the receipt of funds at a remote location. Receipt books will be issued by the cashier for use at any remote site. The receipt books will be tracked, logged and archived by the Business Office. Funds from remote sites will be sent daily to the Business Office on the Caldwell campus.

## SECTION SEVEN: BUSINESS SERVICES

The College reconciles the prior day's receipts by 9:00 a.m. the following business day. The deposit is prepared by an employee who is not involved in receipting or accounts receivable. The deposit is then taken to the bank by the courier.

Tuition and all revenues declared by law to be state funds or otherwise shall be deposited pursuant to the rules of the State Treasurer.

Legal Reference: N.G.C.S. §§ 115D-58.9; 147-77



**7.3.2 STUDENT CLUB DEPOSITS AND EXPENSES PROCEDURE**

- A. Club Advisors or designee are responsible for collecting funds and bringing to the Business Office to deposit in accordance with Policy 7.3.1 – Daily Deposits. All funds collected must be delivered by the end of the business day in which it was collected.
- B. The College will not accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks).
- C. The Club Deposit Form shall be used with all deposits and given to the Cashier. The Cashier will verify the deposit and print a receipt.
- D. Club Advisors or designees must verify that cash is available prior to spending.
- E. When making purchases, a Colleague requisition must be completed and approved by the Advisor. The requisition shall then be submitted to Purchasing for a Purchase Order.
- F. Once items have been received, a signed copy of the Receiving Report shall be forwarded to Accounts Payable for payment.

## 7.4 Audits

The College shall be audited a minimum of once every two years. 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.

Additionally, all state fund reports are submitted monthly to the North Carolina Community College System's finance office. These reports are reviewed and reconciled prior to the release of state funds for the subsequent months.

Nothing herein would prohibit the president, if he/she deemed it necessary, from requesting a special audit of the College's accounting records by an outside agency. The president is also authorized, as needed, to develop procedures regarding internal controls to ensure that there are adequate controls in place to promote efficiency and protect the College's assets.

Legal Reference: N.C.G.S. § 115D-58.16

## **7.5 Official Depositories and Investments**

### **I. 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. Funds 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, funds may be deposited in the form of such deposit accounts as provided for a local government or public authority. Public funds 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.

### **II. 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 a Finance 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:

## SECTION SEVEN: BUSINESS SERVICES

- A. Investment decisions shall be solely in the interest of the College and the students, faculty and staff.
- B. Investments shall be for the exclusive purpose of providing an adequate return to the College.
- C. Investments shall be made with the care, skill and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose.
- D. Investment decisions shall be made impartially, taking into account the College's best interest, with special attention to conflict of interest or potential conflicts of interest.
- E. Investments shall incur only costs that are appropriate and reasonable.

Legal Reference: N.C.G.S. §§ 115D-58.6 and -58.7; 159-31(b).

## 7.6 Disbursement of Funds

The objective of managing disbursements is to maintain funds in interest-bearing accounts for the longest appropriate period of time. This allows the College and the state to recognize the maximum earning potential on their funds. This is not intended to encourage late payment or have a negative impact on relationships with firms who, in good faith, supply goods and services to the College.

### I. Disbursement of State Funds

The deposit of money in the state treasury to credit the College shall be made in monthly installments as requested by the College in its monthly Certification Requests. Additional deposits may be made 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 College System Office the expenditures to be made by the College from the State Current Fund during the month.

Funds deposited with the State Treasurer remain on deposit with the State Treasurer until final disbursement to the ultimate payee.

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.

The Community College System Office shall determine whether the funds 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 College 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. Funds in the State Current Fund and other funds made available by the State Board of Community Colleges shall be released only on warrants drawn on the State Treasurer, signed by the president and the Vice President, Finance and Administration.

### II. Disbursement of Institutional and Local Funds

All other public funds received by or credited to the College shall be disbursed on checks signed by the president and the Vice President, Finance and Administration. The officials so designated shall authorize the issuance of 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.

Cash disbursements for all funds are made from original invoices only. Vouchers are prepared using a three-way match for payments for materials and equipment and a two-way match for other purchases. Receiving reports are submitted to accounts payable by the user department

## SECTION SEVEN: BUSINESS SERVICES

when the goods are received. Vendors are instructed to send invoices directly to accounts payable. All vouchers are approved by the Controller prior to payment. The Controller ensures that vouchers are paid when due and that sufficient cash is available prior to payment.

The College reconciles its local and institutional bank accounts on a monthly basis. The state disbursing account is reconciled by the System Office.

The order in which appropriations and other available resources are expended shall be subject to the provisions of Chapter 143C of the General Statutes regardless of whether the state agency disbursing or expending the funds is subject to the State Budget Act.

Federal and other reimbursements of expenditures paid from state funds shall be paid immediately to the source of the state funds.

Billings to the state for goods received or services rendered shall be paid neither early nor late but on the discount date or the due date to the extent practicable.

The College's disbursement cycle is intended to maximize the overall efficiency of the disbursement system while maintaining prompt payment of bills due.

The College typically writes checks weekly. Checks are generated from vouchers entered by Accounts Payable. Vouchers are reviewed and approved by the Controller. Checks are normally mailed within two business days of writing. In order to avoid disbursing account overdrafts, warrants are not released before adequate funds have been requisitioned by the College and approved and deposited to the applicable disbursing account. Qualified employees perform routine, random audits of all disbursements. The College's bank statements are reconciled monthly by the Controller and reviewed and approved by the Vice President, Finance and Administration. Any discrepancies in deposits or disbursements are handled immediately and are resolved prior to the following month's reconciliation process.

Electronic Funds Transfer (EFT) are used for certain payments to state and federal governments and employees when it is determined to be mutually beneficial. The College electronically transfers funds for contributions to the Retirement System and for federal withholding payments. The College pays all full-time employees and most part-time employees by direct deposit. The College does not make electronic payments to vendors. Electronic transfers are verified during the bank reconciliation process.

The College does not currently participate in the state administered procurement card program. The "Delegation of Disbursing Authority" required by the Office of State Controller is kept current.

### **Petty Cash**

The College has established a petty cash fund to reimburse employees using personal funds for the purchase of low-cost items (less than \$25.00) when approved by the department head or supervisor. Petty cash purchases are not to be used as a means of circumventing normal procurement procedures. Pyramiding (multiple invoicing by the vendor/claimant for the purpose of exceeding the prescribed dollar limit) is not allowed.

## SECTION SEVEN: BUSINESS SERVICES

Petty cash funds are maintained by the cashiers on the Caldwell and Watauga campuses.

### *Procedure*

1. Obtain approval from department head/supervisor for purchase.
2. Purchase item with personal funds and get a receipt for the purchase.
3. Present a signed/approved petty cash reimbursement form (with original receipt attached) to the petty cash custodian in the business office.
4. Receive reimbursement (cash) from the petty cash custodian.

Expenditures will be charged to the appropriate unit in the month of purchase.

The head of each department is responsible for controlling expenditures by departmental personnel. Any questionable items should be cleared, in advance of purchase, with the business office.

### *Restrictions*

1. All items must be itemized on a petty cash reimbursement form with original receipts attached. (No photocopies will be accepted.) The receipt must list only those items being reimbursed. (No personal purchases may be listed on the same receipt.)
2. The petty cash fund may not be used to cash checks of any kind.
3. The petty cash reimbursement form must be submitted as soon as possible after the purchase. In no case will reimbursement be made more than 90 days after the date of purchase.
4. Items normally acquired from Faculty/Staff supplies, through contractual arrangements or routine purchasing procedures should not be procured using the petty cash fund.
5. The following purchases/transactions may not be authorized from the petty cash fund. The list is not inclusive.
  - advertisements
  - subscriptions
  - drugs or alcohol
  - honoraria or fees for services
  - travel expenses

The business office will reject any requisition that does not meet the guidelines for petty cash purchases. In the event that reimbursement is made for a purchase that is subsequently disallowed the employee who received the reimbursement must repay the petty cash fund within 72 hours. The individual(s) concerned may appeal such disallowance to the Vice President, Finance and Administration.

Legal Reference: N.C.G.S. §§ 115D-58.3 and -58.4

### **7.6.1 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. Other Prohibited Expenditures**

The Account Procedures Manual maintained by the System Office will occasionally list other prohibited expenditures in the description of each object code.

#### **4. County Funded Items**

Unless otherwise authorized by law, the College may not use state funds for those budget items listed in N.C.G.S. § 115D-32 that are the County’s responsibility to fund.

Legal Reference: N.C.G.S. § 115D-32; -58.3; 1H SBCC 200.3 through 200.11



**7.7 Payments**

### **7.7.1 DEBT COLLECTION**

#### **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 that details the date, purpose and amount of the 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, the account may be turned over to the College attorney who will write a collection letter. Alternatively, the College may send a second collection letter. If this step fails, the College will refer the debt to the NC Setoff Debt Collection Program run by the Department of Revenue. The College will send a final letter to the student informing them that the College intends to submit the debt owed to the Department of Revenue.

Uncollected student debts will be written off and offset against revenue 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 Setoff Debt Collection Act and State Employee Debt Collection Act 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.

#### **III. Year-End Procedures**

The business office will analyze accounts receivable balances annually to establish a reserve for bad debts and to identify accounts that are uncollectible and should be written off. The board must approve the listing of accounts to be written off. Even when accounts have been written off for financial statement purposes, the account will remain in the setoff debt collection program and a restriction will be placed on the account so the student cannot register or receive other services until the debt is paid.

**IV. Other Write-Offs**

Death – If a debtor dies their balance will be written off.

Bankruptcy – If a debtor's debt is discharged through bankruptcy their balance will be written off.

Legal Reference: N.C.G.S. §§ 105A-1; 115D-5; -39

## 7.7.2 METHOD OF PAYMENTS

### I. Methods of Payment

The president is hereby authorized to create procedures regarding the method of payment accepted by the College.

### II. 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:

Caldwell Community College and Technical Institute  
Attn: Cashier  
2855 Hickory Blvd  
Hudson, NC 28638

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 Caldwell Community College and Technical Institute. 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.

### III. Bookstore

Payments can be made using cash, check, money order, MasterCard or Visa. 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 Caldwell Community College and Technical Institute. Checks must be written for the amount due. Checks may not be postdated.

### IV. Returned Checks

State Deposits – Amounts deposited to the state bank account are reported to the North Carolina Community College System Office daily. When a check included in the state deposit is returned the College will write a check to replace it since the deposit reported to the state cannot be reduced.

## SECTION SEVEN: BUSINESS SERVICES

Upon notification that a check was returned, the business office will write a replacement check from the institutional returned check account. This check will be exchanged at the bank for the one that was returned.

When the person who wrote the returned check pays the College for the returned check, the payment will be receipted into the institutional fund from which the replacement check was written. Returned checks may only be redeemed with cash, certified check, money order or credit card. The College will not accept checks from the maker of a returned check for three years.

Other Deposits – Returned checks deposited to non-state bank accounts will not be replaced by the College, but will be allowed to chargeback against the bank account. When the College receives notice of a returned check the College will reverse the receipt so that the original balance is restored. The College will notify, by certified mail, the maker by of the check that their check has been returned.

Returned checks may only be redeemed with cash, certified check, money order or credit card. The College will not accept checks from the maker of a returned check for three years. The College does not charge a fee for returned checks.

**7.7.3 CHECK CASHING**

The College store will cash checks for students and employees written for \$10.00 or less. No more than one check may be cashed by any individual in one day. Students and employees must put their Colleague ID number on their checks.

#### **7.7.4 FINANCIAL REIMBURSEMENTS**

For all financial reimbursements, the College follows the North Carolina Community College System [Accounting Procedures Manual and Reference Guide](#), Section 1: Fiscal Procedures (the “APM”). 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.

## **7.8 Grant Funded Projects and Programs**



**7.8.1 REVIEW OF GRANT FUNDED PROJECTS AND PROGRAMS POLICY**

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.

**7.8.2 REVIEW OF GRANT FUNDED PROJECTS AND PROGRAMS PROCEDURE**

- 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 the Director, Grants 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.

## 7.9 College Store Procedures

### 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.

The Director, College Stores reports to the Vice President, Finance and Administration.

#### Book Adoptions

The Director, College Stores will establish the deadline for book adoptions for each semester. The need to post book titles, ISBNs and price estimates in time for student registration for the coming semester drives the deadline. Posting is required by the Higher Education Opportunity Act. Additionally, this deadline will allow for the ordering and delivery of necessary textbooks for each semester. Books are ordered for one semester at a time.

#### Ordering Textbooks

Instructors will submit title recommendations to their dean for their course and section. The dean will review each request and, if approved, will send a listing of approved texts to the Director, College Stores by the adoption deadline set by the Director, College Stores.

Textbooks adopted for a specific course should remain the adopted text for that course for a minimum of two years, unless the material becomes outdated or the edition changes. No textbook changes will be made without permission of the dean. Textbook adoptions should be submitted for all courses. Courses that have no required text should also be noted. The Director, College Stores will review the listing, contacting the dean or specific instructors if questions arise. The Vice President, Instruction may be consulted by the director if adoptions are not turned in or if complications arise throughout the process.

When the information is available in Colleague, the director will import a course list into the text management system. The textbook information (book adoptions) will be added to the course list and estimated sales per text will be calculated based on past sales and expected sales; this will create an open to buy quantity per title. Items expected to be purchased as "used" will also be marked, and a list will be generated at the end of the current term. If used book goals are not met via the end-of-term buyback hosted by the bookstores, the director will generate a used book want list or auto generate purchase orders by vendor. Book wholesalers will be contacted as needed to fill the remaining used book need. If used books are not available, the College store will order new books to supply the number of books needed.

Requests received by the director will be processed in a timely manner. The director will inform the requestor if the text is not available or the shipment is delayed.

The director should be informed as soon as possible of changes in textbook adoptions so the bookstore can return any new books on hand. This information is also needed to determine which used textbooks will be purchased at the book buy back.

The director or bookstore technician will order supplies, soft goods, gift items, computer programs, and computer supplies.

### **Cancellation of Orders**

The dean may request that the director cancel an order. The director will determine if cancellation is possible and inform the dean. If cancellation is not possible the director and the dean will decide how to handle the order.

### **Receiving Orders**

When goods are received, bookstore personnel match the items received against the packing list or purchase order. If the order is complete, the packing list will be checked, dated, and initialed by the employee and given to the director. The director will proceed to “receive” the books in the bookstore POS system.

The director will process invoices for payment in a timely fashion by creating vouchers in Colleague. The original invoice and any applicable notes will be forwarded to the business office for payment.

The director will investigate any incomplete purchase orders by contacting the vendor/publisher, tracking orders or cancelling items as needed to clear out the purchase orders. Vendors will be notified as needed regarding incomplete shipments and /or damaged items and the director will record credits received.

### **Receiving Items Not on Order**

If the store receives merchandise not ordered from the vendor, the director will take necessary action to return the items, first notifying the vendor of the incorrect shipment. If the vendor is in error, the director will request a return authorization and shipping labels from the vendor and will return the items.

### **Returning Items**

The director may return items that are only used certain times a year to reduce store investment and risk. Based on the return policy of each vendor, the director may need to call or fax vendors for return authorization.

If permission is granted, the director will proceed with the return procedure. The director will keep copies of the on file until a credit memo is received. Items will be deducted

## SECTION SEVEN: BUSINESS SERVICES

from inventory when shipped and credit memo information will be recorded in the POS system when the credit is received.

If permission is not granted the director will attempt to sell unreturnable or old edition books to various wholesale vendors or may discuss with the department chair other means of action. After appropriate efforts have been made to sell “no return/no buyback” items, the bookstore may remove items from inventory and send them to be recycled.

### **Physical Inventory**

The College store will conduct a physical inventory of all items for resale at June 30. An inventory detail report will be printed before freezing items on-hand. All items for resale in the stores will be scanned, counted and uploaded into the POS where perpetual inventory amounts will be adjusted to actual. Any discrepancies will be investigated and corrections made. A final priced inventory listing will be printed and sent to the business office along with a list of any unused credit memos. The controller will record the bookstore inventory on the general ledger.

### **Extending Credit**

Students who receive financial aid or are sponsored by a financially responsible third-party may charge books and supplies. The financial aid award must be posted to the student’s account or the student must be designated as sponsored in Colleague before charges may be made. Students must provide their student ID number and show a proper photo ID. Charges will be allowed during designated dates and times as advertised by the bookstores. Students who choose to pay their tuition using the deferred payment plan may not charge books.

### **Salespersons**

Book salespersons or reps may consult directly with the director or with members of the faculty. Faculty members are not to be interrupted by salespersons or visitors while they are teaching.

### **Check Cashing**

The College store will cash checks for students and employees written for \$10.00 or less. No individual may cash more than one check per day. Students and employees must put their Colleague ID number on their checks.

### **Bad Checks**

Writing a bad check is a crime subject to both criminal and civil penalties. The College reserves the right to pursue all legal remedies available.

If a check is returned to the store for any reason (e.g., insufficient funds or account closed) other than verifiable bank error, the person writing the check will be prohibited

from writing checks to the College. For additional procedures regarding bad checks see the Returned Checks portion in this section of this manual.

## **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, and equipment associated with the operation of the bookstore, enhancement of the bookstore and bookstore facility support costs, such as, utilities, housekeeping, maintenance and security.

The amount of mark-up charged on new textbooks is 25 percent. The mark-up on used textbooks varies depending on the cost of used books and whether additional components like access codes are required separately. Most used books have a mark-up of 30 percent and the mark-up for other items varies. The College reserves the right to charge less than 20 percent on items of major purchases (e.g., computers and associated equipment) as well as to have a variable mark-up on incidental items (e.g., pencils, pads, and pens).

- 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.

Legal Reference: 1H SBCCC 300.3

### **7.10 Vending and Concessions**

The College will deposit funds generated through vending facilities, vending machines and other concession activities into an unrestricted institutional account. Profits received from these operations may be expended for the following purposes:

- A. To support enterprises;
- B. Supporting activities, programs, and services;
- C. Matching student aid funds and for other forms of student financial aid;
- D. Other expenditures of direct benefit to students; and
- E. Other similar expenses approved by the president.

These profits shall not be used to supplement the president's salary or benefits.

Legal Reference: N.C.G.S. § 115D-58.13; 1H SBCCC 300.4

## 7.11 Travel, Transportation, and Allowances

### Purpose

Statutory regulations for per diem, transportation, and subsistence allowances for state travel are contained in G.S. 138-5, 138-6, and 138-7 and apply to anyone traveling on official college business. It is the intent of this section to outline policies to reimburse allowable travel expenses pertaining to travel and subsistence for official college business. Official college business occurs when an employee or other person is traveling to attend approved job-related training, work on behalf of, officially represent, or provide a service related to the college. Travel that does not directly benefit the college is not reimbursable.

All college employees and non-employees who travel on official college business are subject to these regulations. All travel is contingent upon the availability of funds in the proper budget line.

### Employee Responsibility

Anyone traveling on official college business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays, or luxury accommodations and services for the convenience or personal preference of the employee are prohibited. If more than one trip is scheduled back to back, each trip should be accounted for separately.

### Definitions of Terms

For purposes of these regulations, the following definitions apply:

*Blanket Authorization for College President Only* – G.S. 115D-20(1) requires college presidents to report to the college's Board of Trustees. Therefore, the board shall pre-authorize the president's routine travel in the manner they see fit and determine the level of detail they require before authorizing travel, subject to State Board of Community Colleges guidelines. In addition, in the interest of fiscal responsibility, it is the board's responsibility to examine the president's travel at their discretion.

*Travel* – all activities involving expenses for transportation, subsistence and/or registration.

*Transportation* – the means of moving from one physical location to another. The cost of transportation includes reimbursement paid for the use of private or public motor vehicles, the fare paid on public conveyance, tolls, and parking fees.

*Subsistence* – lodging, meals, registration, phone calls and all other items allowed that are not defined as transportation

*Duty Station* – the job location assigned by the college at which the employee spends the majority of his or her working hours



*Conference* – a formal gathering for the purpose of conducting business and exchanging information. Registration fees may be paid for the actual amount expended for such meetings as shown by a valid receipt or invoice.

*Common Carrier* – commercial scheduled airplane, train, or bus

*In-State* – within the borders of North Carolina

*Out-of-State* – all of the continental United States except North Carolina. Travel is determined to be out-of-state if the ultimate destination of the travel is out-of-state. For coding purposes, this designation applies to all expenses for that trip. The employee should make no effort to segregate mileage or other charges incurred before reaching the state border. However, in-state allowances and reimbursement rates apply when employees and other qualified official travelers use hotel and meal facilities located in North Carolina immediately prior to and returning from out-of-state travel during the same travel period.

*Stipends* – Employees of the college who are on payroll cannot receive additional compensation for attending conferences and/or workshops. Employees of the college who are off payroll, but are to return to work (such as nine-month instructors who are off payroll during the summer), may receive compensation for attending conferences and/or workshops during the time when they are off payroll.

### **Authorization Procedure**

In order to travel on college business, all employees must first complete the Travel Request Form. All travel on official college business, except for mileage reimbursement for routine local trips, must be authorized by the president or his designee prior to commencement of travel. Any travel begun prior to the approval of a Travel Request Form may not be reimbursed by the college.

The form may be obtained from the mail room, purchasing office or the office of an administrative assistant for the employee's area. Request should be accompanied by a copy of brochures, fee schedules, or other material listing the costs included in the registration fee.

The employee, supervisor, and the divisional 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. The president or his designee must specifically approve requests for excess subsistence.

The Travel Request Form is also used for requesting advance payment of travel expenses. It is expected that all travel on college business will be accomplished on a reimbursement basis. In unusual cases in which it would be a financial hardship for an employee to pay the cost of the travel and then be reimbursed, the College President may authorize an advance of funds which does not exceed the estimated out-of-pocket travel expense. Advances may be made for registration and subsistence. Advances will not be made for estimated mileage. All advances will be deducted from the employee's travel reimbursement.

## SECTION SEVEN: BUSINESS SERVICES

In the event that the advance exceeds the cost of the trip, the excess advance must be paid back within 30 days of the completion of the travel. Regardless of the date of travel, all advances must be settled no later than June 15.

Advance checks written to the employee will not be prepared and issued earlier than one week prior to the beginning of travel. A log of advances and repayments will be maintained in the purchasing office.

Payment of registration fees must be approved in advance by the president or his designee. Registration fees may be paid directly by the college or the employee may pay the fee and then be reimbursed. Employees may not claim separate reimbursement for meals included in registration fees.

The travel request form should be completed substantially in advance of the planned date of travel. The form is subject to the normal approval process. If approved, the form will be forwarded to the purchasing office where it will be filed until the travel has been completed. The traveler will obtain reimbursement by submitting a colleague reimbursement requisition with the actual travel expenses and appropriate backup.

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.

### **Prospective Professional Employees**

Approval for reimbursement of transportation expenses of prospective professional employees visiting the College for a call back employment interview may be approved by the College President or the President's designee. These expenses are limited to transportation and subsistence for three days at the in-state rate. Amounts in excess of \$1,000.00 must be approved by the NCCCS president and the Office of State Budget and Management.

### **Students**

Students who travel on official college business are subject to these regulations, including statutory subsistence allowances, to the same extent as college employees. Travel by students for the purpose of participating in athletic events and activities of student organizations must be paid from funds supporting the particular organization or activity, not state funds. In addition, state funds shall not be used to charter transportation for student field trips, unless the trip is a mandatory course requirement and was part of the course outline from inception.

### **Penalties and Charges Resulting from Cancellations**

Penalties and charges resulting from the cancellation of travel reservations (including airline, hotel reservations, and/or conference registration) shall be the college's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and/or for the convenience of the college. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness, or death within the employee's

immediate family or other critical circumstances beyond the control of the employee, the college may pay the penalties and charges.

## **Subsistence**

### *24-Hour Period, Lodging, and Meal Allowance*

The System Office establishes the maximum amount of subsistence that may be reimbursed per day. These amounts are listed in the Accounting Procedures Manual on the System Office website and will be emailed to college employees when changed.

### *Lodging*

Reimbursement of actual costs of overnight lodging must be documented by a receipt of actual lodging expense from a commercial establishment. Lodging costs may not exceed the maximum listed above unless approved by the President or his designee. This documentation must be sent to the purchasing office to support the online requisition. Daily hotel allowances are to be reported as incurred on the date on which the night's lodging begins.

### *Fire Safe Hotels*

In setting federal lodging per diem rates, GSA is required by law to use only properties that are certified as being fire safe. The following explains this requirement in greater detail.

The policy of the federal government, as reflected in the Hotel and Motel Fire Safety Act of 1990 (Pub. L. No. 101-391, September 25, 1990 as amended by Pub. L. No. 105-85, November 18, 1997), referred to as "the Act" in this paragraph, is to save lives and protect property by promoting fire safety in hotels, motels, and all places of public accommodation affecting commerce. Federal employees are required by the Act to stay in a fire-safe facility (i.e., an approved accommodation) when commercial lodging is required. Additionally, employees are encouraged to report properties that don't meet the requirements of the Act (hard-wired smoke alarms in each guest room and an automatic sprinkler system in each guest room if the property is more than three stories in height). A list of lodging properties that meet government requirements and a form to report non-compliant properties is on the [U.S. Fire Administration's website](#).

### *Meals*

Reimbursement for meals shall not exceed the amounts established by the System Office.

Employees may receive allowance for meals for partial days of travel when the partial day is the day of departure or the day of return. The employee must meet travel criteria to be eligible for reimbursement for the following meals:

- Breakfast – depart duty station prior to 6:00 a.m.
- Lunch – depart duty station prior to noon (day of departure) or return to duty station after 2:00 p.m. (day of return)
- Dinner – depart duty station prior to 5:00 p.m. (day of departure) or return to duty station after 8:00 p.m. (day of return)

## SECTION SEVEN: BUSINESS SERVICES

The time of departure and/or arrival must be stated on the travel reimbursement request.

### **Limitations on Meal Allowances** (when overnight travel is not required)

A college employee may be reimbursed for meals, including lunches, when the employee's job requires attendance at the meeting of a board, commission, committee, or council in the employee's official capacity and the lunch is pre-planned as part of the meeting for the entire board, commission, committee, or council. This provision does not apply to conferences, seminars, or workshops unless the lunch is a pre-planned part of the formal agenda, and/or is included as a part of the registration fee.

Employees claiming reimbursement under this provision shall be allowed actual cost of lunch and are limited to the statutory rates for breakfast and dinner if travel does not involve an overnight stay.

A college employee may be reimbursed for meals, including lunches, when the meal is included as an integral part of a congress, conference, assembly, convocation, etc. Such congress must involve the active participation of persons other than the employees of a single state department, institution, or agency; the employee's attendance is required for the performance of his or her duties, but must not be part of that employee's normal day-to-day business activities; the congress must be planned in advance with a formal agenda; and the congress must provide written notice or an invitation to participants.

Employees claiming reimbursement under this provision shall be allowed the statutory rates. Cost of meals furnished with other related activities (registration fees, conference costs, in a transportation charge such as an airline fare, etc.) may not be duplicated in reimbursement requests. Employees are allowed to claim reimbursement for meals even though they are shown and offered as part of a flight schedule on a commercial airline.

### **Excess**

No excess will be allowed for meals from state funds unless such costs are included in registration fees and/or there are predetermined charges or the meals were for out-of-country travel. The College President or his designee may grant excess subsistence for meals while traveling out-of-country.

When it is anticipated that, due to extraordinary circumstances and that more economical accommodations are not available, the daily cost of total subsistence will exceed the maximum amounts established herein, a request for reimbursement for this excess which sets forth, in detail, the nature of such extraordinary circumstances may be approved by the College President or his designee. Reimbursement to employees sharing a room with a member of his or her family will be limited to the single occupancy rate.

### **Reimbursement for Other Costs**

#### *Tips and Gratuities*

Reimbursable gratuities or tips must be considered reasonable for items that are not already covered under subsistence. Excessive tips will not be reimbursed. A reasonable tip would be one

## SECTION SEVEN: BUSINESS SERVICES

that a prudent person would give if traveling or conducting personal business and expending personal funds. For further guidance, the following information is provided when calculating a tip:

- Airports Baggage Handling/Skycaps no more than \$2 per bag;
- Shuttle Drivers no more than \$2 per bag.
- Valets = \$2 per car when collecting the car;
- Taxi Drivers = 15% of the fare and \$1-\$2 a bag.

Tips for handling baggage at common carrier terminals and/or when arriving at or departing from the place of lodging are allowed and must be itemized under “other expenses.” Baggage tips are not counted toward the authorized subsistence maximums, but may be claimed as miscellaneous and excessive tips must be documented with a receipt. Tips for room service and other hotel services are not reimbursable. The costs of laundry, entertainment, alcoholic beverages, “set-up,” between-meal snacks or refreshments, and other personal expenses are not reimbursable.

### *Telephone Calls*

Official business phone calls are not reimbursable from state funds. Official business calls may be reimbursed from non-state funds up to \$5.00 without the point of origin and destination being identified. If the cost of the call is greater than \$5.00, the origin and destination of the call must be identified.

While traveling, employees are not allowed to charge long distance phone calls to state funds. All long distance phone business calls must be paid from non-state funds.

An employee who is in travel status for two or more consecutive days is allowed one personal long distance telephone call for each two days of travel. The reimbursement may not exceed \$3.00 for each in-state call or \$5.00 for each out-of-state call. Reimbursement must be made from non-state funds.

Employees may be reimbursed for a personal long distance call if such call is of an emergency nature as determined by the college. Appropriate documentation and justification must be filed with the reimbursement request. Reimbursement must be made from non-state funds.

### *Registration Fees*

All registration fees must be approved in advance by the president or his or her designee. Convention or conference registration fees must be included on the travel authorization request prior to departure. Registration fees for webinars or other online training that does not involve travel should not be requested on a travel authorization, but should be processed using the college’s normal purchasing procedures. The president or designee must reduce the cost by unrelated items that are not a direct part of the official convention or conference, such as tours or social activities.

Registration fees may be paid by the college or the authorized traveler. An assembly must involve the active participation of persons other than the employees of a single college or agency and must be necessary for conducting official college or state business. When a registration fee

## SECTION SEVEN: BUSINESS SERVICES

includes the cost of one or more meals, it is the responsibility of the college to ensure that reimbursements for such meals are not approved on the travel authorization.

Authorized travelers may not claim reimbursement for meals included in registration fees. To reimburse an authorized traveler for a paid registration fee, the employee must provide documentation of the expense by a receipt. It is the authorized traveler's responsibility to obtain the receipt, not the college's responsibility. A copy of a cancelled check used to pay a registration fee cannot be used as a valid receipt for reimbursement purposes. The employee will have to exercise due diligence to obtain a receipt in order to be reimbursed.

If the registration fee is paid by the college directly to the vendor through the accounts payable process, the proper registration fee documentation (i.e., brochures, invoices, etc.) must be received for payment to be processed and filed with the expense voucher as other accounts payable invoices. Registration fees shall be distinguished from tuition fees. Tuition expenses which generate continuing professional education credits must be coded to expenditure object 53980X—Employee Education Expense.

## 7.12 Transportation

### General Policy

Authorization of the mode of travel is to be made by the College President or his designee, subject to these regulations.

#### *Transportation by Personal Vehicle*

Travel shall be conducted in the most efficient manner and at the lowest and most reasonable cost to the college. With regard to passenger vehicle travel, whether in-state or out-of-state, the college shall:

- Maximize utilization of college-owned vehicles,
- Make use of state term contracts for short-term rentals (State Term Contract 975B Vehicle Rental Services), and
- Reimburse for use of personal vehicles on a limited basis.

When a college-owned vehicle is not available, the college may procure vehicles through the state's term contracts or reimburse use of personal vehicles. If a college employee chooses to use a personal vehicle, actual mileage is reimbursable. Mileage is measured from the closer of duty station or point of departure to destination (and return).

An authorized traveler who has been approved for reimbursement for the use of a personal vehicle shall be reimbursed the standard business mileage rate set by the Internal Revenue Service or a lower rate approved by the Board of Trustees when using their personal vehicle for official college business and the round trip does not exceed 100 miles per day that the traveler is in travel status. Mileage reimbursement rates will be set by the board annually and communicated to employees by email.

However, if an authorized traveler chooses to use a personal vehicle and the round trip exceeds 100 miles the college will reimburse the authorized traveler at .33\$ per mile. If the round trip does not exceed 100 miles the college will reimburse at the IRS mileage rate as adopted by the college. Parking fees, tolls, and storage fees are reimbursable when the required receipts are obtained (see Parking). Fines for traffic and parking violations are the responsibility of the employee.

Reimbursement shall not be authorized for expenses which exceed the established rate of travel or actual air-coach rate when:

- A college-owned vehicle is available.
- Railroad, airplane, or other alternate transportation is feasible and would be more economical, considering transportation, subsistence, and salary costs.

Reimbursement may be made to College Board of Trustees for their commute from their home to their duty station to conduct official College Board meetings.

#### *Transportation by a Rental Vehicle*

For both in-state and out-of-state travel, rental vehicles shall be obtained through State Term Contract 975B, Vehicle Rental Services, when available.

## SECTION SEVEN: BUSINESS SERVICES

Differences in cost when renting a vehicle from a class that exceeds the cost of a standard vehicle must be approved in advance by the College President or his or her designee. Without such approval, the authorized traveler must pay the difference in the cost.

Authorized travelers should choose the most economical means of refueling the rental vehicle, which is typically to refuel the rental vehicle before returning it to the rental agency. Gas receipts for refueling the rental vehicle from a commercial gas station or rental agency are required for reimbursement. No reimbursement will be made for rental insurance purchased because college employees are covered under the college's auto insurance program. However, reimbursement for automobile rental insurance will be permitted for individuals engaged in official college business during travel to international destinations.

### *Transportation Reimbursements*

Tolls and parking are reimbursable to employees when using personal vehicles. Actual costs of tolls and parking are reimbursed with a receipt.

Reimbursement may not be made for commuting between an employee's home and his or her duty station.

Reimbursement for travel between the employee's duty station or home (whichever is less) and the nearest airline terminal and for appropriate parking may be made for travel under the following circumstances:

- Taxi or airport shuttle – actual cost when supported by a receipt
- Private Car – See Transportation by Personal Vehicle. Receipts are required for airport parking claims.
- Use of public transportation – In lieu of using a taxi or airport shuttle, employees can be reimbursed without receipts \$5 for each one-way trip either from the airport to the hotel/meeting or from the hotel/meeting to the airport or the actual cost of the travel with the submission of receipts.

Reimbursement for travel to and from the airline terminal at the employee's destination may be made under the following circumstances:

Use of public transportation – In lieu of using a taxi or airport shuttle, employees can be reimbursed without receipts \$5 for each one-way trip either from the airport to the hotel/meeting or from the hotel/meeting to the airport or the actual cost of the travel with the submission of receipts.

- Taxi or airport shuttle – actual cost when supported by a receipt

### **Parking**

Parking expenses are reimbursable while in the course of conducting official business as long as such expense are determined reasonable and clearly show that there was care taken to keep the costs to the college as low as possible. Any parking rates considered excessive and only for the convenience of the employee will not be reimbursable. An example of excessive or inappropriate parking would be the use of an airport's hourly parking lot for an overnight trip.



### **Commercial Airlines**

Tickets for commercial air travel may be purchased by the college or by the traveler. If tickets are purchased by the traveler, the traveler should file for reimbursement as with any other expense. Airline tickets should be the most economical possible. Exceptional conditions requiring the use of first-class accommodations may warrant reimbursement provided a statement of the condition is attached. A receipt is required for reimbursement. Flight insurance is not reimbursable.

### **Non-Commercial Air Travel**

Request for all travel as passengers on non-commercial (charter flights) aircraft are made and approved in the same manner as transportation by other means.

The actual cost of coach fare for rail and bus service on college business is reimbursable, as is the actual cost of coach fare when overnight trips are required.

#### *Taxis and Limousines*

The actual costs of taxi and limousine fares are reimbursable when required for college business. Taxi fares are not reimbursable for inner city transportation except in emergencies when no less expensive mode of transportation is available within a reasonable period.

### **Travel and Allowances for Part-Time Instructors**

Temporary full-time or part-time instructors who travel more than 15 miles to or from a duty station for the purpose of teaching courses may be paid mileage expense in justified cases approved in writing by the College President or his designee. This policy is not intended to reimburse normal commuting expenses.

Subsistence and lodging for temporary full-time or part-time instructors may be paid when it is deemed more economical for the employee to stay overnight rather than to charge transportation costs on successive days.

If part-time employees are required to travel to a conference, seminar, etc. beyond the times stated in their instructional contracts, salary can be paid for the part-time employee to attend the conference, seminar, etc. A new contract must be generated and the new contract shall include written justification stating that the college requires the part-time employee to travel. The new contract costs must include driving time to and from the conference, seminar, etc. as well as the time spent attending the conference, seminar, etc. The new contract salary costs shall not include time spent each day before the conference, seminar, etc. convenes nor time spent each day after the conference has adjourned (i.e., time spent each evening in their hotel room or participating in events that state funds normally would not support). Salary will only be calculated according to a formal, printed, preplanned agenda according to the day's activities. Salary will be expended from a part-time salary object.

### **Request for Reimbursement**

Employees may request reimbursement for their travel when they return from the trip. Reimbursement requests should be submitted to purchasing using an electronic Colleague requisition. In certain areas of the college, requisitions are prepared by designated administrative assistants. These areas are free to adopt policies for the transfer of information from the traveler to the administrative assistant including paper reimbursement forms. Paper reimbursement forms may be used as a convenience in those situations but cannot be used as a substitute for the Colleague requisition when submitting a reimbursement request to the purchasing office.

The requisition should list, on separate lines, all reimbursable items such as mileage, meals, lodging, etc. When the requisition is complete, the requisition number is written on each piece of the documentation and submitted together to the purchasing office.

### **Timely Filing**

Employees are responsible for their own requests for reimbursement. All reimbursement requests shall be filed for approval and payment within 30 days after the travel period has ended. "Travel period" is defined as the calendar month during which the travel occurred.

### **President's Travel**

Written authorization for the College President's travel while performing official duties for the college must be secured and approved by the college's Board of Trustees or a senior administrator designated by the board. Approval may be secured annually to cover the fiscal year in which travel will occur, or approval may be secured as the need arises. Reimbursement procedures must be followed as outlined above.

### **Guests of the President**

The President of the College may be reimbursed from state funds for meals for himself and non-college employees who are his official guests, when accompanying them in the course of conducting official college business. Non-college employees include but are not limited to board members, college advisory board members, and curriculum advisory board members. Such meals are not subject to the daily maximum limitations on amounts contained in these procedures, and the limitations pertaining to minimum distance from duty station do not apply. Cost of meals and other expenses for family members of college employees and/or non-college employees conducting official college business are not reimbursable from state funds.

### **7.13 Chart of Accounts**

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 “APM”). The Board hereby incorporates the Manual.

## 7.14 Contracting Authority

The Board is the official legal entity for the College. Unless otherwise delegated, the power to contract on the Board's behalf is solely vested with the Board. The College's size and complexity, however, is such that individual review by the Board of every agreement is neither feasible nor in the College's best interest. Therefore, certain delegations of contracting authority are appropriate within the following specified guidelines.

- I. Contacting Authority Delegation – The President is hereby expressly authorized and empowered to contract in the Board's name as follows:
  - A. Personnel – All employment contracts shall be signed by the President.
  - B. Capital Improvement Change Orders – The President or his designee may approve a capital improvement change order.
  - C. Service Agreements – The President shall have authority to execute service agreements on the Board's behalf.
  - D. Instructional Agreements – The President is expressly authorized to sign all instructional agreements on the Board's behalf.
  - E. Cooperative Agency Agreements – The President is authorized to sign all cooperative, interinstitutional, and interagency agreements on the Board's behalf.
- II. Signatory Authority – Unless the authorizing action of the Board specifically provides otherwise, any contract approved by the Board shall be executed on the Board's behalf by either the Board Chair or the president.
- III. Custody of Contracts – The President is hereby designated as custodian of all Board contracts. He/she shall maintain on file in either the President's Office or the Business Office one of every contract to which the Board is a party.

Legal Reference: N.C.G.S. § 115D-14

## 7.15 Purchasing Policy

### I. NC Community College Purchasing and Equipment Procedures Manual

The Board hereby incorporates the [NC Community College Purchasing and Equipment Procedures Manual](#) (“Manual”). The Manual shall control in the event of any inconsistencies with this Policy or any of the college’s purchasing procedures.

### II. Processing Requisitions and Purchase Orders

The following procedures should be followed in ordering supplies, material, equipment, or services for use by the college. Procedures are designed to comply with the rules and regulations adopted by the state of North Carolina, the General Statutes and the Purchasing Manual of North Carolina – Division of Purchase and Contract. This procedure applies to all organizational elements and employees. It is applicable to the Student Government Association and clubs. These procedures apply regardless of the source of funds.

#### Definitions of Terms

Capitalized Assets – property, such as land, buildings and equipment, with a cost equal to or greater than \$5,000 and a useful life of two or more years. Capitalized fixed assets are acquired for use in normal operations and are not for resale. These assets may be subject to depreciation. All capitalized assets should be entered into the Fixed Asset System. The college will also enter assets with a cost of at least \$1,000 and less than \$5,000 into the fixed asset system for tracking purposes only. These assets will not be capitalized for financial statement purposes. Assets categorized as “High Risk” are entered into the fixed asset system for tracking regardless of cost. Capitalized assets will be purchased using the appropriate equipment general ledger codes.

Non-Capitalized Assets – for financial reporting purposes, assets costing less than \$5,000 are expensed; they are neither capitalized nor depreciated. Items costing less than \$500 are considered supplies and will be purchased using supply object codes. Non-capitalized equipment costing at least \$500 and less than \$1,000 will be purchased using the expense object code “555100” (Non-capitalized equipment). Object code “555100” will be used with current operating purpose codes (1XX, 220, 3XX, 4XX, 510). Note that certain items designated high risk will be accounted for as noted below regardless of cost.

High Risk Assets – will be purchased using the expense object code “555200” (Non-capitalized Equipment–High Risk). The Community College System considers the following equipment to be high risk:

- data processing and networking equipment
- servers
- computers
- portable projectors
- iPads and other tablets
- guns

## SECTION SEVEN: BUSINESS SERVICES

In addition, all equipment items costing at least \$1,000 and less than \$5,000 will also be purchased using the object code “555200” and will be added to the fixed asset system. These items will be added to the fixed asset system using a fund source of “9.”

Supplies – items that will wear out or be consumed within a period of one year during normal use or that cost less than \$500. These items will not be added to the fixed asset system in Colleague.

Purchases for Resale – items that are procured specifically for resale rather than use by the college.

State Contract – the state of North Carolina Division of Purchase and Contract enters into contracts with vendors to supply a variety of items. As a component unit of the state of North Carolina, the college is required to use these contracts when purchasing goods and services.

Colleague – the information system used by the college. Colleague collects information from and sends information to the state e-procurement system.

E-Procurement – a web-based purchasing system operated by the state for the use of state agencies. E-procurement must be used for the creation of requisitions and purchase orders. E-procurement is interfaced with the college’s Colleague information system. The creation of a requisition in e-procurement leads to the automatic creation of a Colleague requisition.

### Responsibilities

The originator of the requisition is responsible for creating the requisition in e-procurement and ensuring that the requisition is created properly in Colleague, that the Colleague requisition is complete and accurate, and that the requisition is approved in Colleague. The originator is responsible for determining the proper budget line and for ensuring that adequate funds are available.

The purchasing staff will conduct a final review of requisitions prior to approving them. Once this final approval has been entered, the purchase order will be created in e-procurement.

The controller and purchasing staff are responsible for monitoring compliance with internal and state purchasing procedures.

### Procedures

To create a requisition, the originator must be established as a user of the e-procurement system and a user of Colleague. Employees should contact the purchasing agent for a user name and password for the e-procurement system and the system administrator for a user name and password for Colleague.

Once a requisition is created in e-procurement, that system will interface with Colleague

## SECTION SEVEN: BUSINESS SERVICES

and a requisition will be created in Colleague. The originator will be notified by email. The originator should then review the Colleague requisition to see that it contains all the necessary information and submit it for the approval process.

The final approval on all requisitions is entered by the purchasing staff. Once the requisition has received final approval, the information is passed to e-procurement and a purchase order is created. The purchase order is sent to the vendor using the method (mail, email, or fax) requested by the vendor when they registered with e-procurement.

A receiving report is sent to the originator by the purchasing staff. The originator is required to sign the receiving report and return it to the purchasing office when the goods or services are received. Failure to do so will delay payment to the vendor and may adversely affect the college's ability to continue to procure goods and services.

Purchases may only be initiated if sufficient budgeted funds are available. Proper approvals must be obtained prior to purchase. Since state law permits the use of funds by authorized persons, payment for unauthorized purchases is the responsibility of the employee placing the order.

Materials may only be purchased from vendors who have registered with the e-procurement system. Contact the purchasing agent to assist vendors with registration.

The time frame between placing an order to the actual receipt of goods varies, depending on the items purchased. It is the responsibility of the originator to begin the process in sufficient time for all purchasing requirements to be met.

### Requirements

If an item is on state contract, it must be purchased from the vendor specified on the state contract. To determine if an item is on state contract, visit the purchase and contract website. Contracts are listed numerically by contract and alphabetically by commodity.

It is the responsibility of the originator to document that the item is not on state contract. If the item is not on state contract, the following procedures must be adhered to when ordering supplies, equipment, services, and materials. The dollar limits refer to the total amount of the invoice, including freight and sales tax, not the line item.

- Less than \$2,500: Obtain the best source at the best price, no quotes are required.
- \$2,500 to \$4,999: Obtain at least three quotes and document using the Request for Telephone Quotes (CCC-279). Quotes may be obtained by phone, email, or Internet. No documentation is required if the lowest price is chosen. However, if the lowest price is not chosen, the reason must be documented. Valid reasons include, but are not limited to quality, timeliness, and service.
- \$5,000 to \$9,999: Obtain three written quotes using the Request for Written Quotes (CCC-140). No documentation is required if the lowest price is chosen. However, if the lowest price is not chosen, the reason must be documented. Valid reasons include, but are not limited to, quality, timeliness, and service.
- \$10,000 or greater: Purchases of \$10,000 or more must be submitted to the

## SECTION SEVEN: BUSINESS SERVICES

Office of Purchase and Contract in Raleigh. The college's purchasing office will assist in preparing and submitting formal bids in accordance with the guidelines of the State Purchasing Manual

The dollar thresholds may not be circumvented by piecemealing the orders. Piecemealing is defined as preparing multiple requisitions at the same or nearly the same time so as to make it appear that the orders are smaller than they actually are. The purpose of competitive bidding is to obtain the best goods at the lowest price. It is the obligation of all faculty and staff to make the best and most efficient use of the public funds with which the college is entrusted. The college is committed to observing the spirit as well as the letter of the competitive bidding rules. Any attempt to evade the competitive bidding rules is prohibited. These rules apply to funds from all sources. (Requests for textbooks to be purchased by students should be forwarded directly to the Director, College Stores. Books, films, AV supplies, and other LRC materials are ordered directly by the LRC).

The originator should follow up on all orders that are outstanding for longer than 30 days. Orders that are outstanding on June 30 of each year will be canceled automatically unless the Vice President, Finance and Administration authorized payment from the ensuing year in which case the purchase order is closed, but the order is not cancelled.

### Purchase Approvals

Good purchasing procedures require that purchases of goods and services are approved by the appropriate level of management. This policy defines the minimum approval levels for the purchase of goods and services.

A requisition will not be considered approved and a purchase order will not be issued until the requisition is approved by the appropriate level of management. The appropriate level of approval is determined by the total amount of the requisition and, in some cases, by the items being purchased. Requisitions may not be broken into smaller amounts to avoid higher level of approvals. All approvals will be online in the Colleague system. No paper requisitions will be processed.

Anyone with access to the REQM process in Colleague may prepare a requisition. Only persons who are designated as budget managers and given access to the APRN screen may approve requisitions.

### Minimum Required Level of Approval

Amount of Requisition	Approvals Required
\$499 or less	dean/director
\$500 to \$4,999	vice president
\$5,000 to \$9,999	president
Over \$10,000	Division of Purchase and Contract

This does not mean that deans/directors would not approve requisitions greater than \$500 for their areas. It does mean that their approval is not sufficient. The normal procedure for a \$5,000 requisition, for example, would be for the dean/director to approve the requisition and then forward it to the vice president who will approve and forward to the



president.

Requisitions for data processing equipment and software must also be approved by the Vice President, Technology/Chief Information Officer. Certain requisitions may require other approvals not covered here.

This procedure outlines the minimum approval requirements. Individual departments may set guidelines that are more stringent. For example, a vice president may wish to approve all requisitions for his or her department. If so, the vice president may instruct the budget managers who report to him to route all requisitions to him for approval. This procedure will be internal to the department and will not be reflected in Colleague's approval settings or the requirements of purchasing.

Equipment may only be purchased if sufficient budgeted funds are available. Proper approvals must be obtained by creating a requisition prior to purchasing. Orders submitted without proper prior approval are unauthorized and payment for unauthorized purchases is the responsibility of the employee placing the order.

### **III. Purchasing and Bidding**

Purchasing procedures are originated by the North Carolina Division of Purchase and Contract. Such procedures are sanctioned by N.C.G.S. § 143, Article 3 and § 115D-58.5.

- A. *State Contract Items* – Items on state contract may be ordered directly from the vendor subject to any restrictions on the contract certification.
- B. *Non-Contract Items* – Non-contract items of less than \$10,000 total order may be placed by the college without the oversight or approval of the Division of Purchase and Contract. Good purchasing practices mandate that competition is to be sought for all purchases.
- C. *Competitive Bid Items* – Non-contract items over \$10,000 must be sent to the Division of Purchase and Contract for competitive bids.

Legal Reference: N.C.G.S. 115D-58.5; 1H SBCC 500.1 – 500.2

## **7.16 Equipment and Inventory Control Procedure**

All items with a purchase price equal to or greater than \$1,000 and a useful life of more than one year are added to the equipment inventory. Items categorized as high risk are added to the inventory regardless of cost.

The college shall conduct an annual equipment inventory. Spot checks may be made at intervals when deemed necessary or advisable. The Vice President, Finance and Administration shall be responsible planning and administering the inventory.

### **Definitions of Terms**

**Depreciation**– the allocation of the cost of an asset over the course of its useful life. The college uses the straight-line method of depreciation for all depreciable assets.

**Custodian** – the employee who is responsible for an equipment item. This is usually the person who uses the equipment. If you have a computer on your desk, you are the custodian of that computer. Custodians are responsible for safeguarding and accounting for the assets under their control.

**Equipment Inventory** – the college will verify all items on the equipment inventory annually. The verification requires the physical observation of each inventory item. The business office will send inventory managers a listing of all inventory items in their areas. Inventory managers should locate each item on their list as well as inspecting their areas for equipment that does not appear on the inventory listing.

**Excess Property**– property not required by a particular segment of the college. This property is available for transfer to another segment that can utilize the property.

**Inventory Tag** – an inventory tag numbered in sequence placed on equipment items by the equipment specialist. The serial number will be recorded on the computer printout by the business office.

**Surplus Property** – property not required by the institution. This property will be reported to the business office on the Inventory Transactions form (CCC-275) for appropriate action.

**Equipment Specialist** – business office employee designated by the Vice President, Finance and Administration to coordinate inventory transactions.

### **Responsibilities**

The Vice President, Finance and Administration is responsible for supervising the operation of the equipment/property control system and for updating this policy as required. The vice president will recommend any action needed to adjust accounting records to the president.

Senior administrators are responsible for designating an employee in each area to coordinate the equipment inventory process. This employee will be known as the inventory manager. Each senior administrator will review and take appropriate action on inventories conducted within the

administrator's area of responsibility. Appropriate action includes notifying the equipment specialist in writing of all equipment that should be removed from inventory for whatever reason.

The president is accountable for all college property. He or his designees will approve the acquisition, use, and disposal of all college property.

Inventory custodians maintain physical and administrative control of property assigned; assist in the maintenance of departmental inventory printouts; assist in performance of inventory; prepare written documentation required to substantiate loss, damage, or destruction of property assigned; and recommend in writing the removal of equipment from inventory due to cannibalization, exhaustion, loss, etc.

The equipment specialist maintains the equipment inventory ensuring that new items are added to the inventory and entering the transaction forms submitted by the custodians.

### **Use of Equipment Off-Campus**

State policy does not permit individuals to remove equipment from campus for personal use. Any removal of equipment from campus for business purposes must be approved by the Vice President, Finance and Administration. Each instance must be evaluated individually. Requests to move equipment off campus should be initiated by completing Form CCC-185 located in the business office. Phones, laptops, iPads and other mobile computing items issued to employees may be removed from campus without special permission for business use only.

### **Relocation of Equipment**

All items entered on the equipment inventory are identified with an asset tag. The tag displays the number assigned to that item on the equipment management system. The location of that item is noted in the system. The inventory tag should not be removed from the equipment. If the tag becomes damaged or the number becomes illegible, notify the equipment specialist. If any tagged equipment is moved an Inventory Transaction form must be submitted with the new location.

### **Procedures for Annual Inventory**

The dates for the fixed asset inventory will be determined each year based on the operational requirements of the college. The inventory will normally be scheduled in the early spring so that it can be completed prior to the fiscal year-end on June 30. The equipment specialist will meet with the inventory managers from each area prior to beginning the inventory process.

An inventory listing for their areas will be given to the senior administrators. The senior administrators will work with the appropriate inventory managers to ensure that the inventory is conducted efficiently and completed by the designated date. Inventory managers may conduct the inventory themselves, or they may coordinate the efforts of the custodians in their area.

## SECTION SEVEN: BUSINESS SERVICES

Any discrepancies should be noted on the inventory printout. Discrepancies would include inventory on the printout, but not in the location, inventory in the location, but not on the printout or inventory in a different location than the one listed on the printout.

The inventory will be completed within 30 working days from the receipt of the inventory printout. Printouts and notations will be returned to the equipment specialist.

The inventory manager for each area will complete the program report–internal equipment audit form (DCC 4-13) certifying that each area has been inventoried and identifying any items not located. The manager should record the date of the inventory and enter the name and title of the individual completing the inventory. The manager should rate the security, identification and utilization of the inventory items by assigning a grade of excellent, good, fair or poor. Ratings of fair or poor require a written explanation in the comments section of the form.

A listing of equipment in each area that is not shown on the printout should be prepared and attached to form DCC 4-13. This listing should be itemized by inventory number, item description, and room number. This information will be useful in resolving any missing items in other areas.

The equipment specialist will review the inventory printouts for discrepancies. Those requiring adjustments will be referred to the Vice President, Finance and Administration. The following actions will be undertaken:

1. An investigation of the loss or suspected loss will be made to collect information pertaining to the loss.
2. A report of the findings and recommendations will be made to the president by the Vice President, Finance and Administration.
3. The president will approve the report or indicate his decision with respect to responsibility for the loss.
4. The Vice President, Finance and Administration is responsible for the submission of form DCC 4-13 to the state coordinator of equipment. The report of investigation indicating the president's decision will be attached.

### **Reporting Damage, Theft or Misuse of State Funds/Property**

The damage, theft, embezzlement or misuse of state-owned personal or real property by institutional officials or employees should be reported to the Vice President, Finance and Administration. The vice president will be responsible for reporting to The Director of the State Bureau of Investigation in accordance with G.S. 114-15.1.

**7.17 Equipment**

**7.17.1 REPORTING LOST OR STOLEN EQUIPMENT**

Any damaged, stolen or missing materials or equipment owned by the college must be reported to the Vice President, Finance and Administration 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 § 143b-920, the president shall report possible violations of criminal statutes involving misuse of state property to the State Bureau of Investigation.

### 7.17.2 SALE TRADE, OR DISPOSAL OF EQUIPMENT PROCEDURE

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. If no college requests the equipment, the college may then sell or donate the equipment to public schools or other governmental agencies.
3. Dispose of the equipment through the State Surplus Property Agency.
4. Sell or exchange the equipment (i.e., personal property) to another governmental unit within the United States, or a nonprofit organization pursuant to Article 12, Chapter 160A of the North Carolina General Statutes.
5. Cannibalize or recycle the equipment (see page 73 of the [NC Community College Purchasing and Equipment Procedures Manual](#) entitled "Cannibalization of Equipment").

Should the capitalized asset be determined to have no useful value and cannot be traded, sold, cannibalized or recycled, it may then be discarded.

Legal Reference: N.C.G.S. §§ 115D-15; 160A-266 through -271

## 7.18 Historically Underutilized Business

The Governor and General Assembly created the Office for Historically Underutilized Businesses to advocate and promote the utilization of HUB firms in the purchase of goods and services. Hub vendors are companies that have the following groups as a principal or majority owner, or one who owns a majority of stock/shares:

- American Indian,
- female,
- disabled/handicapped,
- African American,
- Hispanic/Latino,
- Asian American.

The college 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, national origin, religion, sex, sexual orientation, gender, gender identity or expression, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

It is the policy of the college to encourage and promote equal opportunities for Historically Underutilized Businesses (HUBs) in order to foster more diverse participation in all aspects of procurement and contracting opportunities. The college is committed to procuring at least 10 percent of goods and services from HUB vendors. All requisitioners should make a "good faith effort" toward securing a HUB vendor for purchases.

To further these objectives, the college has adopted the "College Plan to Increase Participation by Historically Underutilized Businesses in the Procurement of Goods and Services" dated September 25, 2001. A copy of the plan is included in this manual (see Appendix B).

Legal Reference: N.C.G.S. §§ 143-128.2 through -128.4; *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989)



## 7.19 Payment Card Security

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 authorized cashiers 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 authorized cashiers.
  - 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 Computer Services Department shall maintain additional procedures to ensure compliance with PCIDSS including:
  - 1. Configuration of card processing procedures, including segmentation of local area networks and protection through deployment of firewalls.
  - 2. Logging control procedures.
  - 3. Wireless use procedures.
  - 4. Encryption procedures.

Legal Reference: NC Community College Written Memoranda CC10-029 (issued 7/21/10)

## 7.20 Identity Theft

### 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 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.
  5. Maintaining an account for students from which the student can authorize payments for goods and services like books and food.
- 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 rotocol 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 website may heighten the risk of identity theft and should be considered Red Flags.

### V. SECURITY INCIDENT REPORTING

## SECTION SEVEN: BUSINESS SERVICES

College employees who believe that a security incident has occurred shall immediately notify his/her appropriate supervisor and the Vice President, Finance and Administration. Upon review of the incident, the Vice President, Finance and Administration 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.

Legal Reference: Fair and Accurate Credit Transactions of 2003; FTC Regulations – Red Flag Rule; N.C.G.S. § 75-65

## 7.21 Foreign National Compliance

### 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 NC Office of the State Controller.

When the college identifies a foreign national or foreign vendor that will be compensated via payroll, accounts payable or student services, the appropriate department shall maintain a copy of evidentiary and supporting documentation such as I-9, W-8BEN, I-20, I-94, I-797, passport, and/or employment authorization card. The evidentiary and supporting documentation shall be provided to the Business Office. The Business Office will submit the supporting documentation to the Systems Office before payment is made.

If the Systems Office determines that payments made by the college to a foreign national or foreign vendor are taxable, the college shall withhold federal and/or state taxes as instructed by the System Office.

Legal Reference: [Office of State Controller's Policy and Procedures Regarding Foreign Nationals](#); [NC Community College Foreign National Compliance Program](#); NC Community College Written Memoranda [CC12-10](#) (issued 4/17/12); [NC Community College Accounting Procedures Manual and Reference Guide: Fiscal Procedures](#)

## **7.22 Companies that Boycott Israel and Iran Divestment List**

For all purchases and contracts valued at one thousand dollars (\$1,000) or more (“Impacted Contracts”), the Board is prohibited from purchasing and contracting with the following:

- A.** Companies identified on the list of restricted companies, developed by the State Treasurer, that are engaged in a boycott of Israel (“Boycott List”).
- B.** Companies identified on the list of restricted companies, developed by the State Treasurer, that are engaging in investment activities in Iran (“Iran List”).

Prior to awarding an Impacted Contract, the college will check the Boycott List and Iran List on the State Treasurer’s website to ensure that the company is not a restricted company. Any Impacted Contract made by the college with a restricted company on the Boycott List and/or the Iran list is void.

Legal Reference: N.C. Session Law 2017-193; N.C.G.S. 147, Articles 6D and 6E

### 7.23 Live Projects

Live projects are defined as

- educational programs in which students as part of their educational experiences and as part of the instructional course requirements, repair or remodel equipment not owned by the college; or
- educational programs that produce goods that are sold or services for which charges are made, such goods or services being the normal and necessary product of learning activities of students.

If the college elects to engage in a live project the procedures for administering the project will include, at a minimum, the following elements:

- definition of criteria that will be used to select project clientele
- methodology for determining client charges
- management of liability issues for student participation in off-campus projects
- assignment of liability for the integrity of the finished product or service
- required administrative approval prior to beginning a live project

Clientele shall be selected and client charges established through an objective process that prevents private individual or entities from accruing excessive or unjustifiable benefits from live projects. The college will not engage in live projects that repair or remodel multiple pieces of privately owned equipment that are intended for private resale.

The owner of any equipment repaired through a live project must supply or pay for all parts required. The college must charge all clientele for the value of the goods and services provided through a live project. Live project receipts will be deposited into an unrestricted institutional account. The college will decide if live projects are accounted for in separate institutional accounts or in one account used for multiple live projects.

All costs that otherwise would not have been incurred absent the live project shall be paid from the institutional account that receives the live project receipts and may not be supported from state funds. These costs include, but are not limited to, supplies and materials used in producing the good or service, additional personnel required to serve clients, specialized equipment, liability insurance and other costs directly related to the live project as distinguished from an instructional program that does not produce income. Receipts may also be used to supplement normal instructional costs of those programs engaging in the live project.

If the college decides to discontinue live project activities, any unexpended funds in the live project account shall be used consistent with the following provisions:

1. The fund balance may be used to support instruction, student support services, student financial aid, student activities, curriculum development, program improvement, professional development and instructional equipment.
2. The fund balance may not be used for supplemental salaries or benefits of any personnel, administrative support of the college beyond allowable indirect costs, entertainment expenses, functions in which the primary purpose is fundraising or any other activity that does not directly benefit students.

**7.24 Fines**



**7.24.1 PARKING FINES**

The college policy for charging parking fines is described in the Facilities section of this manual. All parking fines are remitted to the Civil Penalty and Forfeiture Fund through the Office of State Budget and Management within ten days after the end of the month in which the fines were collected.

**7.24.2 LIBRARY FINES AND FEES**

Collections in the library for overdue books, copy machine use, lost books, etc. should be turned in to the Business Office whenever the receipts total more than \$25.00, but not less than once monthly.

The cashier should count the cash and verify the count against the documentation provided by the library. Receipts for lost books and library fines should be receipted into state funds as a refund of expenditures. Receipts for copier use should be receipted to the institutional fund established for that purpose.

## 7.25 Overhead Receipts

Many financial aid programs provide for an administrative allowance that colleges can use to offset overhead costs of administering the program. These financial aid receipts shall be divided into two parts:

### *Unrestricted*

25 percent of the total amount received each year may be used for instruction, student support services, student financial aid, student refunds, student activities, curriculum development, program improvement, and professional development. The college may also use this portion for costs associated with financial statement audits or any other audits required by the state or federal government. If the college is required to payback funds as a result of audit findings, the college may use this portion to meet that obligation.

These purposes shall be approved by the Board of Trustees only once, unless the purposes are changed. If equipment was permitted by the grant through which the indirect cost allowance was earned, equipment may be purchased with the unrestricted portion only. Funds cannot be approved for capital improvement projects.

### *Restricted*

The remaining 75 percent of the total amount received each year may only be used for the following:

1. Publications containing financial aid and other student services information.
2. College Work Study matching or continuation of the College Work Study Program after regular funds have been exhausted.
3. Salaries and related fringe benefits in financial aid, business office, grants administration or student services, which are necessitated by grants earning overhead receipts. (Supplements to regular salaries are not permitted.)
4. Supplies and materials for use in either the financial aid office, business office, grant administration, or student services which are related to the grants providing the overhead receipts.
5. Travel of persons in the financial aid office, student services or others who are responsible for administration of grants providing overhead receipts.
6. Membership dues or fees paid to financial aid and student services associations.
7. Service fees paid to billing and collection services.
8. Contractual services which are related to supporting the grants providing the overhead receipts.
9. Costs associated with financial statement audits, OMB Uniform Guidance (2.CFR.200 subpart F) audits, or any other required audits by the state or federal government.
10. Required payback of funds as a result of audit findings.
11. Student financial aid (e.g., scholarships, grants, and loans).
12. Other purposes related to supporting the grants providing the indirect cost receipts, upon receipt of written approval from the North Carolina Community College System Chief Financial Officer.

### *Special Provisions*

## SECTION SEVEN: BUSINESS SERVICES

The fund balance that accumulates from year-to-year in overhead receipts is restricted, and is available for uses as described in the second part above. Funds should be transferred out of the overhead receipts fund to other appropriate funds to be expended.

## 7.26 Independent Contractors and Professional Service Agreements Procedure

Correctly classifying workers as employees or independent contractors is crucial for both the business and the worker. Misclassification can lead to significant legal and financial consequences, including penalties, back taxes, and lawsuits. It's essential to understand the key differences to ensure compliance with labor laws and tax regulations.

The main difference between independent contractors and employees lies in the level of control the employer has over the worker. Independent contractors have greater control over their work, as evidenced by the following:

**Work Schedule:** Independent contractors often set their own hours and work schedules, while employees typically follow a set schedule determined by their employer.

**Work Methods:** Independent contractors have more flexibility in choosing their own methods and techniques to complete tasks, whereas employees usually follow specific procedures and guidelines provided by the employer.

**Tools and Equipment:** Independent contractors often provide their own tools and equipment needed for the job, while employees may be provided with necessary tools and resources by their employer.

**Supervision:** Independent contractors generally work independently with minimal supervision, while employees often receive regular supervision and guidance from their employer.

### Classification Process

When a hiring manager wants to enter into a professional service agreement with an individual the following steps must be taken prior to the completion of work. Hiring Managers should strive to complete this process at least three weeks in advance of needed services.

1. The individual completes part one of an Independent Contractor Questionnaire and returns it to the hiring manager.
2. The hiring manager completes part two of the Independent Contractor Questionnaire and forwards to the budget manager.
3. The budget manager signs the Independent Contractor Questionnaire, acknowledging that there is sufficient budget to provide payment for services and forwards to Human Resources.
4. Human Resources completes part three by reviewing the questionnaire to determine if the individual should be classified as an employee or independent contractor.
  - a. If it is determined that the individual is an independent contractor, Human Resources notifies the hiring manager to proceed with the Professional Service Agreement Form and W-9 Form for the individual. These forms are then forwarded to the Business Office.

## SECTION SEVEN: BUSINESS SERVICES

- b. If it is determined that the individual is an employee, Human Resources will reach out to the hiring manager with next steps for onboarding the individual.

If the hiring manager seeks services with a bona fide organization that has a tax identification number (separate from a social security number) and can provide a W-9 at onset, the Independent Contractor Questionnaire is not required. In this instance the hiring manager may move directly to step 4(a) of the process and proceed with the Professional Service Agreement Form.

Per Policy 1.4 Conflict of Interest, in awarding Professional Service Agreements it is important to avoid the appearance of a conflict of interest or impropriety, by ensuring that neither Board Members or employees have a vested interest in awarded contracts.

### **Payment**

In all instances where an individual or organization has been approved for a Professional Service Agreement, an invoice or timesheet with billable hours must be submitted to the Business office for final payment.

**SECTION EIGHT: INFORMATION TECHNOLOGY**

## **8.1 Technology Services**

### **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 6.21 – Student Records and for information concerning personnel records, see the Personnel Files Policy.

### **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 8.2 – 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 a college approved inventory ID tag identifying the device as the college's property;
  - 3. Be used in compliance with all applicable security requirements for the college's computers; and
- C. The college's mobile technology equipment, such as laptops and tablets, may be used at home by college employees provided:



## SECTION EIGHT: INFORMATION TECHNOLOGY

1. Use of the equipment at home will not interfere with the college's operational needs;
  2. Supervisor approval;
  3. The employee returns items to campus upon request for system maintenance, upgrades, inventory, and verification;
  4. Return of equipment upon separation of employment with the college.
- D. The college's Computer Information Services ("CIS") department maintains all of the college's technology equipment. CIS does not support the use and setup of the college's technology equipment on Internet, network and computing resources that are not owned and maintained by the college.
- E. Students (or other non-employees) are not allowed to check out or take college-owned equipment off campus for any reason. Any employee responsible for college-owned equipment should take the necessary precautions to ensure equipment is secured and not left unattended in unlocked areas.
- F. The college recognizes that employees may occasionally receive personal email on college computers, use college equipment to complete an online course and for other personal reasons. Personal use of college computers and equipment is acceptable provided that employees adhere to the following:
1. Personal use may not interfere with the college's operational needs;
  2. Equipment may not be checked out solely for the purpose of personal use;
  3. Users understand that data stored on college equipment or sent using college email or other communication methods is not private;
  4. Users will adhere to all state and federal laws and the college's policies and procedures;
  5. Equipment or information resources are not used for illegal, malicious or obscene purposes;
  6. Equipment or information resources are not used to seek or exchange electronic information or software unrelated to one's job duties and responsibilities;
  7. The college's data and information are not shared with unauthorized individuals;
  8. All software copyright and licensing laws are followed;

## SECTION EIGHT: INFORMATION TECHNOLOGY

9. Not use college passwords for non-college sites (e.g., social networking sites);
10. Not share sensitive college information or student details on social networking sites.
11. Equipment is not used for any political purposes, including nonprofit activities of a political nature.
12. Equipment is not used for private or personal for-profit activities. This includes personal use for marketing or business transactions, advertising of products or services, or any other activity intended to foster personal gain. Employees may not use college equipment or information resources in pursuit of private businesses operated by the employee or in pursuit of work for other agencies, colleges or businesses.

### **8.1.1 NEW EMPLOYEE ACCESS**

Before access to the administrative system is granted, a Colleague Access Authorization Form will be submitted by the user's supervisor or vice president to the System Administrator. This form can be obtained from the MyCCCTI Portal.

The System Administrator will maintain a copy of all access forms both electronic and/or hard copies.

If a user is terminated for any reason, the system administrator should be notified immediately by the supervisor or human resources so that access to college system services can be removed.

## **8.1.2 PURCHASING AND INVENTORY OF TECHNOLOGY RESOURCES**

### **I. Purchasing Technology Resources**

Requests for purchase of technology software or equipment should be submitted to the Vice President, Technology/Chief Information Officer. If funding is available and the request is approved through the planning process and/or executive council, the requisition will be generated in computer services and submitted to the Business Office for issuance of a purchase order.

The Vice President, Technology/Chief Information Officer will compile a list of annual technology needs including new computing equipment and software for faculty and staff with the assistance of the computer services staff. Technology equipment, software, supplies and other resources will be ordered based on funds available and individual need. Once approved, a requisition will be generated in computer services and submitted to the Business Office for issuance of a purchase order.

### **II. Inventory of Technology Resources**

When it is necessary to relocate computer equipment, phones, or peripherals, computer services staff should be notified by completing an online work order request located on MyCCCTI Portal. Computer services staff will complete the necessary transaction form and relocate items once the request is approved by the business office.

**8.1.3 EMPLOYEE PERSONAL COMPUTER USE**

Any college employee who wants to use personally owned laptops on campus can do so through wireless public access. Personally owned laptops and equipment will not be set up for access to the campus LAN and internal resources.

## **8.2 Internet and Network Acceptable Use**

### **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 username/password or sharing of one's own username/password (users should not share their username/password with

## SECTION EIGHT: INFORMATION TECHNOLOGY

anyone and those who choose to do so are responsible for the outcomes resulting from the use of their username/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 Vice President, Technology/Chief Information Officer. Computer services 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. Viewing pornography on a College internet network or on a device owned, leased, maintained, or otherwise controlled by the College as established in section VIII of this policy, below. Exceptions to this unacceptable activity may be made for employees pursuant to N.C.G.S. § 143-805.
15. 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

## SECTION EIGHT: INFORMATION TECHNOLOGY

- 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. Connection to the wireless network at any given time is not guaranteed. The College does not accept liability for any personal equipment that is brought to the College and, therefore, may not assist with configuration, installation, trouble-shooting or support of any personal equipment.

### **V. ELECTRONIC MAIL**

The College provides free electronic mail accounts to all College employees and students. 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



## SECTION EIGHT: INFORMATION TECHNOLOGY

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:

1. In the course of an investigation triggered by indications of misconduct or misuse;
2. As needed to protect health and safety of students, employees or the community at large;
3. As needed to prevent interference with the College's academic mission;
4. As needed to locate substantive information required for College business that is not more readily available;
5. As needed to respond to legal actions; and
6. 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 8.3.

### **VI. ELECTRONIC MAIL GUIDELINES**

Employees should follow these guidelines when using email and configuring settings:

- A. **Profile Picture:** Each employee has the opportunity to display a photograph of him/herself. The photograph must be a current, professional, head-and-shoulders shot, thereby, providing a uniform appearance for all email profile photographs. Personal photos with a professional appearance are acceptable. The email profile picture is optional and can be used at each employee's discretion.

## SECTION EIGHT: INFORMATION TECHNOLOGY

- B. Email body and signatures: Email signatures will be uniform in appearance to ensure that college email meets professional standards. Employees will adhere to the following guidelines:
1. Simple fonts such as Arial, Veranda, Times New Roman, and Calibri will be used. Script and cursive fonts should be avoided due to accessibility issues.
  2. Black is the recommended text color for signatures and email body. Other colors should not be used due to accessibility issues.
  3. Images and stationary will not be used in the body of the email. This includes background images. Images can hinder email delivery and consume storage space.
  4. The following signature template has been deemed appropriate for employee use:  
  
Jane Doe (Employee First Name, Last Name, Academic Title)  
Director, Student Services (Title, Department)  
Caldwell Community College and Technical Institute (Institution Name)  
2855 Hickory Blvd, Hudson, NC 28638 (Institution Address, Caldwell or Watauga) \*\*optional  
828-726-0000 (Phone Number)  
jdoe@cccti.edu (Email Address)  
www.cccti.edu (Web Address or department page)
  5. Quotations, sayings or any other information unrelated to the college are not permitted for use as an add-on to email signatures.

### Optional items:

1. You may choose to include an official college logo designed and approved by Marketing and Communications at the end of your signature. The logo may link to the official college or department website. Approved logos can be found on MyCCCTI portal on the marketing and communications page.
2. You may choose to add your gender pronouns to your signature.

### Example signature using all options:

Jane Doe (she, her, hers)  
Director, Technology and Instructional Support Services  
Caldwell Community College and Technical Institute  
2855 Hickory Blvd., Hudson, NC 28638  
828-726-2233  
[jdoe@cccti.edu](mailto:jdoe@cccti.edu)  
[www.cccti.edu](http://www.cccti.edu)



**VII. 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, without prior approval of the Vice President, Technology/Chief Information Officer.

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 their 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.

**VIII. PORNOGRAPHY PROHIBITED ON COLLEGE NETWORKS AND DEVICES****A. Definitions**

The following definitions apply in this policy:

1. Device. – Any cellular phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.
2. Material. – Any pictures, drawings, video recordings, films or other visual or physical depictions or representations, including digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence, but not material consisting entirely of written words, and as otherwise defined in G.S. 14 190.13.
3. Network. – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
  - a. The interconnection of communication systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.
  - b. Internet service.
  - c. Internet access.
4. Pornography. – Any material depicting sexual activity.
5. Sexual activity. – Any form of sexual intercourse, sexual touching, display of genitalia, and those other acts set forth in N.C.G.S. §14-190.13

**B. Prohibition on Viewing Pornography**

No employee or student of the college is permitted to view, download, or save pornography on the College's network or on a device owned, leased, maintained, or otherwise controlled by the College.

**C. Exceptions**

*Pursuant to N.C.G.S. § 143-805, Section B: Prohibition on Viewing Pornography shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:*

1. Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
2. Identifying potential security or cybersecurity threats.
3. Protecting human life.
4. Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.
5. Participating in judicial or quasi judicial proceedings.
6. Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.

**D. Reporting Requirements**

Annually, no later than August 1, the college shall report information to the State Chief Information Officer on:

1. The number of incidences of unauthorized viewing or attempted viewing of pornography on the College's network;
2. Whether or not the unauthorized viewing was by an employee or student of the College; and
3. Whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by the College.

**IX. 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.

## 8.3 Electronic Record Retention

### 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.

## SECTION EIGHT: INFORMATION TECHNOLOGY

When the custodian of an electronic message leaves the employment of the College, it is the responsibility of computer services to ensure all public records remaining on the computer and in the messaging account are retained or disposed of appropriately.

The College additionally stores all email and instant messages as a fail-safe archive in the event of system failure or unlawful tampering. All messages which are sent or received using the College's email and instant messaging system are copied and retained by this system for (5) five years. This storage mechanism is intended as a safety measure and does not replace the individual employee's legal responsibility for retaining and archiving electronic messages in accordance with the state of North Carolina's record retention laws.

### **IV. TYPES OF ELECTRONIC MESSAGES**

For retention purposes, email messages generally fall into the following two categories:

- A. Email of limited or transitory value. For example, a message seeking dates for a meeting has little or no value after the meeting. Retaining such messages serves no purpose and takes up space. Messages of limited or transitory value may be deleted when they no longer serve an administrative purpose.
- B. Email containing information having lasting value. Email is sometimes used to transmit records having lasting value. For example, email about interpretations of an agency's policies or regulations may be the only record of that subject matter. Such records should be transferred to another medium and appropriately filed, thus permitting email records to be purged.

### **V. PROCEDURES FOR COMPLIANCE**

While the methods for reviewing, storing or deleting electronic records may vary, compliance with the retention requirements may be accomplished by one of the following:

- A. Retention of Hard Copy. Print the record and store the hard copy in the relevant subject matter file as would be done with any other hard-copy communication.
- B. Electronic Storage of records and email. Electronically store the record or email in a file, on a disk or a server so that it may be maintained and stored according to its content definition under this Policy 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

## SECTION EIGHT: INFORMATION TECHNOLOGY

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.

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq*; [Records Retention & Disposition Schedule](#) (August 23, 2019)

## **8.4 Electronic Signatures**

It is the College's intent to provide efficient services for its employees, students and also for the public. The Board of Trustees 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 emails 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.

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 8.2 – Internet and Network Acceptable Use.



## 8.5 Website and Social Media

### I. COLLEGE WEBSITE

The primary function of the College website is to conduct the College's business on the Internet as provided in the mission of the College. The Marketing and Communications department of College will maintain the College's website. It will be the only official website representing the College and the Webmaster and the Public Information Officer have final responsibility for all content relating to the College's web presence.

All requests for content to be added to the College website will be reviewed and evaluated by the Marketing and Communications department. All content must be accurate, current, and appropriate for online use. The Marketing and Communications Department may develop procedures in-line with this policy. Please direct any requests, questions or suggestions concerning the website to [webdev@cccti.edu](mailto:webdev@cccti.edu).

It is unlawful to download, upload, or distribute in any fashion, a copyrighted work without permission or a license to do so from the owner. The College does not endorse or encourage the unauthorized use of copyrighted works. Anyone submitting material to be published on the College website for which the copyright is held by another person or entity, must secure written permission in advance and keep it on file for the duration of the usage. Permission may be required for the following: text, images, graphic designs, audio files, video files, tables, charts, and graphs. The copyrighted work may be used only for the purpose and duration authorized by the owner.

### II. OFFICIAL COLLEGE SOCIAL MEDIA

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 Marketing and Communications Department. Individuals or groups are not permitted to freely create campus representative accounts on social networking, blog, wiki, or other social media sites. 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 Marketing and Communications Department may 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.

## 8.6 Peer to Peer File Sharing

### I. PURPOSE

The Digital Millennium Copyright Act of 1998 (“DMCA”) legally protects a copyright holder from the unauthorized use of their 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 devices or equipment;
- 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;

## SECTION EIGHT: INFORMATION TECHNOLOGY

- 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:  
[www.ftc.gov/business-guidance/resources/peer-peer-file-sharing-guide-business](http://www.ftc.gov/business-guidance/resources/peer-peer-file-sharing-guide-business);  
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.

Legal Reference: 20 U.S.C. §1092, §1094

### **8.7 Digital Technology Accessibility**

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 \(WCAG 2.0 AA\)](#).

Legal Reference: Americans with Disabilities Act of 1990, as amended.

## **8.8 Information Security Program**

### **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. Legal Reference: 1B SBCCC 700 et. al; N.C.G.S. § 143-800

**SECTION NINE: ACCOUNTABILITY AND STRATEGIC INITIATIVES**

## **9.1 Office of Accountability and Strategic Initiatives**

The mission of the Office of Accountability and Strategic Initiatives is to support and fulfill the mission of Caldwell Community College and Technical Institute (CCC&TI) by directing and coordinating institutional planning, evaluation, policy and procedures analysis, institutional research, and grants.

The Office of Accountability and Strategic Initiatives, reporting directly to the president, serves as the administrative support unit responsible for carrying out the functions of institutional effectiveness, assessment, compliance, research, and grants at the institution.

Resources related to Accountability and Strategic Initiatives are located on the Office of Accountability and Strategic Initiative site on MyCCCTI Portal under Teams. There are also resources and published documents available to the public on the college's website.

**9.1.1 CYCLE OF INSTITUTIONAL EFFECTIVENESS**

CCC&TI’s institutional effectiveness (IE) process is a continuous quality improvement process guided by the institution’s mission, vision, and values and the most current strategic plan. The strategic plan is reviewed and updated every five years and is based on the goals and objectives identified by the college, including input from the surrounding community, resulting in a framework for CCC&TI’s ongoing planning and assessment efforts that demonstrate how well CCC&TI is accomplishing its mission.

The entire IE cycle at CCC&TI, as illustrated in Figure 1 below, demonstrates a logical progression of planning and assessment for continuous quality improvement that supports the mission of the college. Faculty and staff are involved in all stages of the IE process, which is designed to build institutional planning and assessment up from the program, department, and divisional levels. CCC&TI’s IE process ensures that the college is engaged in ongoing and integrated planning and evaluation for continuous improvement as depicted in the Figure 1: Cycle of Institutional Effectiveness.

Figure 1: Cycle of Institutional Effectiveness





## **9.2 Institutional and Program Planning**

The CCC&TI planning process is a ground-up approach to planning that focuses on the needs of individual programs while still supporting the institutional mission and the five-year strategic plan. The goals of CCC&TI's planning process include:

### Goals of Planning

1. Utilizing assessment results and other supporting data to
  - a. Identify needs for program, departmental, divisional, and institutional improvement; and
  - b. Support funding requests at the program, departmental, divisional, and institutional level.
2. Fostering a culture of data-informed decision making.
3. Maintaining an ongoing system that demonstrates institutional effectiveness.

## **9.2.1 ANNUAL PLANNING PROCESS**

### **Program Level Planning**

The annual planning process at CCC&TI begins in the spring semester when individual faculty and staff identify program-specific needs for improvement and meet with the program coordinator and/or director to discuss program strategies for improvement. After meeting with the faculty/staff and conducting a review of the institutional strategic plan, the current program plan of action, advisory committee recommendations, and applicable assessment results, the program director collects and prioritizes these strategies for improvement to develop a new program plan of action for implementation in the upcoming planning year. Directors are encouraged to submit all strategies for improvement, including those that do not require funding, in their program plan of action for consideration.

### **Department Level Planning**

Program plans of action are then reviewed and prioritized at the departmental level in a meeting with program directors and deans, resulting in departmental strategies for improvement. These prioritized strategies for improvement are called departmental priorities and are included in the departmental plan of action. To complete the planning cycle, directors/deans “close the loop” by reviewing planning strategies, entering or updating results, and revising any upcoming strategies to keep program priorities in line with program needs.

### **Divisional Level Planning**

Departmental plans of action are then reviewed by deans and the divisional vice president to develop a final divisional plan of action which is presented at the annual CCC&TI planning retreat held each May and documented in the Institutional Effectiveness Plan.

### **Institutional Level Planning and the Annual CCC&TI Planning/Budget Retreat**

The results of the program, departmental and divisional level planning are presented at the annual planning retreat. The retreat is a full day meeting, facilitated by the Office of Accountability and Strategic Initiatives, and held each May during which executive council (EC) members determine by vote the institution's priorities for the next planning year. The meeting begins with a review of the current planning cycle, institutional accomplishments, budget expectations, and any aspirations or concerns for the upcoming year. Following a review of the current year, divisional vice presidents present their new plans of action that are a collection of strategies for improvement to be implemented in the upcoming year. The executive council members vote on these strategies for improvement to prioritize them, which results in the basis for the institutional plan of action for the upcoming year.

After the annual planning retreat concludes, the President and Vice President, Finance and Administration produce a summary of the retreat and a list of institutional priorities, including budget priorities, for the next planning cycle. The Office of Accountability and Strategic Initiatives compiles the institutional plan of action, a comprehensive and detailed list of the prioritized divisional strategies for improvement. This information is then disseminated electronically to all faculty and staff from the office of the president, is used to update the IE

## SECTION NINE: ACCOUNTABILITY AND STRATEGIC INITIATIVES

Plan in June, and is posted on the CCC&TI website and the Office of Accountability and Strategic Initiatives team site on MyCCCTI Portal to begin the new planning year.

### **Institutional Effectiveness Plan**

The institutional effectiveness plan (IEP) describes and documents the planning, assessment, and program review processes through which CCC&TI fulfills its mission and vision. The IEP is reviewed and updated annually and serves as a resource for the institution and its commitment to continuous improvement.

While the institutional effectiveness process at CCC&TI encompasses all divisions and services and encourages participation across the college, the IEP focuses on planning and assessment at the institutional level. All information and documentation are managed through the Office of Accountability and Strategic Initiatives.

### **North Carolina Community College System (NCCCS) Guidelines**

According to the North Carolina General Assembly, and the State Board Code (1B SBCCC 400.2), each member college of the North Carolina Community College System shall maintain an ongoing planning process which provides for development of a college plan. As a minimum, college plans shall address program and facility needs; shall include the college's mission, goals and objectives, consistent with the mission of the System and with the State Board's priorities; and shall provide for evaluation of results.

### **9.3 Strategic Planning**

Strategic planning at CCC&TI is an in-depth, all-encompassing process culminating in a five-year long-range plan and strategic plan. The goals, initiatives, and objectives outlined by the plan guide annual planning through five years in an effort to meet the institutional mission and respond to the needs of the community.

The strategic planning process is completed over two years and is directed by the Office of Accountability and Strategic Initiatives and supported by the College Planning Council. Beginning with a review of the current institutional mission, vision, core values and strategic plan, an initial environmental scan and data collection is conducted and faculty, staff, and students are surveyed to determine future critical issues in education and the community. Analysis of this data provides the base for CCC&TI Future Search, which invites board of trustee members, faculty, staff, students and community partners to contribute to the building of a new strategic plan.

#### **Institutional Achievement Plan**

Each year, CCC&TI assesses the extent to which it is achieving the goals of its strategic plan during the annual planning retreat through the institutional achievement plan status report and is updated to document how CCC&TI is achieving its strategic goals and institutional mission. (More details are provided in the Institutional Achievement Plan Status Report section.) Using the completed strategic plan, faculty and staff from across the institution determine improvement objectives relating to appropriate strategic initiatives and specific to their division. These objectives are refined by the Office of Accountability and Strategic Initiatives and approved by College Planning Council to create the institutional achievement plan. These objectives will be the main focus of institutional planning and ensure that all plans of action are guided by the current strategic plan.

The institutional achievement plan is reviewed annually in conjunction with divisional plan of action reports and updated to document how CCC&TI is achieving its strategic goals.

## 9.4 Institutional and Program/Support Services Assessment

Assessment at CCC&TI is a natural extension of the institution's commitment to excellence in teaching and learning. It is a process of critical self-examination with the aim of continuous improvement.

All assessment efforts begin at the program level with the outcomes, measures, and criteria identified by faculty and staff. Assessment, above all things, should be useful in facilitating improvement. Therefore, faculty and staff in programs and support services need to claim ownership of assessment and use the process to match their needs.

### Goals of Assessment

- Gain insight into student learning so that we can speak with authority about the value of a CCC&TI education
- Support the efforts of faculty and staff to identify those activities that have the greatest potential for success in fostering student learning
- Develop a process for encouraging and maintaining a culture of data-based decision making
- Establish an ongoing system to demonstrate institutional effectiveness of the type required by programmatic and regional accrediting bodies

College Planning Council and Executive Council review assessment data continuously throughout the year to ensure institutional priorities align with the current needs of the college. Assessment data are collected by the Office of Accountability and Strategic Initiatives throughout the year from all areas of the institution.

### Accountability

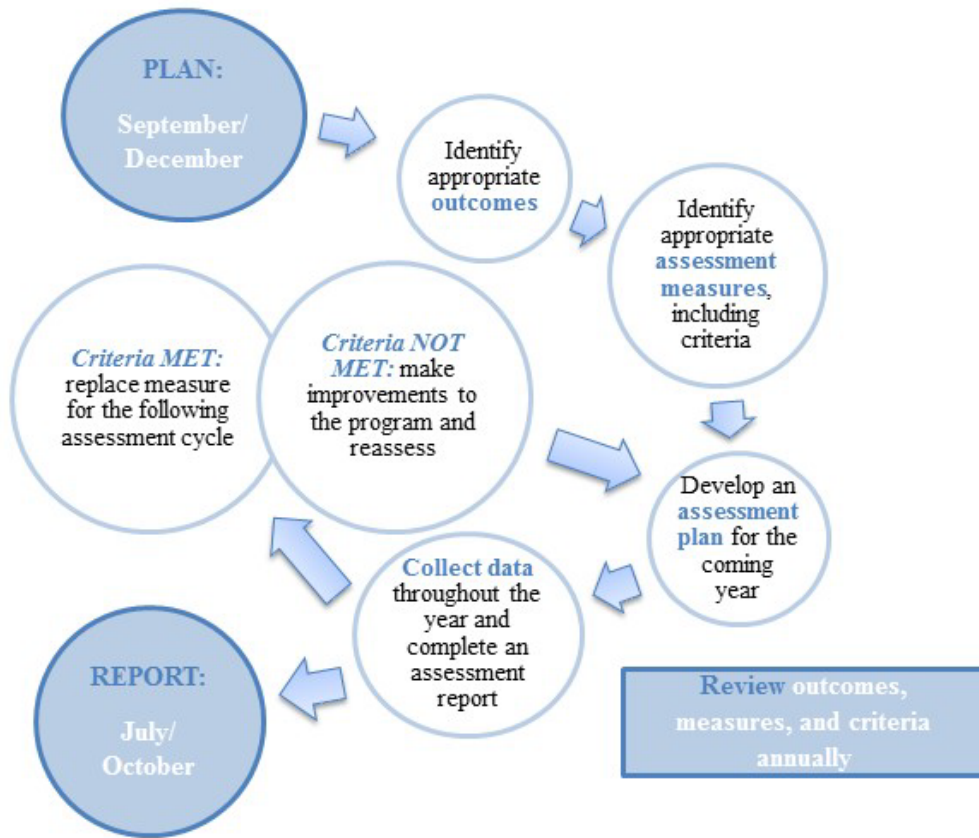
CCC&TI's sound assessment practices provide the college with the information needed to speak authoritatively to its stakeholders about the impact of continuous improvement efforts at the program, department, and institution that demonstrate an ongoing process of planning and assessment for improvement.

### Program Improvement

CCC&TI's academic and support programs are charged with developing and accessing outcomes each year. The academic programs address that which is most important to student learning and programming in their respective disciplines, while the support programs are charged with addressing the impact of their respective core services. Also, it is expected during this process that faculty and staff will identify areas that need improvement, address them by taking the appropriate actions, and continue to reassess them until the program is functioning in alignment with expectations and best practices. This gives faculty and staff documented evidence of where improvement is needed and allows them to track their efforts and the impact of improvements over a period of time.

This process of program improvement is best depicted in Figure 2: The Assessment Process.

Figure 2: The Assessment Process



### General Education Assessment

As an open-door community college, general education (GenEd) is an important part of the curriculum. In addition to being crucial for ongoing improvement of core learning requirements for all graduates, a mature GenEd assessment program is necessary for a reaffirmation of our accreditation by SACSCOC. CCC&TI has identified the core GenEd competencies and related student learning outcomes and assesses these outcomes in core courses annually.

## 9.5 Program Review

The North Carolina State Board of Community Colleges Code (1B SBCCC 400.3) requires the 58 member colleges to complete a comprehensive program review of every program every five years.

(a) Each college shall monitor the quality and viability of all its programs and services. Each curriculum program, each program area within continuing education, including transitional studies, occupational extension, and community service, and each service area shall be reviewed at least every five 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.

Purpose of the program review:

The purpose of the CCC&TI program review process is to provide a systematic process for studying the vitality of programs and support services. The program review will provide information on program relevance, currency, effectiveness, and efficiency through a collection of measurements that indicate the health of programs and support services. The review will also serve as a vehicle for proaction, which will allow faculty and staff to identify trends, recognize strengths and weaknesses within programs and support services, compare stated goals with real outcomes as reported by employers and graduates, and take timely, planned corrective action as appropriate.

The comprehensive program review is a measurement of program effectiveness, which is an institutional commitment to students and community. This review will allow administration, program coordinators, faculty and staff to continually move programs forward by recognizing areas of improvement and celebrating areas of strength.

Goals of the program review

1. Provide a thorough review of the program, program data, and program documents to speak with authority about the college's program and services.
2. Identify program areas for improvement and program needs to include in program planning and assessment.
3. Support the efforts of faculty and staff to identify those activities that have the greatest potential for success in fostering student learning.
4. Develop a process for encouraging and maintaining a culture of data-based decision making.
5. Demonstrate ongoing institutional effectiveness of the type required by programmatic and regional accrediting bodies, as well as other CCC&TI stakeholders.

### **9.5.1 PROGRAM REVIEW AND ADMINISTRATIVE COMMITTEE**

The program review document is a vehicle for expressing not only what challenges the program faces, but also for informing the institution of program success.

Instructional and support service programs will conduct program reviews to address student learning, academic success, program growth, and projections. Support programs will address the impact of their core services in the past, present, and going forward. It is also expected that during the program review process, programs will find areas that need improvement, address them, and report the status of programmatic efforts to the Administrative Committee and College Planning Council.

Office of Accountability and Strategic Initiatives will serve as a resource for program and support services directors and provide support to those participating in the review process. The Executive Director, Office of Accountability and Strategic Initiatives will review the final comprehensive program review report and supporting documentation to identify areas that need further attention or more information. Then, directors will be able to work one-on-one with the Executive Director, Office of Accountability and Strategic Initiatives to discuss findings and improve the program review report before meeting with the Administrative Committee.

The Administrative Committee will review the finalized program review. Each director will meet with the Administrative Committee to discuss program areas of improvement and identify program needs to include in the planning process. The Administrative Committee will make final recommendations to improve the program going forward. These recommendations will be presented to College Planning Council in a memorandum outlining each finding and recommendation. College Planning Council will review recommendations and directors will update the status of each recommendation in their program review by May 15th of the following year.

#### **Use of Results**

The final program review report, once approved by College Planning Council, will be used as part of the College's planning processes. The recommendations that require institutional commitment (budget, facilities, faculty development, personnel and student support services) will become part of the annual planning cycle. The recommendations that affect curriculum or faculty development become a priority for implementation. Finally, the program director will incorporate the final report into departmental and individual plans of action. Changes to curriculum and/or courses will go through Academic Affairs for inclusion in the next fall catalog.

The program review process includes intensive study of the entire curriculum over several years and is intended to advance the program based on the on-going study and research. This review allows administration, program directors, faculty, and staff to continually move program and support services forward by recognizing areas of improvement and celebrating areas of strength. Office of Accountability and Strategic Initiatives will produce a Did You Know Highlight at the end of each cycle, once approved by the Administrative Committee, and publicize the highlight via email.



## SECTION NINE: ACCOUNTABILITY AND STRATEGIC INITIATIVES

The Administrative Committee includes those with supervisory responsibility over the program: coordinator or director's supervisor, dean, and vice president. College Planning Council will evaluate the effectiveness of institutional program review on an annual basis.

## **9.6 SACSCOC Institutional Accreditation**

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional accrediting agency for CCC&TI. SACSCOC uses the accreditation process to introduce and foster a culture of learning outcomes assessment and institutional effectiveness within its member institutions. Regardless of the requirement, standard, policy, or guideline, SACSCOC expects assertions to be backed up with supporting evidence. Much of this evidence is provided through effective planning and assessment processes.

### **9.6.1 PROCEDURE FOR IDENTIFICATION AND NOTIFICATION OF SUBSTANTIVE CHANGE**

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

## SECTION NINE: ACCOUNTABILITY AND STRATEGIC INITIATIVES

will work together in submitting the requisite notice to SACSCOC, prior to implementation of the change.

### **B. Program Substantive Changes**

Each semester, the SACSCOC Liaison will meet with Program Directors and Deans 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 SACSCOC Liaison will work with the program involved, the Vice President, Instruction, 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 SACSCOC Liaison will review the Policy, and this Procedure, with the President's Executive Council and the Academic Affairs Committee.

### **IV. Cataloging Substantive Changes**

The SACSCOC 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.

Legal Reference: 1B SBCCC 400.1; [SACSCOC Substantive Change Policy and Procedures](#) (March 2022)

## **9.7 Federal and State Regulations and Reporting**

The Office of Accountability and Strategic Initiatives monitors federal and state regulations related to reporting and disclosure, including consumer information, gainful employment, etc. While the office is not directly responsible for completing most reports or disclosing consumer information or college data, it acts as a centralized location for support and assistance. The Executive Director, Accountability and Strategic Initiatives is responsible for staying up to date with changes in regulations to ensure institutional compliance.

## **9.8 NCCCS Performance Measures and Standards**

The North Carolina Performance Measures Report is the major accountability document to inform colleges and the public of the performance of students in each of the 58 colleges in the system. Additionally, colleges receive performance funding based on institutional success rates and is a set component of the overall state budget. All community colleges are required to publish performance on the identified measures annually in their electronic catalog or on the Internet, and in its printed catalog each time the catalog is reprinted. The Performance Measures for Student Success Report is published by the NCCC System Office in late-spring or early-summer.

The most current Performance Measures and results can be found at:

[www.nccommunitycolleges.edu/performance-measures](http://www.nccommunitycolleges.edu/performance-measures)

The Office of Accountability and Strategic Initiatives is responsible for reviewing and distributing the Performance Measures for Student Success Report draft, sent out in late spring. Once approved, the Office of Accountability and Strategic Initiatives analyzes the results and presents to College Planning Council and other interested areas of the institution.

**9.9 Surveys**

**9.9.1 SURVEYS AND DATA REPORTS**

The Office of Accountability and Strategic Initiatives is responsible for managing survey instruments, processes, and data for the institution. Individual departments and programs can and do handle their own internal surveys, however, to ensure consistency in representation of the institution and access to data for accreditation and state reporting, Office of Accountability and Strategic Initiatives encourages survey instruments and data be sent for reference.



**9.9.2 REQUESTING A SURVEY**

New survey requests are initiated by the completion of the survey request form. These forms, located in Portal or upon request, are then submitted to Office of Accountability and Strategic Initiatives for processing. Revisions to existing surveys can be made by contacting the Executive Director, Accountability and Strategic Initiatives.

### **9.9.3 NATIONAL AND INSTITUTIONAL SURVEYS**

The Office of Accountability and Strategic Initiatives handles national and institutional surveys required for accreditation or reporting or requested and used by administration. Office of Accountability and Strategic Initiatives administers institutional surveys such as

- Community College Survey of Student Engagement (CCSSE)
- Community College Faculty Survey of Student Engagement (CCFSSE)
- Survey of Entering Student Engagement (SENSE)
- Course Evaluations
- Graduate Survey
- Climate Surveys (Support Services and Student Satisfaction Surveys)

#### **9.9.4 DEPARTMENTAL AND SPECIAL REQUEST SURVEYS**

The Office of Accountability and Strategic Initiatives also handles departmental surveys (upon request) and any special surveys requested by internal or external clients. Office of Accountability and Strategic Initiatives administers departmental surveys such as

- Advising and Registration Surveys (annual continuous)
- New Student Orientation Survey
- Capstone and Follow-up Graduate Surveys
- North Carolina Information Highway (NCIH) Survey

All departmental surveys follow the same request process, requiring completion or updating of the survey request form. Clients for recurring semester or annual surveys will be sent the past request form and survey prior to the beginning of the survey process for review and revision.

### **9.10 Data Requests and Reporting**

The Office of Accountability and Strategic Initiatives is responsible for institutional data coordination and reporting, query writing, and data quality. Requests for data are made by completing and submitting the Request for Data form. These forms are managed and prioritized by Office of Accountability and Strategic Initiatives. Some data requests may require approval from Executive Council based on the nature and scope of the request.

