

MONTGOMERY COMMUNITY COLLEGE

BOARD OF TRUSTEES

BY-LAWS

Revised May 6, 2020

MONTGOMERY COMMUNITY COLLEGE
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Board of Trustees By-Laws

ARTICLE 1

Responsibility and Membership

Section 1. Jurisdiction and Responsibility

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

Section 2. Membership

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

Section 3. Office of Record

The Board shall maintain its office of record in Montgomery Community College.

ARTICLE 2

Officers and Their Duties

Section 1. Election and Term of Office

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

Section 2. The Chairman of the Board of Trustees

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

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

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

Section 4. The Secretary of the Board of Trustees

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

4. The Board may designate a corresponding secretary. The corresponding secretary will aid the Secretary in the performance of duties.

Section 5. The President of the College

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

ARTICLE 3

Powers and Duties of the Board of Trustees

Section 1. The Board of Trustees shall:

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

ARTICLE 4

Committees

Section 1. Types of Committees and Method of Appointment

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

Section 2. Limitation of Authority of Committees

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

Section 3. Authority of Committees

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

Section 4. Buildings and Grounds Committee

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

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

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

Section 5. Budget and Finance Committee

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

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

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

Section 6. Personnel Committee

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

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

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

Section 7. Legislative/Public Relations Committee

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

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

Section 8. Curriculum & Student Services Committee

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

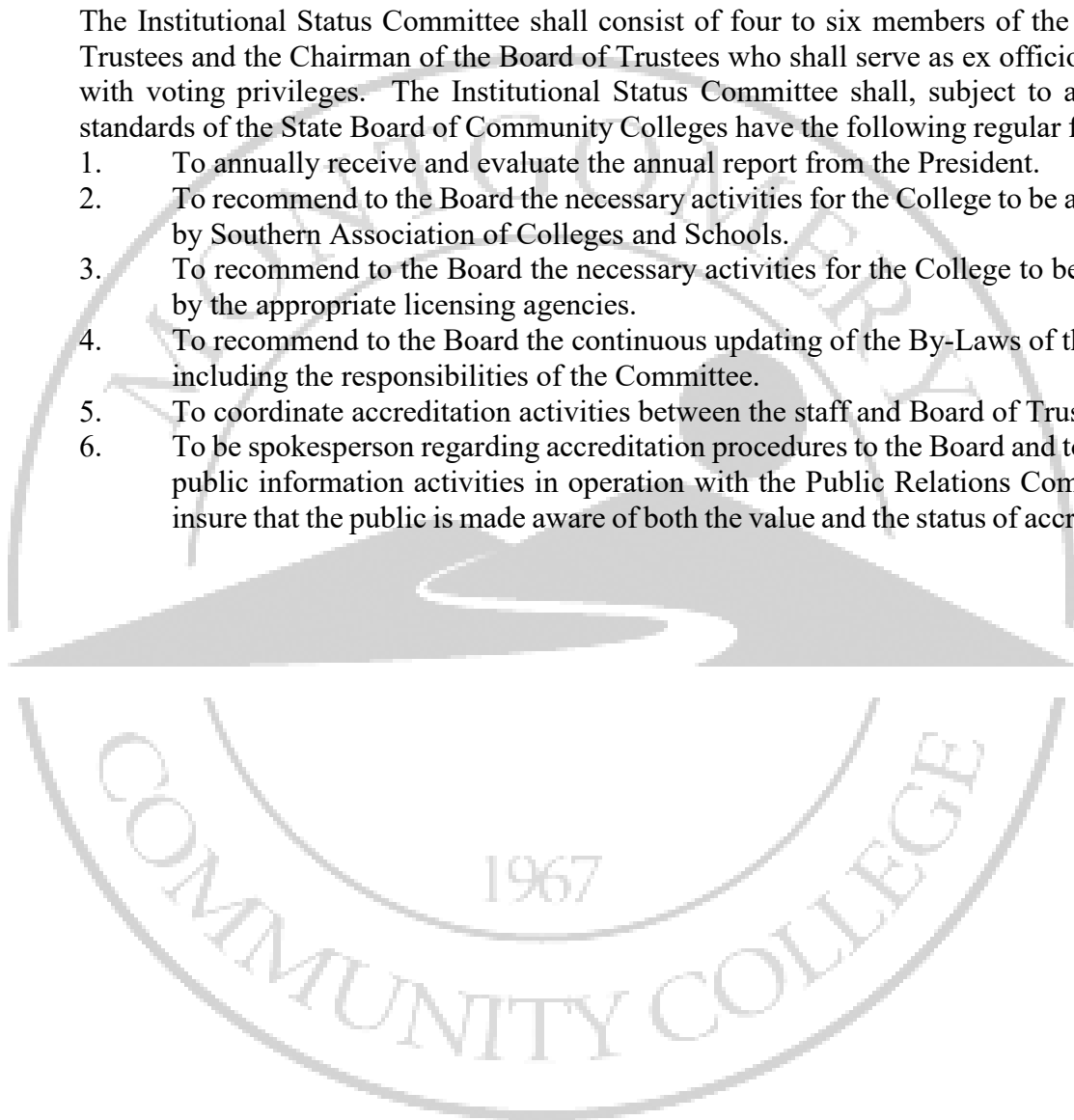
1. To receive recommendations from the President for establishing and terminating curriculums. To evaluate these recommendations and report to the Board of Trustees.
2. To aid the President in establishing Advisory Committees.
3. To recommend to the Budget and Finance Committee the cost of proposed curriculums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

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

Section 9. Institutional Status Committee

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

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



ARTICLE 5

Meetings

Section 1. Regular Meetings

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

Section 2. Special Meetings

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

Section 3. Notice of Meetings

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

Section 4. Quorum

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

Section 5. Power to Vote

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

Section 6. Agenda

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

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

Section 7. Order of Business

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

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

Section 8. Parliamentary Rules

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

Section 9. Individual or Group Hearings

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

Oral Presentations

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

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

Section 10. Meeting in Closed Sessions

Only voting members of the Board of Trustees may be present in closed session unless invited by the Board Chair.



ARTICLE 6

Administration

Section 1. Coordination within the College

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

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

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

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

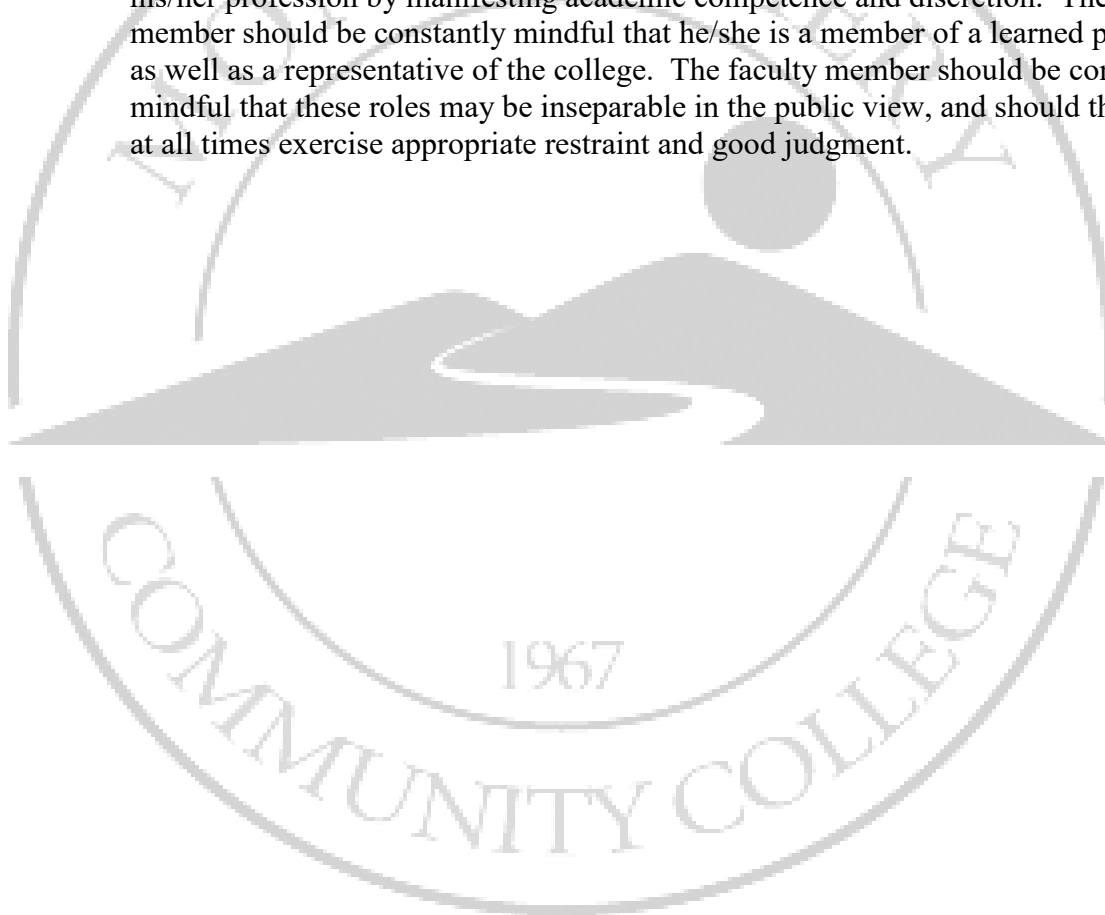
- i. Requirement may be waived if student has been out of school for at least 6 months and application is supported by student's parent, legal guardian, etc. (notarized petition).
- ii. Shall not displace adults; admitted on space available basis. However, once admitted, shall be treated the same as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

Section 3. The President of the College

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

Section 4. Academic Freedom and Responsibility

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



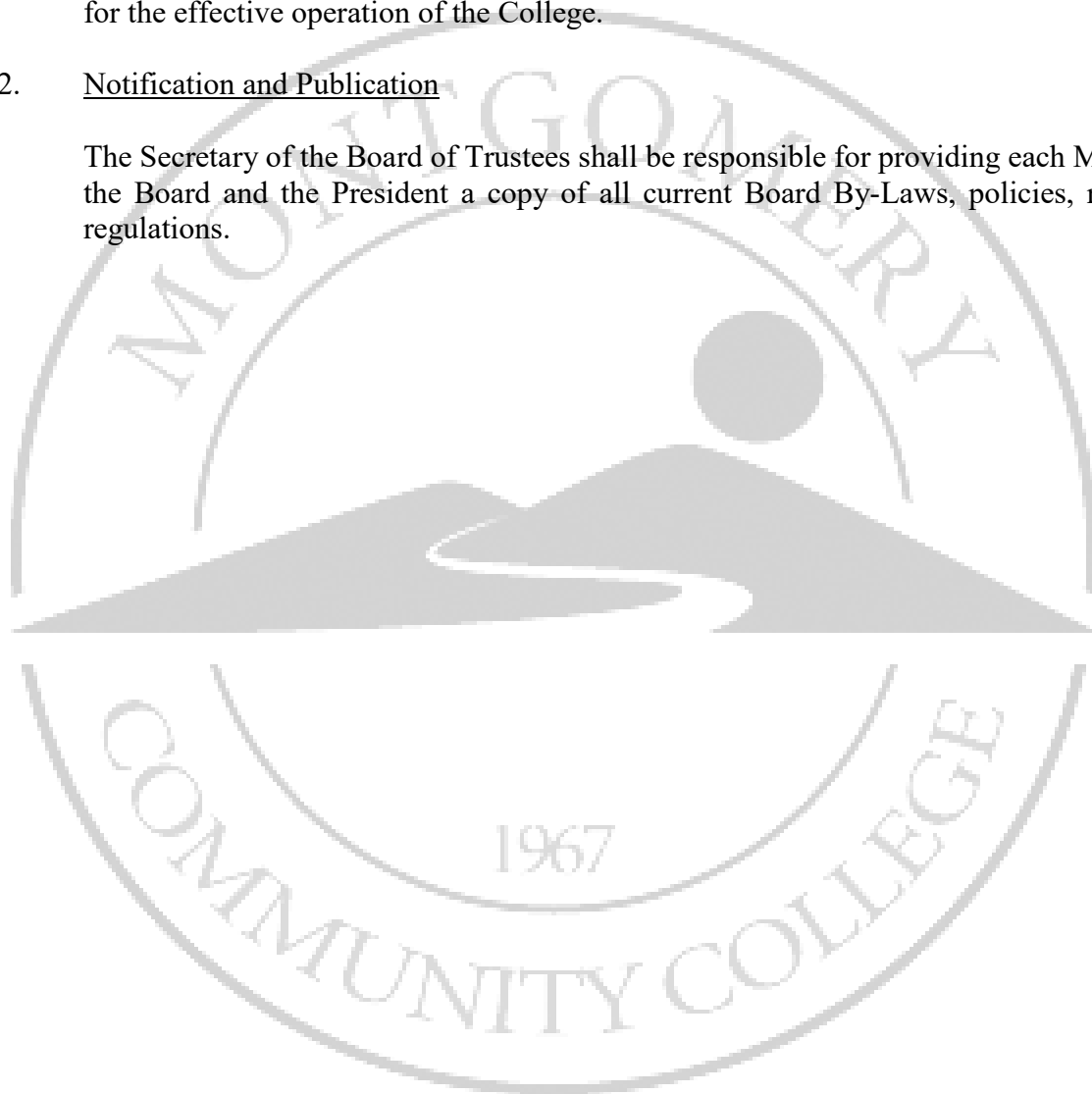
ARTICLE 7
Policies, Rules, and Regulations

Section 1. General Provisions

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

Section 2. Notification and Publication

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



ARTICLE 8

Adoption and Amendment

Section 1. Adoption

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

Section 2. Amendments

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

