



**NC Community
College Trustees:
Building Student Success**



**Roles
Responsibilities
Relationships**



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INTRODUCTION

Congratulations! You have been appointed to serve a very important role in your community -- one that will impact the lives of thousands of students during your term on your Community College Board of Trustees.

Your board is one of 58 in North Carolina that is given the legal responsibility and the unique opportunity to provide leadership for our community colleges. Local boards of trustees are critically important in determining what needs to be done at each college, and then leading those efforts to ensure student success.

During your term on the board, there are roles, responsibilities and relationships that you will need to understand and develop in order to be informed and effective. We hope this manual will provide information that will help you better understand those roles, responsibilities and relationships.

We have also included frequently asked questions and General Statutes that govern the trustees' work. We hope this manual will provide information you need, when you need it.

Again, congratulations on your appointment to serve on your local Community College Board of Trustees. We look forward to working with you.



Dr. Donny
Hunter, President
& CEO NC

Association of
Community College Trustees

THE TRUSTEES' WORK

The powers and duties of trustees are set clearly in North Carolina General Statute:

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

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

(1) To elect a president or chief administrative officer of the institution for such term and under such conditions as the trustees may fix, such election to be subject to the approval of the State Board of Community Colleges.

(2) To elect or employ all other personnel of the institution upon nomination by the president or chief administrative officer, subject to standards established by the State Board of Community Colleges. Trustees may delegate the authority of employing such other personnel to its president or chief administrative officer.

(3) To purchase any land, easement, or right of way which shall be necessary for the proper operation of the institution, upon approval of the State Board of Community Colleges, and if necessary, to acquire land by condemnation in the same manner and under the same procedures as provided in General Statutes Chapter 40A. For the purpose of condemnation, the determination by the trustees as to the location and amount of land to be taken and the necessity thereof shall be conclusive.

(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:

- a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
 2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
 3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.
- b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.
 - c. High school students may be permitted to take non-credit courses in safe driving on a self-supporting basis during the academic year or the summer.
 - d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

(5) To receive and accept donations, gifts, devises, and the like from private donors and to apply them or invest any of them and apply the proceeds for purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of this Chapter and the regulations of the State Board of Community Colleges.

(6) To provide all or part of the instructional services for the institution by contracting with other public or private organizations or institutions in accordance with regulations and standards adopted by the State Board of Community Colleges.

(7) To perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations, and bylaws for the government and operation of the institution under this Chapter and for the discipline of students.

(8) If a board of trustees of an institution provides access to its buildings and campus and the student information directory to persons or groups which make students aware of occupational or educational options, the board of trustees shall provide access on the same basis to official recruiting representatives of the military forces of the State and of the United States for the purpose of informing students of educational and career opportunities available in the military.

(9) To encourage the establishment of private, nonprofit corporations to support the institution. The president, with approval of the board of trustees, may assign employees to assist with the establishment and operation of such corporation and may make available to the corporation office space, equipment, supplies and other related resources; provided, the sole purpose of the corporation is to support the institution. The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an annual audit of the financial accounts of the corporation. The board of directors shall transmit to the board of trustees a copy of the annual financial audit report of the private nonprofit corporation.

(10) To enter into guaranteed energy savings contracts pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.

(10a) To enter into loan agreements under the Energy Improvement Loan Program pursuant to Part 3 of Article 36 of Chapter 143 of the General Statutes.

(11) To enter into lease purchase and installment purchase contracts for equipment under G.S. 115D 58.15.

(12) Notwithstanding the provisions of this Chapter, a community college may permit the use of its personnel or facilities, in support of or by a private business enterprise located on a community college campus or in the service area of a community college for the specific purposes set out in G.S. 66 58(c)(3a) and G.S. 66 58(c)(3d). The board of trustees of a community college must specifically approve any use of facilities or personnel under this subdivision. The State Board shall adopt rules to implement this subdivision, G.S. 66 58(c)(3a), and G.S. 66 58(c)(3d).

(13) To enter into a public/private partnership in which all of the following conditions are met:

- a. The agreement is approved in advance by the State Board of Community Colleges.
- b. The board of trustees agrees to lease community college land to a private entity on condition that the entity construct a facility on the leased land.
- c. The facility will be jointly owned and used by the private entity and the community college.
- d. The board of trustees is not authorized to lease the facility as lessee under a long term lease or capital lease from the private entity as lessor.
- e. The board of trustees is not authorized to finance its portion of the facility by entering into an installment contract or other financing contract with the private entity.
- f. State bond funds shall not be used to pay for construction of that part of the facility to be owned and used by the private entity.
- g. The provisions of G.S. 143 341(3)a. apply to the construction of a facility under this subsection.

(14) To comply with the design and construction requirements regarding energy efficiency and water use in the Sustainable Energy Efficient Buildings Program under Article 8C of Chapter 143 of the General Statutes. (1963, c. 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1981, c. 901, s. 2; 1983, c. 378, s. 1; c. 596, s. 1; 1985, c. 191; 1987, c. 383, s. 2; 1993 (Reg. Sess., 1994), c. 775, s. 7; 1998 111, s. 1; 2001 368, s. 2; 2003 286, s. 1; 2005 247, s. 2; 2006 259, s. 21; 2007 476, s. 1; 2008 203, s. 2; 2009 119, s. 1; 2011 145, s. 7.1A(h); 2011 284, s. 82; 2011 391, s. 13(c); 2011 419, s. 2.)

HIRING THE PRESIDENT

Of the responsibilities set forth by General Statute for community college boards of trustees, hiring the community college president is the most important.

S.S. 5D -20 (1) of the Community College Laws of North Carolina makes it clear that the local boards of trustees of North Carolina's 58 community colleges hire, determine the terms of contract, evaluate, determine compensation other than the state salary schedule set by the State Board of Community Colleges, and if it becomes necessary, non-renew or dismiss the president. The total accountability and responsibility in both the hiring and the performance of the president belongs solely to the local board.

Therefore, there should be no outside intervention in the process of hiring a local president unless specifically requested by the local board. This includes trying to push the local board toward hiring a particular candidate or not hiring a particular candidate. This includes entities at the local and state level such as the State Board of Community Colleges, the North Carolina Community College System Office, the North Carolina General Assembly, the North Carolina Association of Community College Trustees, the governor's office, local boards of commissioners, local foundation boards, and other influential citizens. Should the board elect to use a consultant to assist with the search, that consultant should suggest a process, guide the board through the search, recruit, conduct back-ground and reference checks, but like the other entities listed above, should not push the board toward a candidate or away from a candidate beyond his/her official reports.

The only role in a president search that involves any authority beyond that of the local board is that the board's election of the president is subject to the approval of the State Board of Community Colleges. Therefore, once the local board has made its election of a new president, it must send the name forward to the State Board to approve the election.

Twenty five years ago, the North Carolina Department of Community Colleges produced a publication called the "Search Process for a College President," which has since been revised on occasion

by the North Carolina System Office. The publication includes suggestions and information that might be used by a local board if so desired. Because there are parts of the publication that read as if items are required (particularly the first two pages), over time local colleges have wrongly concluded that these items are required. Local colleges are not required by law or policy to adhere to any suggestions in said document, including those written using the words “will” and “shall,” with one exception. That exception is on the second page in the publication and refers to the legal requirement that the election of the president by the local board is subject to approval of the State Board of Community Colleges; and, therefore, you must submit the name of the elected candidate to the SBCC.

Below are three common misconceptions regarding what local boards are required to do during the search process. The local board may choose to do these things if it so desires but should be put under no pressure or feel any pressure to do so if the board feels it is not in its best interest or unnecessary:

- The local board will invite the State President to meet with the board before beginning a search.
- The local board must have a search committee.
- The local board shall send at least 3 applicants as finalists for the position.
(By statute {G.S.115D 201 (1)} the board must send the candidate it elects but is not required by statute or code to send additional candidate names.)

PRESIDENT SEARCH

A successful search is contingent upon careful planning, well-organized procedures, and a substantial amount of time and work on the part of those assigned to the task. The first step in a good search is for the board to spend time together deciding what type leader it needs at this time in the life of the college. This is critical if the board is going to hire a president who is a good "fit" for the college. A decade or so ago, many boards would select a president in an informal manner. This is no longer the best approach for many reasons. One of the most important reasons is to ensure equal employment opportunity. Another is to assure all stakeholders associated with the institution that the search will be an honest search, which has credibility with the college employees and the community.

There is no one best method of searching for a president. The best procedure for one institution may not be the best for another. One of the first decisions a board must make is whether to conduct its own search or to employ the services of consultants.

THE PRESIDENT'S JOB DESCRIPTION

The trustees may delegate as much administration authority to the president as they deem prudent. Two statutory provisions provide explicitly for significant delegation. The first one authorizes the board of trustees to delegate to the president the authority to make hiring decisions for all college personnel [G.S. 115D-20(2)]. The second one authorizes the board of trustees to delegate to the president the authority to transfer moneys from one appropriation to another within the same fund [G.S. 115D-58c)].¹

A description of the specific duties varies from institution to institution. However, there are many general responsibilities that can be used to form the basic outline of a job description, such as:

- Responsibility for all administrative and managerial aspects of the institution.
- Responsibility for sound fiscal management. Advising the board of financial and budgetary needs of the institution and recommending the items to be included in the current expense budget and the capital outlay budget.
- Responsibility for recommending the employment and dismissal of all employees.
- Recommending policies to the board when deemed to be in the best interest of the institution and/or when requested to do so by the board.
- Taking the initiative in shaping and maintaining the educational policies and the character of the institution and recommending changes in the programs and services provided by the institution.

¹ Joyce, Robert P. County and Municipal Government in North Carolina. Article 46 Community

- Recommending curriculum programs and other educational programs deemed in the best interest of the citizens of the area and the State of North Carolina. These programs should be educationally and financially feasible and should not conflict with state law or with standards of the State Board of Community Colleges.
- Appointing lay advisory committees as needed.
- Consulting with the board chairman on agenda for the meetings of the board.
- Receiving and accepting for the board private do- nations, gifts, bequests, and the like; applying them or investing any of them and applying the proceeds for purposes and upon terms the donor may prescribe consistent with statutory provisions and regulations of the State Board of Community Colleges; and maintaining proper records of all such transactions as information for the board on the receipt and disposition of all such gifts.
- Signing all degrees, diplomas and certificates awarded by the institution and securing the signature of the chairman of the board of trustees on these documents.
- Establishing such rules and procedures for the institution as may be necessary to implement the policies and regulations of the board of trustees and the State Board of Community Colleges and providing each trustee with copies of all such rules and procedures in the form of a manual.
- Discharging any other functions the board delegates.

PRESIDENT EVALUATION

Second only to hiring a president, the most important responsibility of the Board is to conduct a fair and meaningful evaluation of the president to improve the president's performance, the performance of the College and may be used to determine extra compensation.

PROCEDURE

The State Board of Community Colleges has adopted the following guidelines for evaluation of community college presidents:

1C SBCCC 300.98 EVALUATION OF PRESIDENTS

(a) Methodology and Instrumentality. Each local board of trustees shall evaluate the performance of its president annually. The evaluation instrument and methodology shall be selected by the local board, but the evaluation shall, at a minimum, include the following categories:

(1) General administration;

(2) Relationships including:

(A) Internal relationships with faculty, staff, students, and trustees; and,

(B) External relationships with business and industry, the media, governmental bodies, and the general public;

(3) Personal attributes;

(4) Personnel administration;

(5) Fiscal and facilities administration; and,

(6) Academic administration.

(b) Reporting Requirements. Prior to June 30 of each year, each college board of trustees shall, in writing, notify the State Board of the following:

(1) The time period for which its 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 Paragraph (a) of this Rule;

(4) Certification that the full board discussed the evaluation results and the results were discussed with the president; and,

(5) Certification that appropriate action, as defined by the local board, has been taken if the president's performance is less than satisfactory in any of the categories identified in Paragraph (a) of this Rule.

History Note: Authority G.S. 115D-5; 115D-20;

Eff. September 1, 1993; Amended Eff. October 1, 2006.

ORGANIZATION OF THE BOARD AND WORK OF THE CHAIRMAN OF THE BOARD

At the first meeting after its selection, each board of trustees shall elect from its membership a chairman, who shall preside at all board meetings, and a vice-chairman, who shall preside in the absence of the chairman. [G.S. 115D-18].

Although the expectations of a chairman vary from board to board, certain duties are common to all. The chairman should have proven leadership ability which is usually exhibited by a successful career, knowing how to work with people, how to solve problems, and/or how to delegate responsibility and authority. The chairman should be able to preside at meetings and should have the time available to do an effective job.

Specific duties include:

- Presiding at all meetings.
- Appointing committees.
- Facilitating discussion and decision making.
- Working closely with the president in setting the board's agenda for meetings.
- Acting as liaison with the president.
- Serving as spokesman for the board.
- Serving as representative of the board.
- Consulting with other trustees who are not fulfilling their responsibilities, or who are violating the bylaws, policies, and practices.
- Initiating a yearly evaluation of the president and the board.
- Providing counsel and consultation to the president.

THE TRUSTEES' WORKING RELATIONSHIPS

While the trustees work together as a board to govern the college, there are many working relationships that will need to be cultivated to ensure student success. This section covers some of those relationships and why they are important.

THE PRESIDENT

A good working relationship with the president of the community college is vital to the success of the community college's work. The president's educational leadership provides direction for all elements of the institution--the staff, the faculty, and the trustees. As a professional administrator with special education and experience, the president is responsible for bringing into focus the long-term, overall vision of the college and overseeing the day-to-day execution of strategies to ensure student success.

"That the president is virtually the sole or at least the responsible means of communication between the board and the rest of the institution is administratively sound, if for no other reason than that any other system is worse
....For the board to give subordinate administrative officers independent access to it or seek information except through the president are sure ways to undermine the administrative authority of the president; and, ultimately, the board's confidence in him. Nothing will make an institution quiver to its foundations more quickly than evidence or rumor that the board relies more confidentially upon someone else than it relies upon the president." ²

² Stokes, Harold W. *The American College President*, New York; Harper Brothers, Publishers 1959 (as cited by John H. Blackmon in *Trustees Responsibilities for Community Colleges & Technical Institutes of the North Carolina Community College System*, August, 1976).

ADMINISTRATIVE STAFF, FACULTY, AND STUDENTS

The administrative staff and faculty of the institution are directly responsible to the president and should conduct their business with the board through the president. Any attempts to circumvent the proper chain of command will weaken the institution and create division. The most important service the staff and faculty can provide to the board is that of understanding and supporting the role of the institution. A fundamental responsibility of the board is to provide the staff and faculty with adequate policies, rules, and regulations for the efficient and effective operation of the institution. Trustees, administrative staff, and faculty relationships will then be strengthened by the president if he/she provides a satisfactory channel of communication to the trustees.

The education and success of the students is the sole purpose of the existence of the institutions. Their needs must be the basis for all decisions. Trustees should adopt student personnel policies that provide unity of student personnel administration, support for the purposes and programs, clear admission requirements, sound record keeping, and a strong guidance and counseling program consistent with the open door policy. The trustee-student relationship is very important. In order to develop academic excellence, the trustees must understand and appreciate the needs of the students the college serves. Each of our 58 colleges are similar but unique, as are the students being served by each college.

STATE BOARD OF COMMUNITY COLLEGES

The State Board of Community Colleges (SBCC) may adopt and execute such policies, regulations and standards concerning the establishment, administration and operation of institutions as the State Board may deem necessary to ensure the quality of educational programs, to promote the systematic meeting of educational needs of the state and to provide for the equitable distribution of state and federal funds to the several institutions [G. S. 115D-5]. The SBCC has specific functions and authorities. It is important that local boards of trustees and local presidents understand the scope and limits of the authority of the SBCC so as to better understand the scope and limits of the authority of the local board. The SBCC's authority must be respected as it fills an important role in the success of our colleges. However, local boards must understand that all responsibility and accountability for the success or failure of a local college lies with the local board and the president.

THE BOARD OF TRUSTEES AND ITS SELF- PERFORMANCE EVALUATION

Much attention has been given to trusteeship in recent years. There are a number of publications by nationally known authorities that provide insight into the nature of the responsibilities. One phase of trusteeship generally accepted as valuable but often neglected is that of self-evaluation. It is a sensitive point. If the board itself does not take the initiative to do this, who can? The president certainly cannot. The faculty and students may want to, but how? If an outsider suggests it, he is considered a troublemaker. And the board itself often does not realize the benefits that could be derived from such an exercise. In addition to examining its own performance, it is a good time to review the decisions the board has made during the year and the effectiveness of these decisions and to plan for the future.

The process of accreditation by the Southern Association of Colleges and Schools provides for a self-study of the institution. With the required formal evaluation of presidents, another important component in the assessment process is trustee self-evaluation. Procedures and guidelines have been developed and are available in printed form. Consultants are available to assist in the process. For more information, contact the NCACCT office at 919-467-9754.

FINANCING THE COMMUNITY COLLEGES

The appropriation of funds to meet the basic financial requirements of the colleges is the responsibility of the state legislature and the respective boards of county commissioners. By law, the State Board of Community Colleges is responsible for disbursing state funds through a funding formula approved by the legislature. Local trustees have the authority to disburse these funds within any governing policies and regulations.

Sources of funding for the colleges include state, federal and local governments as well as student tuition payments.

State current operating funds are largely used by community college system institutions for educational and administrative expenses. State capital funds are used for equipment, library books, acquisition of land and capital construction.

Local current operating funds are used for plant operation and maintenance and may be used to supplement any state current operating fund budget item. Local capital fund appropriations are for capital projects including land acquisition and construction. No college is permitted to incur debt.

It is the intent of all concerned to minimize the out-of-pocket expense to students who can benefit from the educational services that it provides. For that reason, tuition is kept as low as possible. In addition, state and federal aid is provided by grants, loans, and scholarships. Many private companies have established scholarship funds at the local and state level.

Oversight of all college funds is the responsibility of the board of trustees. Final approval of institution budgets is by the State Board of Community Colleges. The local boards are responsible for using these funds in accordance with State Board policies as well as state and federal laws and regulations.

North Carolina's fiscal year runs from July 1 to June 30. Unless otherwise specified, all funds not expended during that period revert to the general treasury and are available to the legislature for reappropriation.

DEVELOPMENT OF THE LOCAL BUDGET REQUEST

An annual responsibility of the board of trustees is development of the local budget request to be submitted to the board of county commissioners for the required and supplemental appropriation for the college. Ordinarily, the local budget is submitted in early spring. Trustees must ensure that the request is adequately documented as to objectives and needs. Working with county commissioners is a year-round task to keep them apprised of the services and needs of the college.

WORKING WITH ELECTED OFFICIALS

One of the most important responsibilities for trustees is communicating with elected officials about how decisions made by local and state governments can impact community colleges. It's important that you have consistent communication with your county commissioners; and while NCACCT has a lobbyist in Raleigh advocating on your behalf, legislators listen to their constituents and your voice can make a major difference. There are some key points to remember as you develop a relationship with your legislators:

- Get to know the legislators before an issue arises. It is better to develop an ongoing relationship and build trust, so that you can be viewed as a good source of information for your legislators.
- Invite them to important events of the institution - board meetings, faculty orientations, graduations, and social events. Ask them to be guest lecturers. They are politicians who are interested in their constituents. If trustees help them achieve their goals while the board is achieving its goals, everyone will win.
- When the General Assembly is in session, a phone call or e-mail to members about issues of concern is frequently necessary. If you call and the member is not available to talk, leave a message with a staff assistant. This is often just as effective as a personal conversation, especially during very busy times.
- When communicating in writing, e-mail is your best option because of the speed of the communication. Limit the e-mail to one issue, preferably identified by the bill number or popular name. Include specific reasons for making the request and specific ways the proposed legislation will impact your community college and your students. Be courteous. Send the e-mail when it will count the most. An e-mail sent too early is as ineffective as one that is sent too late; both lose their impact.

The NCACCT will contact you when communication is needed. Please send your e-mail address to info@ncacct.org and send an update should your e-mail address change.

- Know which committees the legislator serves on. Committee meetings are held before the measure reaches the floor for action which gives legislators more thorough knowledge, and thus, more influence on the subject. This is the best time for trustees to voice their ideas or concerns about a particular bill.
- Be sure to express appreciation for work well done, a favorable vote, or a legislator advocating on your behalf during a committee meeting or floor debate.
- Don't burn bridges. Even if a legislator does not vote your way, do not be hostile or inflammatory. There will be many other issues to address in the future.

NORTH CAROLINA ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

The North Carolina Association of Community College Trustees (NCACCT) is a private nonprofit corporation, incorporated in 1968.

MISSION AND GOVERNANCE

Mission:

- The Mission of the North Carolina Association of Community College Trustees is to provide education and orientation for the trustees, other needed services to local boards and the community colleges, and to provide advocacy for legislative issues that will provide the resources needed to accomplish the educational mission of the colleges. The Association also provides advocacy for passage of legislation needed by our local colleges and repeal of legislation that is detrimental to the local college mission or infringes on local college autonomy.

Governance:

- The Membership shall consist of all appointed trustees of each local Board of Trustees in the Community College System.
- The Membership shall have the power to conduct the business of the Association under the existing Constitution and Bylaws. Each institution represented at any meeting of the Association shall have one vote to be cast by its voting delegate on any item presented for vote.
- The Membership of the Executive Board shall have such power as the membership may delegate to it. The Executive Board shall consist of the chair, vice-chair, secretary-treasurer, and two (2) members from each of the six (6) trustee regions, and three (3) at large members selected from any region, each to serve a four-year term, with six (6) members selected from regions elected in even years,

six (6) members selected from regions elected in odd years and three (3) at large members elected in odd years. The immediate past chair shall be a voting member of the Executive Board for two (2) years following the termination of his/her term as chair. In the event the immediate past chair is no longer available to serve, then the term or the remainder of the term shall be filled by the most recently serving immediate past chair who is available. Any Association of Community College Trustees (ACCT) board member from North Carolina and any trustee serving on a standing committee of the State Board of Community Colleges shall serve as an ex officio nonvoting member. The Executive Board shall fill vacancies in its membership caused by death, sickness, resignation, non-reappointment as a trustee, or for any other reason for the portion of the remaining term of that member. No elected member of the Executive Board may succeed himself/herself as an elected member more than once, unless elected to a higher office, nor may any Board of Trustees be represented in the elected membership of the Executive Board for more than two (2) consecutive terms, unless the representative is elected to a higher office. Any Executive Board member absent for three (3) consecutive meetings may have his/her seat declared vacant by the Executive Board. Nothing herein stated shall prevent a member of the Executive Board who is appointed to fill a vacancy from being elected to a regular term or terms, subject to the limitations stated in this paragraph.

- The Executive Board shall consider all proposals for substantive action or policy direction in accordance with the purposes of the Association, and any such proposals requiring action by the Association shall be submitted to the Annual Business Meeting together with a statement of advice or recommendation of the Executive Board regarding such proposal. The Executive Board shall have all power to operate the Association as it deems necessary or appropriate to carry out the purposes of the Association when it is not in official session.

TRAINING AND STAFF

We hope that the NC Association of Community College Trustees (NCACCT) will be a resource for you for information, legislative advocacy and training to provide you with the tools you need during your term on the board.

General Statute 115D-19 (b) states that trustees must participate in a trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees, within six months of appointment. Two training seminars are held each year, one in the spring and one in the fall. We will notify you with dates and information. You can also learn more about the seminars and the Association by visiting the NCACCT website: www.ncacct.org

Our staff is also available to assist you:

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FREQUENTLY ASKED QUESTIONS

Q: Once a trustee is appointed, can the trustee participate in meetings before being sworn in?

A: NO

Q: Must a trustee be sworn if they are a re-appointed trustee?

A: YES

Q: Can a trustee attend the required training session before being appointed?

A: YES

Q: Is it a requirement that the Board evaluate itself?

A: NO

Q: For those trustees participating in the "Ethics Training" - will certification forms be made available to them to bring back to us for auditing purposes?

A: That is up to the Ethics Commission. The NCACCT has no authority regarding ethics training.

Q: When are closed session meetings made public?

A: When the issue for which the closed session was held no longer warrants protection.

Q: What is the official record regarding trustees' attendance at training sessions?

A: The sign-in sheet at each session.

Q: Does the NCACCT have a policy regarding the role of a president, local board members, or the local board in the appointment and re-appointment of trustees?

A: NO

Q: Does the NCACCT encourage each college to have a county commissioner serve on the local board of trustees?

A: The NCACCT has no position on this matter.

Q: Is it legal and/or ethical for a trustee, the board, or the president to work for or against the appointment of a person being considered for appointment to the College Board?

A: Legal YES----Ethical is questionable.

Q: For how many years should the president's contract be written?

A: That is totally up to the local board.

Q: Can trustees and college employees sit on the Foundation Board?

A: YES

Q: What happens if the SBCC rejects our choice for a new president? A: It has never happened, but if it did, the board should seek legal advice or submit another name.

Q: How involved should the board be in personnel matters?

A: Very little or not at all.

Q: Can the NCACCT waive the required training for new or re-appointed trustees?

A: NO-this is required by state law which the NCACCT cannot supersede. Under special circumstances, the NCACCT will approve extending time in which a trustee has to attend training. The State Auditor's office has accepted those extensions in lieu of giving the college an audit exception.

Q: Why doesn't the NCACCT get more input from member trustees before supporting a bill in the GA?

A: As much input as possible is gathered, however there is seldom time to seek much input because of the speed at which issues move through the legislature.

Q: Do you have to have a quorum to hold a meeting?

A: NO-but you have to have a quorum to take action.

Q: What constitutes a board meeting?

A: A duly announced meeting---any other meeting is illegal.

Q: How many terms can a board member serve?

A: Unlimited

Q: How many terms can a Chair serve?

A: Unlimited, unless restricted by local board bylaws.

Q: Is ethics training required for every trustee?

A: Every public servant and the immediate staff of every public servant shall participate in an ethics presentation approved by the Commission within six months of the public servant's election, reelection, appointment, or employment, and shall attend refresher ethics education presentations at least every two years thereafter in a manner as the Commission deems appropriate.

Q: Does a trustee need the Statement of Economic Interest filed before they are sworn in?

A: The Statement of Interest must be "received" (a member does not have to wait for the review to be completed) by the Ethics Commission before a member can be sworn in or participate in a Board meeting.

Q: Can the Chair only vote to break a tie?

A: NO—the Chair should vote on all motions.

Q: Can a member leave the meeting to create a situation where no quorum exists?

A: Once a quorum at a meeting has been established, the continued presence of a quorum is presumed to exist only until the chair or any other member notices that a quorum is no longer present. If the chair notices the absence of a quorum, he or she should declare this fact, at least before taking any vote or stating the question on any new motion.

Q: Can the Board prevent a member with a conflict of interest from voting on the issue where the conflict exists?

A: NO

Q: How can I get an item on the agenda if the Chair will not include the item when he/she decides on the agenda?

A: The first action taken by a Board at every meeting should be to approve the agenda. When a motion is made to approve the agenda, items can be added or removed. It is the Board's Agenda.

Q: How detailed do Board meeting minutes have to be?

A: Not very. It is not necessary to summarize matters discussed at a meeting in the minutes. Minutes are a record of actions taken at a meeting, not a record of what was said. However, the general practice is to say enough so that a flavor of the discussion is captured.

Q: Can a vote be taken in closed session?

A: Yes, proceedings in a closed session are not public, but are not restricted in any other way.

Q: Can a Board hold board meetings by conference call?

A: Only if the Board's bylaws specifically authorize you to do so. If done, all members participating must be able to hear each other at the same time, and special rules should be adopted to specify precisely how recognition is to be sought and obtained during the meeting.

Q: Who can serve as Chair?

A: Any member of the Board, including the SGA president.

Q: Must debate on a motion stop immediately as soon as any member calls the question?

A: NO. There should be a motion to call the question. Should the motion pass, debate stops. Should the motion fail, debate continues. Should a member call for the question the Chair may say "hearing no objection I will call the question". If there is an objection then a motion should be made and a vote taken.

Q: Isn't it always in order to move to table an item to the next meeting? A: Probably--If there is a date certain for the next meeting. Any issue tabled must be tabled to a date certain.

Q: How do we get rid of a Chair we do not like?

A: It comes down to the words AND and OR. If your by-laws state a fixed term, or if they say the officer serves for a fixed term "and" until [the officer's] successor is elected," then the Board must use formal proceedings, which involve the appointment of an investigating committee, a report from such a committee, and the conduct of a formal hearing. The procedure is complex and should be undertaken only after a careful review of Chapter XX of Robert's Rules of Order Newly Revised, 10th ed. On the other hand, if the bylaws state a term for the office but add "or until [the officer's] successor is elected," or contain other wording explicitly indicating that the officer may be removed before the term expires, then the election can be rescinded (Robert's Rules of Order Newly Revised, Chapter XX), and a successor then elected for the remainder of the term.

APPENDICES

APPENDIX A

CODE OF ETHICS FOR COMMUNITY COLLEGE TRUSTEES

As a trustee and keeper of the public trust, I will:

1. Become knowledgeable so that I can execute my duties and carry out my responsibilities in a creditable manner.
2. Place high priority on attendance and punctuality at all board meetings.
3. Cooperate with my fellow board members and respect their differences of opinion.
4. Vote my honest conviction on all issues based on fact and concern for all persons affected rather than on personal bias or political or other outside pressure.
5. Support all policy votes of the board regardless of how I voted.
6. Remember that the president, board chairman or the board as a whole are the only official spokespersons for the institution.
7. Support the president as chief administrative officer of the institution.
8. Direct to the president all complaints or criticisms brought to me about either the institution or the president.
9. Resist the temptation to use my position for personal gain.
10. Place as high a priority on the educational programs of the institution as I do on the business of college operation.
11. Function as a policy-maker and not an administrator of the institution.
12. Understand and abide by the Open Meetings Law by encouraging attendance of interested citizens, organizations, and the media when current institution operations and future plans are being discussed.
13. Solicit support of county commissioners, legislators and private companies in obtaining funds for the operation and maintenance of the institution.
14. Support the state and national community college trustees associations.
15. Strive constantly toward ideal conditions for the most effective board service.

APPENDIX B

LEGAL RESPONSIBILITY OF THE BOARD TO STUDENTS

Trustees of community colleges have a legal responsibility to provide students with an opportunity for an education without regard for race, sex, national origin, age, religion and handicap. In other words, just as trustees have a responsibility to refrain from making employment decisions based upon factors not related to work performance, they have a responsibility to refrain from basing decisions regarding students on factors not related to the learning process. This responsibility arises under our State Constitution and the Constitution of the United States. Trustees also have responsibilities to students under the Due Process Clauses of the North Carolina and United States Constitutions. These responsibilities, however, only arise in regard to the dismissal of students from school because of misconduct. Except perhaps in unusual circumstances, students do not have any due process rights in connection with academic decisions, including decisions to dismiss students for academic reasons.

APPEN DIX C

Chapter 115D of the General Statutes of North Carolina contains laws governing the appointment and work of community college trustees. Following are the primary sections for your reference:

§115D-12. Each institution to have board of trustees; selection of trustees.

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

Group One – four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two – four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group Two may be a member of a board of county commissioners. Should the boards of education or the

boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group Three – four trustees, appointed by the Governor.

Group Four – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D- 12(a), Group Four.

(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in any group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term. (1963, c. 448, s. 23; 1977, c. 823, s. 104; 1979, c. 462, s. 2; 1985, c. 757, s. 147; 1987, c. 564, ss. 10, 12; 1987 (Reg. Sess., 1988), c. 1037, s. 111; 1991, c. 283, s. 1; 1995, c. 470, s. 1; 2009-549, s. 19.)

§ 115D-13. Terms of office of trustees.

(a) The regular terms of trustees appointed in 1981 and trustees appointed in 1987 shall be extended for one year. The term of one or more trustees, as appropriate, elected pursuant to G.S. 115D 12 may be extended for one year so that these terms will be staggered, unless they are already staggered.

(b) Except for the one year extensions of terms set forth in subsection (a) of this section, and for the ex officio member, as the terms of trustees currently in office expire, their successors shall be appointed for four year terms.

All terms shall commence on July 1 of the year. (1963, c. 448, s. 23; 1977, c. 823, s. 5; 1979, c. 462, s. 2; 1985, c. 58; 1989, c. 521, s. 1.)

§ 115D-16. Elective officials serving as trustees.

The office of trustee of any institution established or operated pursuant to this Chapter is hereby declared to be an office which may be held by the holder of any elective office, as defined in G.S. 128 1.1(d), in addition to and concurrently with those offices permitted by G.S. 128 1.1. Appointments made on or before July 1, 1985, by boards of county commissioners or local boards of education of their own members as trustees are hereby validated, ratified, and confirmed. (1979, c. 462, s. 2; 1985, c. 773.)

§ 115D-17. Compensation of trustees.

Trustees shall receive no compensation for their services but shall receive reimbursement, according to regulations adopted by the State Board of Community Colleges, for cost of travel, meals, and lodging while performing their official duties. The reimbursement of the trustees from State funds shall not exceed the amounts permitted in G.S. 138 5. (1963, c. 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1.)

§ 115D-19. Removal of trustees.

(a) Should the State Board of Community Colleges have sufficient evidence that any member of the board of trustees of an institution is not capable of discharging, or is not discharging, the duties of his office as required by law or lawful regulation, or is guilty of immoral or disreputable

conduct, the State Board shall notify the chairman of such board of trustees, unless the chairman is the offending member, in which case the other members of the board shall be notified. Upon receipt of such notice there shall be a meeting of the board of trustees for the purpose of investigating the charges, at that meeting a representative of the State Board of Community Colleges may appear to present evidence of the charges. The allegedly offending member shall be given proper and adequate notice of the meeting and the findings of the other members of the board shall be recorded, along with the action taken, in the minutes of the board of trustees. If the charges are, by an affirmative vote of two thirds of the members of the board, found to be true, the board of trustees shall declare the office of the offending member to be vacant.

Nothing in this section shall be construed to limit the authority of a board of trustees to hold a hearing as provided herein upon evidence known or presented to it.

(b) A board of trustees may declare vacant the office of a member who does not attend three consecutive, scheduled meetings without justifiable excuse. A board of trustees may also declare vacant the office of a member who, without justifiable excuse, does not participate within six months of appointment in a trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees. The board of trustees shall notify the appropriate appointing authority of any vacancy. (1963, c. 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1989, c. 521, s. 2; 1995, c. 470, s. 2.)

APPENDIX D

HISTORY OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

In 1952 Dr. Allan S. Hurlburt conducted a study concerning the need for community colleges in North Carolina but it was not until 1957, during the administration of Governor Luther H. Hodges, that the Community College Act was passed. The legislation authorized the establishment of community colleges and placed the general administration of the colleges under what was known then as the State Board of Higher Education (now the Board of Governors of the University of North Carolina).

By 1961 five community junior colleges had been established under the jurisdiction of local boards of trustees and the State Board of Higher Education. These first five community colleges were College of The Albemarle in Elizabeth City, Wilmington College in Wilmington, Mecklenburg College and Charlotte College in Charlotte, and Asheville-Biltmore College in Asheville. In 1963 Gaston College in Dallas became the sixth community college approved under the 1957 act.

At the same time, a vigorous effort was being made to provide a statewide program in industrial education. Funds were allocated by the 1957 General Assembly to the State Board of Education to initiate a statewide system of industrial education centers. These centers were established to provide a better trained labor force in the state by training both adults and selected high school students.

The leadership of three individuals was especially important in the conception and development of these centers: Governor Hodges (1954-1960); Dr. W. Dallas Herring, chairman of the State Board of Education (1957-1977); and A. Wade Martin, state supervisor of trade and industrial education (1957-1961).

In 1959 the General Assembly officially designated industrial education centers as a type of vocational school and placed the administration of the schools under both the State Board of Education and local boards of education. By 1961 there were 18 centers in full or partial operation and two more centers were in the planning stage.

To make this program accessible to more North Carolinians, the State Board of Education approved an extension unit plan in 1961. Five new extension units were created, each a branch of an existing industrial education center. These units were operated under an agreement between an individual center's board of trustees and the local board of education. Although they were under the jurisdiction of separate boards, the programs at both the community colleges and the industrial education centers were designed for education beyond high school.

In 1961 Governor Terry Sanford established the Governor's Commission on Education Beyond the High School (the Carlyle Commission). The Commission was to serve both as a vehicle for future planning and to answer a concern about duplicate programs. The commission studied methods for expanding educational opportunities at the post high school level. They recommended that the community colleges and the industrial education centers be joined into one administrative organization under the State Board of Education and local boards of trustees. By joining the two types of institutions all of the state's two-year higher education needs (whether academic, technical, or vocational) could be developed under the administration of one educational system - the comprehensive community college system.

On May 17, 1963, the North Carolina General Assembly enacted the Community College Act of 1963, General Statutes 115A (later changed to 115D). Under this law, the State Board of Education created the Department of Community Colleges and brought under its supervision the 20 industrial education centers and three of the existing community colleges (the other three community colleges became four-year institutions in 1963). Between 1964 and 1968, all of the industrial education centers became technical institutes or comprehensive community colleges. Since 1963, other institutions have been added to the system, and several technical institutes have become community colleges with legislative sanction.

In 1979, the General Assembly changed the state control of the system. Provision was made for a separate State Board of Community Colleges. The Board was appointed and organized in 1980, and met several times with the State Board of Education. The new Board assumed full responsibility for the system on January 1, 1981. The Board's first chairperson was Duke Power Company Executive Carl Horn. He was succeeded in 1983 by John A. Forlines, president of Bank of Granite and then by William F. Simpson in 1989. Lt. Governor Dennis A. Wicker served as chair from 1993 until 1999. Dr. G. Herman Porter, former president of Wayne Community College,

served from 1999 until 2001. Businessman James J. Woody, Jr. of Roxboro served from 2001 until July 2005, when Progress Energy executive Hilda Pinnix-Ragland succeeded him as chair. Dr. Linwood Powell was elected to serve as chair in 2013.

The North Carolina Community College System has had seven presidents: I. E. Ready (1963-1970), Ben E. Fountain, Jr. (1971-1978), Larry J. Blake (1979-1982), Robert W. Scott (1983-1995), Lloyd V. Hackley (1995-1997); Martin Lancaster (1997-2008) and R. Scott Ralls (2008 - present). Charles R. Holloman served in an acting capacity from September, 1978 to July, 1979.

GUIDING PHILOSOPHY OF COMMUNITY COLLEGES

From its inception, the community college system has operated under an "open door policy" based on the philosophy of total education for North Carolina citizens. The following statement was written by Dr. Dallas Herring, former chairman of the State Board of Education, and has been used as the guiding philosophy of the system through the years:

The only valid philosophy for North Carolina is the philosophy of total education: a belief in the incomparable worth of all human beings, whose claims upon the state are equal before the law and equal before the bar of public opinion, whose talents (however great or however limited or however different from the traditional) the state needs and must develop to the fullest possible degree.

This is why the doors to the institutions in North Carolina's system of community colleges must never be closed to anyone of suitable age who can learn what they teach. We must take the people where they are and carry them as far as they can go within the assigned functions of the system. If they cannot read, then we will simply teach them to read and make them proud of their achievement. If they did not finish high school but have a mind to do it, then we will offer them a high school education at a time and place convenient to them and at a price within their reach. If their talent is technical or vocational, then we will simply offer them instruction, whatever the field, however complex or however simple, that will provide them with the

knowledge and the skill they can sell in the marketplaces of our state, and thereby contribute to its scientific and industrial growth. If their needs are in the great tradition of liberal education, then we will simply provide them the instruction, extending through two years of standard college work, which will enable them to go to a university or to a senior college, and on into life in numbers unheard of in North Carolina. If their needs are for cultural advancement, intellectual growth, or civic understanding, then we will simply make available to them the wisdom of the ages and the enlightenment of our times and help them on to maturity.

APPEN DIX E
NORTH CAROLINA ASSOCIATION
OF COMMUNITY COLLEGE
TRUSTEES

Presidents of the Association

- 1967 - W. Stanley Moore, Temporary
President Western Piedmont
Community College
- 1967 - James Pierce, Organizational
Chairman Technical Institute of
Alamance
- 1967-68 Paul Thompson
Fayetteville Technical Institute
- 1968-70 Robert Lee Humber
Pitt Technical Institute
- 1970-72 H. Clifton Blue
Sandhills Community College
- 1972-74 J. C. Robbins
Sandhills Community College
- 1974-76 W. E. (Billy) Mills
Coastal Carolina Community College
- 1976-78 Edward Stowe
Gaston College
- 1978-80 Wallace W. Gee
Technical College of Alamance
- 1980-82 George Morgan
Central Piedmont Community College
- 1982-84 C. Louis Shields
Coastal Carolina Community College
- 1984-86 Robert C. Carpenter
Southwestern Technical College

- 1986-88 Kathleen S. Orringer
Craven Community College
- 1988-90 B. E. Mendenhall
Davidson Community College
- 1990-92 Talmage Penland
Asheville-Buncombe Technical Comm. College
- 1992-94 Dewitt Rhoades
Forsyth Technical Community College
- 1994-96 George W. Little
Sandhills Community College
- 1996-98 Elsie H. Childres
Western Piedmont Community College
- 1998- 00 J. Edgar Moore
Nash Community College
- 2000-02 James P. “Jim” Corbett, Jr.
Coastal Carolina Community College
- 2002-03 John W. “Bill” Disher
Central Piedmont Community College
- 2003-06 Carl A. Byrd, Sr.
Cape Fear Community College
- 2006-08 Helen M. Newsome
Martin Community College
- 2008-10 George D. Regan
Robeson Community College
- 2010-12 Helen Collins
Edgecombe Community College

Chairs of the Association

- 2012-14 Robert F. Comer
Surry Community College

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