



# CRAVEN COMMUNITY COLLEGE

## BOARD OF TRUSTEES POLICIES

Approved by the Board of Trustees

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**SECTION I: INSTITUTIONAL MISSION, GOVERNANCE, AND  
EFFECTIVENESS**

## MISSION - BP 1.1

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*Legal Authority: NCGS 115D-1; NCGS 115D-4.1; NCGS 115D-5; 23 NCAC 2B .0104;  
23 NCAC 2B .0205*

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### **MISSION**

Craven Community College is a dynamic and responsive institution of higher education committed to improving and enriching individual lives and society through comprehensive, high quality and accessible learning opportunities that allow students to contribute and compete in a diverse and global community. Consistent with the North Carolina Community College System, the mission of the College is to open the door to high quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, and improve the lives and well being of individuals by providing:

- (1) education, training and retraining for the workforce, including basic skills and literacy education, occupational and pre-baccalaureate programs;
- (2) support for economic development through services to and in partnership with business and industry; and
- (3) services to communities and individuals which improve the quality of life.

#### **The College Fulfills Its Mission Through:**

##### **Adult General, Basic and Secondary Education**

Courses and services for students who desire to complete a high school equivalency credential or improve their adult basic education, literacy and English language skills, or for enrolled high school students seeking acceleration opportunities.

##### **Cultural, Citizenship and Community Enrichment**

Activities, services, group travel and special projects in response to cultural needs and quality of life interests of community populations and for the leisure enjoyment and enrichment of adults and youth served.

##### **Developmental Education Studies**

Courses and services for students in need of further growth and development of academic and basic skills preparation for acceptance into a curriculum and to succeed in college programs.

### Economic/Workforce Development Education and Special Training

Customized courses specifically designed for, and in collaboration with, business, industry and the military including workforce readiness, job enhancement and technical skill development.

### Occupational and Technical Education

Programs, courses and services for students who plan to enter the workforce or upgrade their career training, professional skills and work performance.

### Student Development

Programs and services to support and enhance student academic, career and personal skill development and growth, and assure success for diverse and ever-changing student populations.

### University-Parallel Education

Programs and coursework for the freshman and sophomore years of an undergraduate education for students who plan to continue studies toward the baccalaureate or pursue postsecondary liberal arts studies.

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## VISION STATEMENT - BP 1.2

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*Legal Authority: NCGS 115D-1; NCGS 115D-5; 23 NCAC 2B .0104; 23 NCAC 2B .0205*

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### **VISION STATEMENT**

By 2015, the College will be recognized as a vibrant community college focused on student success and lifelong learning through innovative community partnerships, cultural arts programming, military educational services, public radio, and workforce training.

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## CORE VALUES - BP 1.3

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*Legal Authority: NCGS 115D-20*

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### **CORE VALUES**

We proudly share these Core Values as the foremost principles which serve as a foundation to guide and direct our attitudes, behaviors and decisions:

#### Diversity

We recognize the dignity, worth and potential of all persons and proudly celebrate the rich diversity of our local and global community.

#### Integrity

We place fairness and honesty at the center of our teaching, services and operations, and uphold high ethical standards.

#### Learning

We revere learning and scholarship as transformational and multidimensional, and embrace education as dynamic, lifelong and limitless for all.

#### Quality

We set high and challenging standards for our personal, professional and organizational performance, and advocate continuous improvement.

#### Respect

We work together in a cooperative environment of civility, courtesy and humility.

#### Trust

We value honesty and transparency, and responsibly manage the capital, fiscal and human resources entrusted upon us by our citizens.

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# BOARD POLICY PRINCIPLES AND GENERAL DEFINITIONS -

## BP 1.4

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*Legal Authority: NCGS 115D-5; NCGS 115D-12; NCGS 115D-13; NCGS 115D-14;  
23 NCAC 2C .0100*

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### **BOARD POLICY PRINCIPLES AND GENERAL DEFINITIONS**

#### Policy Statement

The NCGS and the System have established and granted various powers and duties to the Board of Trustees and the President of the College, including the authority to establish policies and procedures for the efficient and orderly administration of the College. This Policy addresses the sources of authority for Policies and Procedures at the College and the procedures for their adoption and publication. The Board of Trustees delegates authority to the President to implement Policies and Procedures in accordance with Policies and instructions adopted by the Board of Trustees or required by federal or state laws and regulations. The President may promulgate those Administrative Rules deemed necessary or useful for the implementation of the Board's policies.

**Definitions:** The following definitions shall apply to all College policies and procedures unless specifically stated otherwise in a particular policy or procedure.

1. Administrative Rules; Administrative Procedure; AR: Any standard, statement, regulation, rule, or procedure of general applicability adopted by the President or required for the implementation of a Policy.
2. Board: The Board of Trustees of the College.
3. College: Craven Community College.
4. NCAC: The North Carolina Administrative Code.
5. NCGS: The North Carolina General Statutes.
6. Policy: A written guideline, course of action, or directive adopted by the Board of Trustees and applicable to the College.

7. President: The president and chief executive officer of the College. Unless otherwise stated or apparent from the context of usage, “President” also refers to the President’s designee.
8. State: The State of North Carolina.
9. State Board: The State Board of Community Colleges.
10. System: The North Carolina Community College System, including the State Board of Community Colleges.

#### Adoption of Policies, Regulations and Rules

- (1) Recommendations for New Policies and Procedures or Changes to Existing Policies and Procedures: Recommendations for new or revised Policies and Procedures may be made by the President on his or her own motion or may be proposed by any member of the College community. Recommendations from other than the President should be submitted to the Administrative Assistant to the President.
- (2) Implementation of Policies and Regulations: The President, after consultation with legal counsel and the appropriate executive officer(s), may make revisions to Policies and Procedures required by federal or state laws and regulations or required for implementation of Policies adopted by the Board of Trustees.
- (3) Reformatting/Minor Changes: Reformatting, editorial, and minor changes that do not affect the substance of a Policy or Procedure may be made by the President or his or her designee.
- (4) Procedure for Adoption of Mandated Policies and Regulations: Proposals are submitted for initial review to the President or his or her designee. If the President or his or her designee concurs with the proposal, the proposed Policy or Procedure may be forwarded to the College's legal counsel for review. After legal review, the proposed Policy or Procedure is forwarded to the President's office for review by the executive officers. Following executive officers' review, the proposal is placed on the President’s Cabinet agenda for review. Following review by the President’s Cabinet, the President acts on the proposed Policy or Procedure. The President may table, study, reject, or approve the recommendation, and, where appropriate, may forward the recommendation to the Board of Trustees for action.

#### Content, Format, and Publication

- (1) Content: Policies and Procedures create administrative structures, set priorities, assign responsibility, delegate authority, establish accountability, and define reporting requirements. They should be concise, understandable and contain only material essential to the Policy or Procedure.

- (2) Format: New Policies and Procedures should be drafted in numerical outline format following the Manual template. Section titles and subtitles should be used where appropriate. Hyperlinks in the body of the regulation are limited to other College Policies, Procedures, and forms. All other references should be listed and hyperlinked in the informational section preceding the text of the Policy or Procedure.
- (3) Proposed Revisions: Proposed revisions to Policies and Procedures should be noted by striking out language proposed for deletion and highlighting or underlining language that is new.
- (4) Publication of Policies and Procedures: The official site for approved Policies and Procedures is the College's Policy and Procedures Manual website. Upon adoption, Policies and Procedures are to be forwarded to Administrative Assistant to the President for electronic publication on the web page. The Administrative Assistant to the President will assign a number to the Policy or Procedure, edit the title for location and subject matter clarification, insert the effective date (which will be the date the Policy or Procedure is published unless otherwise specified by the President or the Board of Trustees), and edit the informational section preceding the Policy or Procedure to include related Policies, Procedures, forms, and additional relevant information.
- (5) Republication of Policies and Procedures: Any electronic republication of a Policy or Procedure by any College unit must be by hyperlink to the Manual web site. Units may publish web pages, handbooks, bulletins, brochures, and similar materials for educational purposes, but notice must be given through a disclaimer or other statement that the Policies and Procedures approved by the Board of Trustees are the controlling official Policies and Procedures of the College. The Manual web site shall state that the official policies and procedures are those approved by the Board of Trustees.

#### Controlling Documents

The following order of precedence shall govern in the event of a conflict between any College Policy, Administrative Rule, law or regulation:

- (1) Federal law and regulation.
- (2) North Carolina law and regulation.
- (3) System Policies.
- (4) Bylaws of the Board of Trustees.
- (5) Board of Trustee Policies.
- (6) Administrative Rules.

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## **DUTIES OF THE BOARD - BP 1.5**

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*Legal Authority: NCGS 115D-14; NCGS 115D-20; NCGS 115D-54; NCGS 115D-56; NCGS 115D-58; 23 NCAC 2C .0100*

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### **DUTIES OF THE BOARD**

As an institution of higher education chartered by the North Carolina General Assembly, the College operates as an independent entity pursuant Chapter 115D of the NCGS. A trustee must act independently if he or she is to discharge his or her duties as established by NCGS Sections 115D-14 and 115D-20. These sections vest in the Board the authority and responsibility to enter into contracts; acquire, hold, and transfer real and personal property; institute and defend legal actions and suits; and to manage and administer the college for educational purposes. In addition to these broad powers, the Board constitutes the College's local administrative governing body.

Consistent with the independence established in Chapter 115D, the State Board of Community Colleges has delegated to the Board broad powers and responsibilities indicative of an independent governing body. Specifically, “[a]ll power and authority vested by law in the State Board which relates to the internal administration, regulation, and governance of any individual college of the community college system” has been delegated to the various boards of trustees. Therefore, the independence of the College's Board is established by law and required in order to operate as a public educational institution.

#### **Board Composition and Practice**

The statutory composition of the Board helps safeguard it from domination by a minority of board members or by organizations advocating interests separate from the College's mission. The 12 voting trustees are appointed to the Board by three different levels of government: Four are elected by the Craven County Board of Commissioners, four are elected by the Craven County Board of Education, and four are appointed by the governor. The President of the student body serves as a nonvoting ex officio member.

Before taking office, each trustee must promise his or her commitment to the College and the law through an oath. The oath requires, among other things, trustees to “faithfully discharge the duties of ... Trustee of College” and to “well and truly execute the duties of the office of Trustee of College according to the best of [his or her] skill and ability, according to law....” A trustee who was inappropriately influenced would be acting

contrary to his or her legal obligations as well as a violation of the public affirmation of support for the law and College contained in the oath.

Once appointed, a trustee's independence is protected by both College policy and law. The College and NCGS Section 115D-19 establish that trustees can be removed only for cause. Appropriate cause is limited to (1) an inability to discharge the trustee's duties pursuant to law or (2) unjustifiable repeated absence from Board meetings. Thus, once appointed, a trustee does not owe any legal duty to the body or person who appointed him or her. The trustee's legal obligation is to discharge his or her fiduciary duties for the benefit of the College. After appointment, trustees are also oriented to the Board's duties, including their obligation to act independently from inappropriate influence. Each trustee will be given a booklet containing Chapter 115D of the NCGS, and they are directed to review their specific responsibilities set forth in Sections 115D-12 and 14 in addition to the other sections governing the College.

Finally, the Board has been and continues to be sensitive to the possibility that external political, religious, or other types of pressure may be exerted in order to influence College policy inappropriately. This sensitivity, combined with each trustee's legal and personal obligation to the College, has helped ensure that the Board's practices are consistent with the actions of an independent policy-making body. Pursuant to its Bylaws, the Board meets at least once every three months, or more often as necessary. As evidenced by the Board's regular minutes, its meetings are conducted with a quorum present and decisions are made through a vote of the majority, or greater in certain circumstances. No proxy voting by any trustee is allowed at any meeting. In the event of a tie vote, the motion or other issue upon which the vote was taken must fail. The minutes demonstrate that the Board acts pursuant to the legally established process, and that it is the ultimate policy-making body for the College's administration operating free of undue influence.

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## CONFLICTS OF INTEREST - BP 1.6

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*Legal Authority: NCGS 14-234; Board Bylaws, Article II, Section 5; NCGS 115D-26*

*Approval: April 19, 2011*

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### **CONFLICTS OF INTEREST**

Conflict of interest relates to situations in which financial or other personal considerations may compromise, may involve the potential for compromising, or may have the appearance of compromising a Trustee's objectivity in meeting College duties or responsibilities, including research activities. The bias that such conflicts may impart can affect many College duties, including decisions about personnel, the purchase of equipment and other supplies, the collection, analysis and interpretation of data, the sharing of research results, the choice of research protocols, the use of statistical methods, and the mentoring and judgment of student work. A Trustee may have a conflict of interest when he or she, or any member of that person's immediate family, has a personal interest in an activity that may affect decision making with respect to College teaching, research, or administration.

If any such Trustee owns or controls a direct interest in any such materials, services, equipment, or property included or proposed to be furnished to or acquired by the College, he or she shall immediately disclose the same in writing to the College and such disclosure shall be entered upon the Minutes of the Board.

Violation of the State's conflict of interest law for public servants, NCGS Section 14-234, is a criminal offense. A trustee could be in violation of the law if the trustee derives a direct benefit from a contract that the College might or has entered into. In the event a trustee suspects there may be a conflict of interest under NCGS Section 14-234, he or she must immediately disclose the conflict to the Board, or if the Board is not in session, to the Chair of the Board and President. The Chair or President must seek legal counsel if such a disclosure is made or either of them suspects that a trustee is in violation of NCGS Section 14-234.

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## **DUTIES OF THE PRESIDENT - BP 1.7**

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*Legal Authority: NCGS 115D-20; 23 NCAC 2C .0209*

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### **DUTIES OF THE PRESIDENT**

The President shall be the chief executive officer of the College. As such, the President shall have the primary responsibility for the execution of policies formulated and adopted by the Board.

The President shall faithfully, industriously and, to the best of the President's ability, perform all duties as described in the President's job description and additional duties assigned from time to time by the Board. In addition, the President shall fulfill all duties imposed upon community college presidents by law or regulation and shall ensure that the College operates in accordance with all applicable federal and state laws and regulations.

The President shall devote full time, skill, labor and attention to the operation of the College and shall have responsibility to organize, reorganize and arrange the administrative staff, including instruction and business affairs, which in his or her judgment best serves the College. The President shall have the responsibility, subject to the policies of the College as established and amended, for all personnel matters, including selection, assignment, transfer and termination subject to Board approval. By way of example and not limitation of the President's duties and responsibilities, the President is responsible for the following duties:

- (1) Coordinate and provide oversight of all administrative and managerial aspects of the institution.
- (2) Ensure sound fiscal management of the institution.
- (3) Provide for distribution of College resources to ensure effective fulfillment of the College's mission, goals and priorities.
- (4) Create a College environment that appreciates and reflects diversity both in the student body and the workforce, and support the vision statement for the College.
- (5) Advise the Board of financial and budgetary needs of the institution and recommend the items to be included in the current expense budget and the capital outlay budget.

- (6) Lead the College institutional effectiveness and goal setting process, and using a team approach, ensure development and execution of College strategic planning and continuous improvement.
- (7) Establish the College's organizational structure.
- (8) Make all final decisions regarding the employment and dismissal of all College employees as delegated by the Board.
- (9) Recommend policies to the Board when deemed in the best interest of student learning and the needs of the institution.
- (10) Administer all College policies and procedures fairly and effectively.
- (11) Shape and maintain the educational policies of the College and recommend additions, elimination, and change in programs and services provided by the institution deemed in the best interest of students, the local community, and the State of North Carolina.
- (12) Ensure that all educational programs are educationally sound, financially viable, and meet all recommendations and requirements of accrediting bodies, local and state law, and the standards of the North Carolina State Board of Community Colleges.
- (13) Appoint and work with local advisory committees to ensure educational programs address local workforce development needs.
- (14) Consult with the Board leadership on the agenda for meetings of the Board.
- (15) Oversee management of the College Foundation Board, and working through the College Foundation and ensure that the Foundation Board receives, accepts, and ensures fiscal accountability for private donations, bequests, and the like.
- (16) Encourage professional development and growth of all College employees, and supports professional development opportunities that enhance both individual professional growth and College priorities.
- (17) Promote effective supervision of all employees including development and effective execution of an employee evaluation system that fosters individual growth and accountability.
- (18) Actively seek private donations to the College and Public Radio East through their Foundations.
- (19) Actively engage in community involvement and encourage community engagement on behalf of the College among all College faculty and staff.
- (20) Promote and market the College to foster a positive image for the institution and enhance student recruitment.

- (21) Represent the College in various capacities on local, state, and national boards, task forces, and organizations.
- (22) Oversee management of Public Radio East and its employees, supervisors and all constituents and oversee the management of the Public Radio East Foundation Board and ensure that the Foundation Board receives, accepts, and ensures fiscal accountability for private donations, bequests, and the like.
- (23) Approve the College's academic calendar.

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## **SELF EVALUATION OF THE BOARD OF TRUSTEES - BP 1.8**

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*Legal Authority: NCGS 115D-20*

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### **SELF-EVALUATION OF THE BOARD OF TRUSTEES**

The Board shall conduct an annual assessment of its actions during the prior year. Through a formative self-evaluation process, each member of the Board shall identify those areas of overall Board effectiveness and areas for improvement. The Board Chair in consultation with the President shall develop the assessment instruments, which may be modified according to the Board's needs and desires.

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# EVALUATION OF THE PRESIDENT - BP 1.9

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*Legal Authority: 23 NCAC 2C .0209*

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## **EVALUATION OF THE PRESIDENT**

A. **Board Responsibilities.** The Board shall conduct an annual evaluation of the President during the spring semester of each year. The evaluation shall be conducted in accordance with Title 23, Section 02C.0209 of the North Carolina Administrative Code, and the results of the evaluation shall be shared with the President during a closed session meeting of the Trustees, if a closed session is permitted under law.

(1) **Methodology and Instrumentality.** The Board shall evaluate the performance of its President annually. The evaluation instrument and methodology shall be proposed by the Board's Personnel Committee in consultation with the President, but the evaluation shall, at a minimum, include the following categories:

- (a) General administration;
- (b) Relationships including:
  - (i) Internal relationships with faculty, staff, students, and trustees; and,
  - (ii) External relationships with business and industry, the media, governmental bodies, and the general public;
- (c) Personal attributes;
- (d) Personnel administration;
- (e) Fiscal and facilities administration; and,
- (f) Academic administration.
- (g) Review of performance against stated goals.

(2) **Reporting Requirements.** Prior to June 30 of each year, the Board shall, in writing, notify the State Board of the following:

- (a) The time period for which its President was evaluated and the date the evaluation was completed;

- (b) Description of the methodology used for the evaluation;
- (c) Certification that the evaluation included a written assessment of the President's performance in each of the categories identified above;
- (d) Certification that the full Board discussed the evaluation results and the results were discussed with the President; and,
- (e) Certification that appropriate action, as defined by the 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.

B. Personnel Committee Responsibilities. The Chair of the Personnel Committee of the Board shall coordinate the President's Performance Evaluation process, working cooperatively with the President and Board Chair.

The Personnel Committee shall prepare a Summary Report on the President's Performance Evaluation, including the methodology employed for the evaluation and attention to the content materials and performance categories, to be submitted as a recommendation to each member of the Board.

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## **CONTINUOUS IMPROVEMENT POLICY - BP 1.10**

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*Legal Authority: NCGS 115C-105.27; NCGS 115D-20*

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### **CONTINUOUS IMPROVEMENT POLICY**

The College shall ensure continuous improvement and demonstrated achievement of its mission through a systematic continuous improvement plan that incorporates comprehensive planning and evaluation. The Board shall review the continuous improvement plan at least annually as presented by the President.

The President is authorized to ensure the development and maintenance of a continuous improvement plan, including a quality enhancement plan, that meets the requirements as established by federal and state mandates and by the Southern Association of Colleges and Schools.

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## **SECTION II: HUMAN RESOURCES AND PERSONNEL**

## GENERAL PRINCIPLES - BP 2.1

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*Legal Authority: 23 NCAC 2C .0210*

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*Revision:*

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### General principles; Equal Opportunity Employer

The Board hereby establishes a human resources and personnel system that provides for the recruitment, selection, and continuous development of an effective workforce that is responsive to the needs of the College community.

It is the policy of the Board to comply with all applicable state and federal employment laws and regulations. The President is directed to implement this policy with those Administrative Procedures and policies consistent with the Board's directives. The Board also recognizes that periodic updates and revisions of the College's personnel policies will be necessary. Minor changes in personnel policies required by changes in State or federal law or regulation do not require approval by the Board. Changes deemed major by the President shall be presented to the Board as proposed amendments to the personnel policy. Changes in personnel policies adopted by the Board or required by the President will be communicated promptly to all employees.

The College is an equal opportunity employer. The College's policy, from recruitment through employment, job assignment, promotion, retirement, and all phases of the employment relationship, is to provide equal opportunity at all times without regard to age, race, color, religion, disability, sex, sexual orientation, national origin, genetic information, or other legally protected status. The President will ensure that all employment decisions are in accordance with these principles of equal employment opportunity. This Policy extends to all terms, conditions, and privileges of employment, as well as the use of the College's facilities and participation in all activities sponsored by the College, including the following: (i) recruitment, advertising, and job application procedures; (ii) hiring, promotion, assignment, training, evaluation, discipline, advancement opportunity, discharge, and other terms and conditions of employment; and (iii) compensation, insurance, leave, training, social and recreational programs, and other benefits and privileges of employment.

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## **ADVERSE WEATHER- BP 2.2**

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*Legal Authority: 23 NCAC 2C .0210*

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### **ADVERSE WEATHER**

The decision to cancel any portion or all College classes due to inclement weather or other emergencies is the responsibility of the President. Announcements will be made on local television and radio stations at the earliest possible time once a decision is made to cancel or close.

Days missed due to cancellation or closing may be designated with pay for staff and faculty at the discretion of the President. Efforts to make up classes will be made during the semester in which they are missed. In the event the schedule will not permit this, the Board may choose to excuse those days when such is requested by the President.

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## **ANNUAL LEAVE FOR VACATION- BP 2.3**

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*Legal Authority: 23 NCAC 2C .0210*

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### **ANNUAL LEAVE FOR VACATION**

It is the Policy of the Board to provide eligible employees with a reasonable amount of annual leave for vacations. The Board authorizes the implementation of an annual leave for vacation plan for full-time and part-time regular employees. The President shall implement those Administrative Procedures necessary to create an equitable annual leave plan that promotes employee morale and welfare in the best interest of the College.

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## DRUG AND ALCOHOL USE- BP 2.4

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*Legal Authority: 23 NCAC 2C .0210; NC Gen Statutes Article 5, Chpt 90*

*Approval: April 19, 2011*

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### **DRUG AND ALCOHOL USE**

The Board believes that all students and employees of the College have the right to study and work in an environment free from the influence of illicit drugs and alcohol.

As a recipient of federal funds (including grants and other forms of assistance), the College is subject to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989 (The “Acts”), which require covered institutions of higher education to adopt and implement programs designed to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The College always has expected its students and employees to refrain from such activities and to conduct themselves at all times in a manner which would enhance the reputation of the college in the community. This Drug and Alcohol Abuse Policy (the “Policy”) is being adopted to formalize these expectations, to implement the statutory requirements of the Acts, and to provide additional Policy guidelines for maintaining a safe, drug- and alcohol-free campus and workplace.

Alcohol may be served at seminars, conferences or meetings that receive prior approval by the President. In no case may alcohol be served at student-only events or athletic events.

#### DEFINITIONS

For purposes of this Policy:

- (1) Illicit drugs means any “controlled substances,” as defined at 21 U.S.C. § 802 and listed on Schedules I through V of 21 U.S.C. § 812, as revised from time to time; as defined and listed on Schedules I through VI in Article 5 of the Chapter 90 of the North Carolina General Statutes, as revised from time to time; and as defined by other federal and state laws and regulations (unless the controlled substance has been prescribed and is being taken as prescribed). Generally, these are drugs which have a high potential for abuse and include but are not limited to marijuana, opiates, cocaine, amphetamines, and phencyclidine. Also included are other drugs that are illegal under federal, state, or local law; legal drugs that have been obtained illegally or are not being taken as prescribed by a licensed physician; and substances that are not intended for human consumption (such as glue).

- (2) Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- (3) College campus includes the buildings, grounds, parking lots, and other property of the College, or any other location where the business of the College is being performed or carried out.

## PROHIBITED CONDUCT

Students and employees of the College are expected to adhere to this Policy as a condition of their enrollment or employment at the College. A student or employee of the College will be subject to disciplinary sanctions, up to and including expulsion or termination, for engaging in any of the following prohibited conduct:

- (1) Engaging in the unlawful or unauthorized manufacture, distribution, dispensing, possession, sale, purchase, or use of any illicit drug or alcohol while on the College campus, while at school or work or during his or her school or working hours, at a College-sponsored event, while engaging in College business, while representing the College away from the College campus, or while participating in College activities;
- (2) Being under the influence of any illicit drug or alcohol while on the College campus, while at school or work during his or her school or working hours, in a College vehicle, while using College equipment, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participating in College activities (reasonable use of alcohol may be permitted in a business/social setting, provided the student or employee is of legal age);
- (3) Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using an illicit drug away from the College campus in a manner that adversely affects the student's or employee's performance, his or her or others' safety at school or work, or the College's regard or reputation in the community;
- (4) Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using alcohol away from the College campus in a manner that adversely affects an employee's performance at work or adversely affects the student's or employee's or others' safety at school or work;
- (5) Storing any illicit drug or alcohol in a locker, desk or other repository owned by the College or located on the College campus without prior authorization from appropriate College officials, even if the repository is made available for a student's or employee's use, or
- (6) Failing to report to the College a conviction for violation of any criminal drug statute occurring in the workplace (whether entered into upon a verdict or a plea, including a plea of nolo contendere) within five calendar days after the conviction.

## Disciplinary Sanctions

Commission of any of the above violations will result in disciplinary sanctions by the College against the offending student or employee that are consistent with federal, state, and local law. The sanction for a first offense generally either will be a written warning, suspension from enrollment or from employment without pay for up to one semester or its equivalent, or expulsion from the College or termination from employment. Any illicit drugs or alcohol found in or on College property will be turned over to the appropriate authorities, and the College will assist in any resulting criminal prosecution. The College reserves the right to refer violators of this Policy to appropriate authorities for prosecution.

Likewise, at its sole discretion and in lieu of or in addition to taking disciplinary action, the College may refer the offending student or employee to a substance abuse professional approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency, for evaluation and possible assistance. The student or employee will be expected to comply with any assistance or rehabilitation program prescribed by the substance abuse professional as a condition of his or her enrollment or employment, as applicable. In addition, the College may require an employee to sign and adhere to a Last Chance Assistance Agreement or similar agreement in the form provided by the College. Participation in any assistance or rehabilitation program will be held at the student's or employee's own expense.

#### Enforcement

- (1) Distribution: The College is committed to enforcing this Policy and to making sure that students and employees understand its contents and requirements. For this reason, the Policy will be published annually in the College's Student Handbook and will be made available to employees along with other personnel policies and procedures of the College.
- (2) Review: The College will review its drug and alcohol abuse program and the Policy biennially or as otherwise required by the acts to determine their effectiveness and implement any changes as needed, and to help ensure that the disciplinary sanctions described in this Policy are enforced consistently.
- (3) Other Applicable Laws: All applicable laws pertaining to alcohol consumption, including laws relating to the sale to, purchase by, or use by underage persons of alcohol, will be enforced on the College campus. Similarly, all applicable federal, state, and local drug laws will be enforced on the College campus. The College Campus Resource Officer(s) has full police authority to enforce these laws.

Reporting of and Response to Convictions: To the extent required by either of the Acts, the College will provide written notice, including an employee's position title, to the federal Department of Education or any other federal granting or contracting agency within ten days after receiving notice of the employee's conviction for violation of any criminal drug statute occurring in the workplace. Appropriate disciplinary sanctions will be taken against the employee within 30 days after receiving the notice of conviction.

## CIVIL LEAVE- BP 2.5

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **CIVIL LEAVE**

All College employees are eligible for civil leave under the terms and conditions set forth in this Policy.

#### Jury Duty

When an employee serves on a jury, he/she is entitled to leave with pay for the period of absence required. He/she is entitled to his or her regular compensation plus fees received for jury duty. Employees are required to return to work when released from jury duty on an hour-by-hour basis. For this absence to be authorized, the employee must present the jury summons in advance to his or her supervisor, and the Human Resource office to be placed in their personnel file.

#### Court Attendance

- (1) When an employee attends court in connection with his or her official duties, no leave is required. Fees received as a witness while serving in an official capacity shall be turned in to the College. (When an employee is required to attend court on a day that he/she would normally be off, the time is to be considered as working time and included in the total hours worked for that workweek.)
- (2) When an employee is subpoenaed or directed by proper authority to appear as a witness in a matter to which the employee is not a party, he/she shall be granted civil leave with pay for the period of absence required. Any fees received shall be turned in to the College. The employee may use annual leave (if available) rather than take civil leave with pay, in which case he/she may retain any fees received. For this absence to be authorized, the employee must present his or her summons in advance to his or her supervisor and the Human Resources Office.
- (3) Employees who are required to attend court in connection with a matter to which they are a party must use available annual leave for the period of absence required or must take leave without pay; provided, however, that deductions will not be made from the pay of non-instructor employees who are exempt from overtime for absences of less than one week due to attendance in court as a witness. For this absence to be authorized, the employee must present his or her summons in advance to his or her

supervisor or, if no summons has been served, notify his or her supervisor as soon as a court date has been established.

Employees are required to return to work when released from court attendance on an hour-by-hour basis.

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## COMMUNICABLE DISEASE- BP 2.6

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*Legal Authority: NCGS 130A-2(1c); 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **COMMUNICABLE DISEASE**

Students and employees of the College who have communicable diseases, including but not limited to HIV/AIDS, as defined by North Carolina General Statute § 130A-2(1c) will not be excluded from enrollment or employment, or restricted in their access to College services or facilities, unless such exclusion or restriction is necessary because the individual poses a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. The College's decisions involving the exclusion or restriction of individuals who have communicable diseases shall be based on reasonable medical judgments given the current state of medical knowledge, the risks of transmission to others, the severity of the potential harm, the symptoms and special circumstances of each individual who has a communicable disease, and the careful weighing of the identified risks and the available alternatives to responding to a student or employee with a communicable disease.

Individuals who know, or have reasonable basis for believing, that they have a communicable disease are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly to prevent the spread of communicable disease in accordance with the control measures prescribed by the North Carolina Commission for Health Services, pursuant to North Carolina General Statute § 130A-144.

Individuals who have communicable diseases are encouraged to voluntarily share that information with their department director, chair, dean or advisor so the College can assist in the appropriate response to their health and education needs, including any reasonable accommodations they may be entitled to by law. Additionally, individuals who pose a significant risk of transmitting an infectious disease that would cause harm to others are required to disclose such information. If information regarding an individual's communicable disease is shared with a College official, it shall remain confidential, in accordance with applicable laws that protect the privacy of individuals who have communicable diseases. Such information will be disclosed only to responsible College officials, as necessary, on a strictly limited, need-to-know basis, unless the individual consents in writing to other releases of the information.

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## COMPENSATORY LEAVE- BP 2.7

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

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### **COMPENSATORY LEAVE**

Full-time regular non-exempt employees will receive compensatory leave in lieu of overtime pay for all hours worked over 40 in a workweek, under the terms and conditions set forth in this Policy. For purposes of this Policy, “compensatory leave” means hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at his or her regular rate of pay. “Workweek” means a seven-day period beginning at 12:01 a.m. on Sunday and ending at midnight on the following Saturday.

#### **Amount Earned**

Compensatory leave is earned at the rate of 1.5 hours for each hour worked by a non-exempt employee in excess of 40 during a workweek. The maximum amount of compensatory leave that may be accrued by an employee is 240 hours, which is the number of hours of compensatory leave earned for 160 hours of overtime.

#### **Payment in Lieu of Compensatory Leave**

Employees subject to this Policy will not be entitled to cash payment in lieu of compensatory leave, except as may be determined in the President’s sole discretion on a case-by-case basis or under the following circumstances:

- (1) Non-exempt employees will be paid for all overtime hours worked to the extent that such hours exceed the maximum of 240 hours of compensatory leave that may be accrued under this Policy.

A non-exempt employee who has accrued unused compensatory leave at the time of his or her separation from employment with the College shall be paid for such compensatory leave at a rate not less than the average regular rate received by the employee during the three years immediately preceding the employee's separation or the regular rate received by the employee at the time of his or her separation, whichever is greater.

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# EMPLOYMENT CATEGORIES AND BENEFITS- BP 2.8

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*Legal Authority: 23 NCAC 2C .0210*

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*Revision:*

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## **EMPLOYMENT CATEGORIES AND BENEFITS**

### Delegation of Authority to the President; Responsibility of The Board of Trustees

As permitted by NCGS Section 115D-20(2), the Board hereby delegates the authority for employing all personnel other than the President of the College to the President.

The employment authority granted to the President also includes lateral transfers, promotions, non-renewals, terminations, and other changes in employment status.

The Board of Trustees shall be responsible for the employment of the President of the College, upon recommendation by the Personnel and Policy Committee of the Board of Trustees and approval by the State Board of Community Colleges.

### Employment Process

Except as otherwise specified in this Policy, chief administrators are required to submit their recommendations for the employment status of personnel for the positions under their respective supervision to the President of the College, who will make a final determination regarding the recommended employment action. All employment decisions by the President of the College are to be made in accordance with the standards of the System, the College's equal employment opportunity obligations, and other standards and employment procedures of the College.

The employment process by category is as follows:

- (1) Full-Time Regular Faculty and Administrative Staff Personnel. The procedure for hiring all full-time regular and part-time regular employees who work 30 hours or more, faculty, administrative, support, and staff personnel is contained in the Screening Committee Handbook, for external searches, and in the College's Policy on Reorganization and Reassignment; Change in Employment Status. The procedure for lateral transfer and promotion of full-time regular faculty and administrative staff personnel is contained in the College's Policy on Reorganization and Reassignment; Change in Employment Status.
- (2) Full-Time Temporary Personnel. Written approval from the President is required prior to any offer of full-time temporary employment. Emergency full-time employment is temporary in all instances and is subject to this requirement. Full-time

temporary employees will be hired under a temporary employment agreement for one year or less.

- (3) Part-Time Personnel (Regular and Temporary). The President of the College hereby delegates authority to the chief administrators to employ, transfer laterally, promote, non-renew, terminate, or otherwise change the employment status of regular and temporary part-time employees under their supervision.

#### Full-Time Regular Employees

Full-time regular employees include all employees who either have a written letter of employment from the College for a 9-month or 12-month contract period, under which their average workweek is to consist of 40 hours of work.

#### Part-Time Regular Employees

Part-time regular employees include all employees who are hired under a written part-time regular employment agreement with the College for a 9-month, or 12-month contract period or are employed as part-time regular employees under an at-will agreement with the College, under which their average workweek is to consist of less than 40 hours of work.

#### Full-Time Temporary Employees

Full-time temporary employees include all employees who are hired under a written temporary employment agreement with the College or are employed as full-time temporary employees under an at-will agreement with the College for a period of one year or less, or as stipulated in the written contract under which their average workweek is to consist of 40 hours of work.

#### Part-Time Temporary Employees

Part-time temporary employees include all employees who are hired under a written part-time temporary employment agreement with the College, under which their average workweek is to consist of less than 30 hours of work.

#### Review by the Board

The President shall advise the Board or a designated committee of the procedures whereby the President and the chief administrators are making personnel decisions to ensure that they are in accordance with the standards of the System's regulations, the College's equal employment opportunity obligations, and other standards and employment procedures of the College.

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## **DISCIPLINARY ACTION ADDRESSING SUSPENSION AND DISMISSAL- BP 2.9**

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*Legal Authority: 23 NCAC 2C .0210*

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### **DISCIPLINARY ACTION ADDRESSING SUSPENSION AND DISMISSAL**

Employee disciplinary action or corrective action for unsatisfactory job performance, misconduct or non-adherence to College procedures and other established standards shall generally be imposed on a progressive and consultative basis through the supervising manager and immediate supervisor.

The College shall reserve the right to identify particular offenses, failures or wrongful conduct considered as prohibited employee conduct subject to immediate disciplinary action up to and including dismissal regardless of prior performance.

The President shall ensure that employees receive an appropriate orientation that covers their rights and responsibilities and the disciplinary actions that might result from unsatisfactory job performance, misconduct or non-adherence to College procedures.

Disciplinary actions up to and including suspension or dismissal may be taken by action of the President in response to the prohibited conduct or as a consequence of any other employee offense or failure deemed unacceptable and detrimental to the College.

By way of example and not limitation, employees must not engage in any of the following actions:

1. Falsification of personnel or other College records or documents or obtaining employment on the basis of false or misleading statements;
2. Refusal or inability to perform assigned duties, including the duties and responsibilities imposed on an employee by the NCGS, deliberately neglecting assigned duties or poor, careless or inefficient performance of duties;
3. Repeated discourtesy to or difficulty in dealing with students, fellow employees or the public;
4. Theft from the College, fellow employee, student or member of the public;
5. Acceptance or solicitation of any gift, favor or service that might reasonably tend to influence an employee or others in the discharge of duties;

6. Violation of safety practices, negligence or intentional conduct which results or could result in damage to College property or serious injury to self or others;
7. Failure to report to work, being absent from work without timely notification of the supervising manager, repeatedly being late to work or in reporting back to work following breaks or unauthorized leaving of College premises during working hours;
8. Disclosure of confidential information;
9. Willful or unnecessary waste, damage, abuse or misuse of equipment, materials, supplies or other College property or that of others, or removing equipment, materials, supplies or other property from College premises without authorization;
10. Possession of weapons, ammunition, firearms, fireworks or other explosives on College premises;
11. Insubordination to the supervising manager(s), immediate supervisor(s) or other leadership personnel;
12. Using vulgar, profane or abusive language toward others;
13. Provocation or instigation of a fight or fighting on or off College premises, while engaged in College duties or participating in any College-sponsored activity or event;
14. Falsification of hours worked or omission of information requested on College documents or records;
15. Gambling on College premises;
16. Poor personal hygiene or creating or contributing to unsanitary conditions;
17. Allowance directly or indirectly of anyone other than College employees and other authorized persons to drive or ride in College-owned vehicles or using a College-owned vehicle or equipment without authorization;
18. Commission of a felony or a crime involving moral turpitude;
19. Use College property, resources or labor for personal gain;
20. Failure to adhere to the proper chain of command with regard to reporting concerns, seeking information or addressing issues;
21. Failure to adhere to Board Policies or any other rules and regulations applicable to the employees of the College, including those established and set forth by the President, including:
  - o Acceptable Use of Technology Resources
  - o Conflict of Interest
  - o Drug and Alcohol Use
  - o Equal Opportunity and Non-Discrimination
  - o Intellectual Property
  - o Sexual and Other Unlawful Harassment

#### Special Rules Relating to Leave Under this Policy

Any employee suspected of violating this Policy may be placed on administrative leave with pay in the discretion of the President. An employee may be suspended without pay prior to any required pre-disciplinary conference by the President in emergency or extraordinary situations (for example, in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons). In the event of an employee's suspension without pay, the employee shall be required to leave the College premises at once.

In the event of an employee's suspension without pay is for disciplinary reasons, benefits generally will not accrue or be recoverable during the suspension period. Where the suspension terminates with full reinstatement of the employee, the employee will be restored to all pay and benefits applicable to his or her job, to resume as of the date of reinstatement. If, following a contractual employee's disciplinary conference, a determination is made that the suspension of the employee without pay was improper, the employee will be reinstated to his or her position, and all pay and benefits applicable to his or her job (including back pay, leave time, or other benefits) that would have accrued had the employee not been suspended without pay will be restored.

### Right to Appeal

Employees shall have the right to appeal disciplinary action. The President is authorized to implement reasonable procedures necessary to preserve employees' appeal rights.

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## EDUCATIONAL LEAVE- BP 2.10

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*Legal Authority: 23 NCAC 2C .0210; 23 NCAC 2D .0103*

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*Revision:*

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### **EDUCATIONAL LEAVE**

The Board encourages employees to seek professional growth appropriate to their strengths and the needs of the College. The Board recognizes that faculty and other staff may desire to enter a full-time academic program that would not allow the person to perform his or her regular duties at the College. Therefore, a system of paid and unpaid educational leave shall be established pursuant to this Policy and those Administrative Rules implemented by the President. For purposes of this Policy, “educational leave” means a release from duties or time normally required of a full-time employee in carrying out the full load of the employee's job responsibilities to further his or her education.

Board authorizes the President to implement a system of paid and unpaid educational leave consistent with the following requirements:

1. Educational leave will be granted only when the best interests of the College are to be served. The studies engaged in during each educational leave must be directly related to improving the competence of the employee in the teaching or administrative duties assigned.
2. Educational leave with pay is to be available only to employees who have been full-time employees of the College or the System for at least three (3) years.
3. Educational leave without pay is available only to employees who have been full-time employees of the College for at least two (2) years.
4. Educational leave with pay shall not exceed one semester per calendar year.
5. Educational leave with pay must not be granted to any employee more often than every third year unless the Board approves the employee’s leave.
6. The granting of educational leave with pay for any term requires written approval of the President and a contract with the person seeking educational leave.
7. An employee who fails to honor the contract to return may be terminated and, in all cases, must be required to repay the amount expended for the educational leave. If the employee fails to honor the entire contract, but fulfills a portion of the contract, repayment must be based on a pro rata portion.

8. The granting of educational leave by the College guarantees reemployment only if the position the person held before educational leave exists at the time of return of the employee.

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## **EMPLOYEE EVALUATION PROCESS - BP 2.11**

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

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### **Employee Evaluation Process**

The Board directs the President to implement an effective employee evaluation process. The employee evaluation process is intended to promote improvement, to ensure fairness, and to establish open lines of communication and feedback between the employee and supervisor. The goal of this process is the overall improvement of the College.

All employees are to be evaluated by their supervisor at least annually; and new hires pursuant to the Board's policy on probation periods for new hires.

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## **PROBATION PERIOD FOR NEW HIRES- BP 2.12**

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **PROBATION PERIOD FOR NEW HIRES**

The President shall implement a probation period for new hires. An employee appointed or promoted to a permanent position shall serve a probationary period. New employees shall serve a probationary period usually of six months in duration, but such period can be reduced or increased by the President when particular circumstances make doing so in the best interest of the College. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress.

Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months. Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire. If such disciplinary action is taken the new hire during the probation period shall not have any right or opportunity to appeal the disciplinary action except to the extent required by law.

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# EMPLOYEE GRIEVANCE POLICY- BP 2.13

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

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## **Employee Grievance Policy**

### Purpose

The grievance Policy establishes an appeal process for all employees of the College who seek relief from a work-related problem that cannot be resolved through less formal measures involving supervisors and/or mediation.

### Definition

A grievance is an employee allegation that a work-related problem or condition is unfair, inequitable, discriminatory, offensive, and/or a hindrance to effective job performance.

### Applicability

This procedure does not apply to dismissal, layoff, non-renewal, or other matters of employment status unless there is a contention that any such action was in violation of written College policies, procedures, regulations, or in violation of any applicable federal or state law.

### Timeliness

A grievance must be presented with “reasonable promptness.” If processing time limitations are not met by the administrator at each step, the employee may then request higher administrative assistance in obtaining requested relief. If the employee does not meet the stated time limitations, the grievance will be dismissed, and such grievance cannot be resubmitted.

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## **EMPLOYEE PERSONNEL FILE- BP 2.14**

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*Legal Authority: NCGS 115D-27; NCGS 115D-29; NCGS 115D-30; 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **EMPLOYEE PERSONNEL FILE**

#### Purpose

The purpose of this Personnel Records Policy is to (i) address how and under what circumstances the College will maintain and release personnel information pertaining to College employees and (ii) establish a procedure by which a College employee who objects to material in his or her personnel file on the grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place a statement relating to the material in the file. For purposes of this Policy, the term “employee” shall include an applicant for employment with the College, a current employee of the College, and a former employee of the College.

#### Maintenance of Personnel Information

A personnel file shall be maintained for each College employee and shall consist of any information in any form gathered by the College with respect to the employee and relating to the employee's application, selection or nonselection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment. Any statement by an employee objecting to material in his or her personnel file that he or she considers to be inaccurate or misleading also will be placed in the employee's personnel file.

Information pertaining to an employee's medical condition (including information about disabilities and workers' compensation claims, if any, reasonable accommodations offered and/or provided to an employee, and all other medical information) is maintained separately from an employee's personnel file and is considered to be confidential, except that:

- (1) physicians and appropriate supervisory personnel may be informed regarding any restrictions in work duties or necessary accommodations;
- (2) first aid and safety personnel may be informed, when appropriate, if a disability might require emergency treatment;

- (3) government officials investigating compliance with the Americans with Disabilities Act may be provided information in compliance with applicable laws and regulations;
- (4) the College may submit information to appropriate state workers' compensation offices, appropriate state second injury funds, or its workers' compensation carrier(s) in accordance with applicable workers' compensation laws; and,
- (5) the College may use the information for insurance purposes.

The College may also consult with occupational health professionals and other similar agents for purposes of considering possible direct threats to health or safety posed by an individual with a disability and/or possible reasonable accommodations for that individual.

#### Release of Personnel Information

- (1) Public Record: The following information about an employee is considered to be part of the public record and must be released upon request:
  - (a) Name;
  - (b) Age;
  - (c) Date of original employment or appointment;
  - (d) Current position;
  - (e) Title;
  - (f) Current salary;
  - (g) Date and amount of most recent increase or decrease in salary;
  - (h) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and,
  - (i) Office or station to which employee currently is assigned.

All other personnel information concerning an employee is considered to be private and confidential, and may not be inspected, examined, or copied, except as provided in this Policy.

- (2) Employee Access: An employee or his or her duly authorized agent may inspect his or her own personnel file in its entirety at all reasonable times, except for letters of reference solicited prior to employment. An employee's duly authorized agent will be provided access to the employee's personnel file only upon presentation of and in accordance with a release form executed and dated by the employee. Employees should contact the Personnel Office to obtain an appropriate release form.
- (3) President, Counsel, Supervisor Access: The President and the College's counsel may examine all material in an employee's personnel file.
- (4) Board of Trustees Access: The Board or a designated committee may review the contents of an employee's personnel file only in the course of an official investigation or employee grievance.

- (5) Access Required by Law: By authority of a subpoena or order of a court of competent jurisdiction, any party may examine a particular confidential portion of an employee's personnel file to the extent specified in the subpoena or court order.
- (6) Notwithstanding any other provision of this Article, the President may, in his or her discretion, or shall at the direction of the Board, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee employed by or assigned to the board of trustees or whose personnel file is maintained by the board and the reasons therefore and may allow the personnel file of the person or any portion to be inspected and examined by any person or corporation provided that the Board has determined that the release of the information or the inspection and examination of the file or any portion is essential to maintaining the integrity of the Board or to maintaining the level or quality of services provided by the Board; provided, however, that prior to releasing the information or making the file or any portion available as provided herein, the President shall prepare a memorandum setting forth the circumstances which the President and the Board deem to require the disclosure and the information to be disclosed. The memorandum shall be retained in the files of the President and shall be a public record.

#### Objections to Materials Contained in an Employee's Personnel File

An employee who objects to material in his or her personnel file may place a statement in the file relating to the materials considered to be inaccurate or misleading. Provided that the material has not been placed in the file in connection with a grievance procedure established by the Board of Trustees, the employee may seek to have the material removed from his or her personnel file by submitting a written request for such removal to the Personnel Office within five workdays of the date he or she first becomes aware that the objectionable material has been placed in his or her file. The request should explain the reasons why the employee believes the material sought to be removed is inaccurate or misleading and should be removed from the file. The Personnel Office will forward the request to the employee's supervisor and/or other appropriate members of the College administration, who will consider the request and either shall remove the material requested to be removed, shall amend the material requested to be removed, or shall provide the employee with written notice that the material requested to be removed will not be removed and place a copy of this notice in the file.

If material objected to by an employee is not removed from his or her personnel file following the request made in accordance with this procedure, the statement included with the request for removal shall be placed in his or her file. If material objected to by an employee is amended in accordance with this procedure and the employee's original statement references information not reflected in the amended material, the employee shall be permitted to prepare a modified request for removal and statement for placement in his or her personnel file.

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## HIRING POLICY- BP 2.15

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*Revision:*

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### **Hiring Policy**

#### Policy

The President shall fill each employee position at the College with the person selected from those applicants for the position that is best suited and qualified. The President shall ensure that all equal opportunity hiring and anti-discrimination requirements are followed.

#### Background Checks

It is the Policy of the Board to conduct background investigations on any and all applicants for employment and all individuals who have been provisionally offered employment. The College also reserves the right to conduct background investigations on incumbent employees and also to conduct employee misconduct investigations in the event that an employee is suspected of misconduct relating to the employee's employment, or violation of federal, state, or local laws or regulations, or violation of any written policies of the College, or noncompliance with the rules of any regulatory organization. In the event that a report on an applicant or incumbent employee is obtained from a Consumer Reporting Agency, the College will comply with the requirements of the Fair Credit Reporting Act. The President shall promulgate implementing procedures consistent with the Policy.

#### Hiring and Search Procedures

The President shall implement hiring and search procedures for full-time and part-time employees consistent with this Policy, applicable regulations, and System guidance.

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# SHARED LEAVE AND LEAVE TRANSFER - BP 2.16

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*Legal Authority: NCGS 115D-25.3; 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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## **Shared Leave and Leave Transfer**

There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay status. It is recognized that such employees forced to go on leave-without-pay could be without income at the most critical point in their life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation or sick leave to provide assistance to a fellow employee. This Policy provides an opportunity for an employee of the College to assist or be assisted by a fellow employee or an immediate family member that works in any North Carolina community college, public school, or state agency, who is affected by a medical condition that requires absence from duty for a prolonged period of time, resulting in possible loss of income due to lack of accumulated leave.

A College employee may donate leave to another employee approved to receive voluntary shared leave because of a medical condition of the employee or of a member of the employee's immediate family that will require the employee's absence for a prolonged period. The President shall implement a shared leave and leave transfer program that fully complies with the regulations of the Office of State Personnel.

### **Eligibility**

- (1) In order to participate in the voluntary shared leave program, a College employee must be a full-or part-time regular, or full-or part temporary employee who works at least 20 hours a week and is employed for a period greater than six months. (Part-time leave is prorated)
- (2) An employee who qualifies for short term disability under the Disability Income Plan of North Carolina (DIPNC) may only be a recipient of the voluntary shared leave program while awaiting the required 60 day waiting period.
- (3) An employee on Workers' Compensation leave who is drawing temporary total disability compensation is eligible to participate in this program only during the required waiting period.

Full-time regular faculty or full-time temporary faculty may contribute up to 48 hours of sick leave to the voluntary shared leave program for a non-related College

employee. However, if the employee requesting leave is an immediate family member in any North Carolina community college, public school, or state agency, faculty can contribute a maximum of 1,040 hours, but may not reduce their sick leave account below 40 hours.

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## LEAVE WITHOUT PAY- BP 2.17

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Leave Without Pay**

Any full-time employee going on sick leave without pay, military leave without pay, maternity leave without pay, workmen's compensation without pay, or any other leave without pay approved by the President may exhaust vacation leave or may retain part or all of accumulated leave until the employee returns from leave without pay.

While an employee is exhausting vacation leave, the employee continues to earn leave, is eligible to take sick leave, is entitled to holidays, and is eligible for salary increases during that period.

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## **LONGEVITY PAY PLAN - BP 2.18**

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*Legal Authority: 23 NCAC 2C .0210; 23 NCAC 2D .0109*

*Approval: April 19, 2011*

*Revision:*

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### **LONGEVITY PAY PLAN**

The Board values long-term employees and hereby establishes a longevity pay plan as required by State law. The Board authorizes the President to implement a longevity pay plan according to System guidance and applicable regulations.

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## **MILITARY LEAVE- BP 2.19**

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*Legal Authority: 23 NCAC 2C .0210; 23 NCAC 2D .0104*

*Approval: April 19, 2011*

*Revision:*

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### **MILITARY LEAVE**

Full-time employees who leave the service of the College to be inducted into the military forces of the United States or are called to federal active duty during time of war or national emergency will be placed on military leave without pay. Such leave will extend through a date not to exceed 90 days after relieved from military service or the end of the first enlistment. Upon application to the College within 90 days of the date of discharge, the employee will be entitled to reinstatement in the same position or one of like seniority status and pay.

Military leave with pay may be granted for up to 120 working hours (prorated for part-time, annual employees) during the federal government's fiscal year (beginning October 1 and ending September 30) for any type of active military duty for members not on extended active duty.

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## **NEPOTISM (EMPLOYMENT OF RELATIVES) - BP 2.20**

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*Legal Authority: 23 NCAC 2C.020; NCGS 115 D-20 (2); 23 NCAC 2C .0204;  
23 NCAC 2C .0210;*

*Approval: April 19, 2011*

*Revision:*

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### **NEPOTISM (EMPLOYMENT OF RELATIVES)**

It is the Policy of the Board that present and prospective employees shall be evaluated on the basis of individual merit, without respect to race, sex, sexual orientation, religion, national origin or any other factors not involving professional qualifications and performance. In accordance with the Policy principle, the following restrictions are adopted, to avoid the possibility of favoritism based on family relationships:

- (1) The College shall not employ two or more persons concurrently who are closely related by blood or marriage in positions which would result in one person of such family relationship supervising another closely related person or having a substantial influence over employment, salary or wages, or other management or personnel actions pertaining to the close relative.
- (2) "Closely related" is defined to mean mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, first cousin, step-parent, step-child, step-brother, step-sister, guardian or ward.
- (3) With respect to the concurrent service of closely related persons within the same academic department or other comparable institutional subdivision of employment, neither relative shall be permitted, either individually or as a member of a committee, to participate in the evaluation of the other relative.
- (4) The provisions of this Policy shall be prospective only, with reference to appointments made after the adoption date of this Policy.
- (5) Because of their official relationships to College, persons serving as a member of the Board shall also be subject to this Policy.
- (6) In the event such relationships exist at the time of the adoption of this Policy, the parties shall be exempt until such time as they would normally terminate their employment with the College. In the case of part-time employees where such relationship currently exists, the end of the currently operating contractual class shall

not be construed as a normal termination for employment nor shall this Policy be interpreted as prohibiting re-employment of such persons in a like part-time activity.

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## **NON-REAPPOINTMENT- BP 2.21**

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **NON-REAPPOINTMENT**

The Board authorizes the President to exercise the option of non-reappointment of College employees. Non-reappointment shall be deemed to be the decision by the President not to offer a contractual employee any additional employment at the conclusion of the contract period.

An employee may be subject to non-reappointment following a contract period, depending upon program changes, financial exigency, enrollment and other relevant factors.

All non-reappointment determinations shall be based on the best interests of the College and in accordance with applicable law and College policies.

The College shall notify contractual employees whose contracts will not be renewed of their non-reappointment at least thirty (30) days prior to the effective date of the non-reappointment.

Such employee(s) are not allowed to appeal of the decision of non-reappointment.

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## OTHER EMPLOYEE BENEFITS- BP 2.22

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Other Employee Benefits**

#### Teachers' and State Employees' Health Benefit Plans

Any employee contributions to the Teachers' and State Employees' Health Benefit Plans are automatically deducted from the employee's monthly paycheck. Because the health benefits of the College are offered under a cafeteria plan approved by the IRS, these contributions are paid with pre-tax dollars.

A comprehensive comparison of plan benefits and costs for all Teachers' and State Employees' Health Benefit Plans is available from the Human Resource Office and Business Office.

Participants in the selected plan is provided to all full- and part-time regular and full and part-time temporary employees who work more than 30 hours per week and are employed for a period greater than six months at no cost.

#### State of North Carolina Comprehensive Major Medical Plan

The medical plan, administered by Blue Cross/Blue Shield, is a part of the CostWise program. Under this program, participating doctors agree to accept the Plan's usual, customary, and reasonable allowance for covered services and to bill members only for deductible and co-payment amounts. This means that the employee is not responsible for any charges above the Plan's allowable fees.

Information about the plan can be obtained from [www.shpnc.org](http://www.shpnc.org) and the Human Resources Office. Enrolled employees should be sent plan updates by the State Health Plan.

#### Teachers' and State Employees' Retirement System

Full-time regular employees are automatically included in the Teachers' and State Employees' Retirement System, which also provides disability income protection and life insurance. The booklet Your Retirement Benefits, provided by the Department of Human Resources or available online at [www.nctreasurer.com](http://www.nctreasurer.com) to each enrolled employee, contains complete details of the system.

Both the employer and the employee contribute funds to the retirement system. The employer's contribution, made by the state of North Carolina, changes annually. The employee's contribution is 6 percent.

The employee's contributions to the Teachers' and State Employees' Retirement System are automatically deducted from the employee's monthly paycheck. These contributions are paid with pre-tax dollars.

### Retirement Benefits

Monthly payments at retirement are based on the employee's salary, age, and years of creditable service. Unreduced retirement benefits are available at any age with 30 years of credit, at age 60 with 25 years of credit, or at age 65 with 5 years of credit. Reduced benefits are available after age 50 with 20 years of credit or at age 60 with 5 years of credit. Your Retirement Benefits contains a complete discussion of retirement criteria and disbursement options, or online at [www.nctreasurer.com/dsthome](http://www.nctreasurer.com/dsthome).

### Credit for Military and Out-of-State Service and Re-Payment

The employee's benefit at retirement is based, in part, on his or her creditable service. In addition to the years and months contributed to the Retirement System, creditable service also includes:

- Military service
- Workers' compensation leave
- Out-of-state service
- Part-time service
- Credit for 90-day waiting period
- Service with a local governmental employer
- Sick leave
- Service with the Federal Government
- Educational leave
- Public community service
- Credit for service after age 62
- Omitted service
- Withdrawn service
- Service as a member of the General Assembly
- Temporary service
- Extended illness

### Disability Income Plan

The Retirement System provides both short-term and long-term disability provisions. These provisions are explained in Your Retirement Benefits, or online at [www.nctreasurer.com/dsthome](http://www.nctreasurer.com/dsthome).

### Life Insurance

As a member of the State Retirement System, an employee is automatically entitled to life insurance after one year of service, known as a death benefit; this benefit is equal to the highest 12 months salary in a row during the 24 months before you die no less than \$25,000 and no more than \$50,000. Your Retirement Benefits explains how the benefit is calculated.

### Workers' Compensation Insurance

All employees are covered by Worker's Compensation Insurance. The Workers' Compensation Act requires that all accidents occurring during working hours and resulting in injury that would cause an employee to be absent from work or to receive medical treatment must be reported to the employer. The employer must report the accident to the North Carolina Industrial Commission.

The employee will be provided medical treatment, and, under certain conditions, receive workers' compensation weekly benefits for time lost from work.

Procedures for Reporting Accidents: Work-related accidents should be reported to the Office of Human Resources. The Office of Human Resources and the Vice President for Financial and Administrative Services will complete the North Carolina Industrial Commission Form No. 19 and submit it along with the Supervisor's Accident Report Form, completed by the employee's supervisor, to the appropriate agencies.

To protect their benefits under Workers' Compensation Insurance, employees must report the accident so that the Form No. 19 can be filed within five working days after the event. An employee unsure of whether an accident should be reported is advised to discuss the situation with the Human Resources Director.

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## **POLITICAL ACTIVITIES OF EMPLOYEES - BP 2.23**

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*Legal Authority: NCGS 115D-5; 23 NCAC 2C .0210; 23 NCAC 2C .0208*

*Approval: April 19, 2011*

*Revision:*

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### **Political Activities of Employees**

The Board recognizes that its President and each of its employees, as individuals, retain all rights and obligations of citizenship provided in the Constitution and laws of North Carolina and in the Constitution and laws of the United States. In accordance therewith, the Board hereby adopts the following policies with regard to the exercise of political rights by its President and its employees and further encourages the exercise of these rights and obligations of citizenship.

#### **Definitions**

- (1) “Employees” means all full-time and part-time employees of College not including the President.
- (2) “President” means the President of College.
- (3) “Public Office” means any national, state or local governmental position of public trust and responsibility, whether elected or appointed, which is created, prescribed or recognized by constitution, statute or ordinance.

#### **Political Activities of Employees**

- (1) **Candidacy for Elective Public Office:** The candidacy of a College employee for election to a public office requiring part-time or full-time service may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. Any employee who decides to run for public office must immediately notify the Board of Trustees through the President, of his or her intention to run for such public office prior to beginning any activities related to such candidacy. The notice should include a certification by the employee that he or she will not campaign or otherwise engage in any political activities during his or her regular work hours or involve the College in any way in these political activities.
- (2) **Political Campaign Activities:** With respect to his or her own candidacy for election to public office or to any other person’s candidacy for election to public office, no College employee will:

- (a) Solicit support or opposition during his or her regular work hours for his or her or any other candidacy for public office;
  - (b) Solicit support or opposition for his or her or any other candidacy for public office at any time on College property without the prior written consent of the Board of Trustees, which prior written consent must be obtained for each separate solicitation effort; or,
  - (c) Use College funds, services, supplies, vehicles or other property to support or oppose his or her or any other candidacy for public office.
  - (d) Use any promise of reward or threat of loss to encourage or coerce any Employee to support or contribute to any political issue, candidate, or party.
- (3) Part-Time Public Office: If a College employee is elected to or accepts appointment to a public office requiring part-time service, it is hereby recognized that holding such public office may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. The employee must certify to the Board of Trustees, through the President, that the duties of his or her public office will not interfere with the carrying out of the normal duties of his or her position with the College.

If the duties of public office will interfere with the normal duties as an employee of the College, the employee must request a leave of absence, and if deemed practicable by the College, the employee may be granted a full or partial leave of absence from college employment with a corresponding suspension or reduction in pay applicable to the period of such leave, the granting of which will be at the sole discretion of the Board of Trustees; provided, however, that if a full leave of absence is deemed necessary and is granted, it may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion and must be submitted through the President.

In the event that the employee does not request a leave of absence to coincide with the period of public service and the duties of such public office, in the opinion of the Board of Trustees, interferes with the normal duties as an employee of the College, the Board of Trustees may, in its sole discretion and if deemed practicable, institute a full or partial leave of absence from college employment for the employee with a corresponding suspension or reduction in pay applicable to the period of such leave; provided, however, that if a full leave of absence is deemed necessary and is instituted, it may not exceed two years in any case; or take such other disciplinary action including but not limited to suspension or termination of employment, as the Board of Trustees, in its sole discretion, shall deem appropriate.

- (4) Full-Time Public Office: Upon election to or acceptance of appointment to a public office requiring full-time service or to the North Carolina General Assembly, the Congress of the United States or a like or similar public office, an employee will be required to take a full leave of absence without pay from college employment to coincide with the period of public service upon assuming public office; provided,

however, that the period of such leave will be at the sole discretion of the Board of Trustees and may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion and must be submitted through the President.

(5) Political Activities of the President

- a. **Candidacy for Elective Public Office:** The candidacy of the President for election to a public office requiring part-time or full-time service may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. Upon deciding to run for public office, the President must immediately notify the Board of Trustees of his or her intention to run for public office prior to beginning any activities related to such candidacy. The notice should be in the form attached hereto as Exhibit B and incorporated herein by reference and should include the President's certification that he or she will not campaign or otherwise engage in political activities during his or her regular work hours or involve the College in any way in these political activities.
- b. **Political Campaign Activities:** With respect to his or her own candidacy for election to public office or to any other person's candidacy for election to public office, the President will not:
  1. Solicit support or opposition during his or her regular work hours for his or her or any other candidacy for public office;
  2. Solicit support or opposition for his or her or any other candidacy for public office at any time on College property without the prior written consent of the Board of Trustees, which prior written consent must be obtained for each separate solicitation effort;
  3. Use College funds, services, supplies, vehicles or other property to support or oppose his or her or any other candidacy for public office;  
or
  4. Use any promise of reward or threat of loss to encourage or coerce any Employee to support or contribute to any political issue, candidate, or party.
- c. **Part-Time Public Office.** If the President is elected to or accepts appointment to a public office requiring part-time service, it is hereby recognized that holding such public office may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. The President must certify to the Board of Trustees that the duties of his or her public office will not interfere with the carrying out of the normal duties as President of the College. If the duties of such public office will interfere with the normal duties as President, the President must request a leave of absence and if deemed practicable by the College, the President may be granted a full or partial leave of absence from employment as President with a corresponding suspension or reduction in pay

applicable to the period of such leave, the granting of which will be at the sole discretion of the Board of Trustees; provided, however, that if a full leave of absence is deemed necessary and is granted, it may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion.

In the event that the President does not request a leave of absence to coincide with the period of public service and the duties of such public office, in the opinion of the Board of Trustees, interferes with the normal duties as President of the College, the Board of Trustees may, in its sole discretion and if deemed practicable, institute a full or partial leave of absence from college employment for the President with a corresponding suspension or reduction in pay applicable to the period of such leave; provided, however, that if a full leave of absence is deemed necessary and is instituted, it may not exceed two years in any case; or take such other disciplinary action including but not limited to suspension or termination of employment, as the Board of Trustees, in its sole discretion, shall deem appropriate.

- d. Full-Time Public Office. Upon election to or acceptance of appointment to a public office requiring full-time service or to the North Carolina General Assembly, the Congress of the United States or a like or similar public office, the President will be required to take a full leave of absence without pay from college employment to coincide with the period of public service upon assuming public office; provided, however, that the period of such leave will be at the sole discretion of the Board of Trustees and may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion.
- e. Notice to State Board. The Board of Trustees will promptly notify the State Board of Community Colleges if the President should become a candidate for public office or if the President is elected or appointed to public office.

#### Application of this Policy

These Policy requirements apply prospectively only. No change in the employment status will be required of an employee who is an incumbent in public office on the date of adoption of this Policy as to the remainder of his or her term of public office; provided, however, that this Policy shall not apply in any regard to an employee who holds a full-time public office or membership in the North Carolina General Assembly, the Congress of the United States or a like or similar public office on the date of adoption of this Policy.

See for Reference: North Carolina Administrative Code, Section 2C.0208 and N.C.G.S. 115D-5 and -20. Employees in programs funded in whole or part through federal grants, loans, or contracts are also subject to the Federal Hatch Political Activities Act, as amended, 5 U.S.C. 1501-1508.

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## **PROFESSIONAL DEVELOPMENT - BP 2.24**

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Professional Development**

The Board recognizes the importance of lifelong education, training, and professional development for all employees in fulfilling the College's mission.

The President shall be authorized to establish and promote an ongoing system of Professional Development Opportunities as well as the preparation of Professional Growth and Development Plans for all employees in order to satisfy the credential requirements of external agencies and further the College's Mission, as well as encourage improved employee job performance and foster employee advancement.

Pursuit of Professional Development Opportunities and preparation of Professional Growth and Development Plans by employees shall be incorporated into the College's employee Performance Evaluations.

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## REDUCTION IN FORCE - BP 2.25

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Reduction in Force**

Financial exigency, decline in student enrollment or the reduction, consolidation or elimination of programs or services may necessitate reduction in the number of personnel employed by the College.

The President shall monitor the availability of financial resources, enrollments, program needs and staffing requirements, both present and future, and when appropriate and upon review with the Board or its designated committee, shall initiate separation through reduction-in-force.

Employees subject to a reduction-in-force shall normally be given at least thirty (30) days written notice before the effective date of the separation.

### **Basis for Separation**

The decision for separation of employment due to a reduction-in-force shall be in accordance with the College's equal employment opportunity obligations and other standards and Board policies.

The decision of which employees to place under such separation shall be based first upon College needs, next upon employee performance and in the absence of either of these factors, upon seniority.

An individual whose employment status with the College is changed via separation due to a reduction-in-force, shall have priority in recall for a reemployment opportunity within the same job category or classification for a period of two (2) years from the effective date of separation.

In the event that more than one employee in a given job category is subject to such separation due to a reduction in force, the order of priority for the recall invitation shall be inversely related to each employee's date of separation, with the employee last separated from employment having the first priority for the recall opportunity for reemployment.

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## SALARY DETERMINATION METHODS- BP 2.26

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Salary Determination Methods**

The Board authorizes the President to implement a compensation plan that will provide for the equitable administration of the College's pay practices, taking into consideration the following:

- Internal equity, to help ensure that pay ranges assigned to each position are representative of the value of that position within the College;
- External competitiveness, to help ensure that compensation levels are market-driven and are aimed at attracting and retaining qualified and competent personnel.

The plan shall apply to all regular full-time and part-time College employees other than the President of the College, whose compensation is determined in accordance with regulations established by the System.

The plan shall require the College to abide by its Equal Employment Opportunity Obligations. Specifically, the College shall provide equal employment opportunity to applicants and employees without regard to their race, color, national origin, religion, sex, sexual orientation, age, disability, political affiliation, or other legally protected status. In this connection, the College's equal employment opportunity and nondiscrimination Policy extends to all terms and conditions of employment, including an employee's compensation. The assignment of an employee's position to a particular pay range and the determination of the level of his or her compensation should not relate in any way to the employee's membership or non-membership in a legally protected group.

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# SEXUAL AND OTHER PROHIBITED HARASSMENT - BP 2.27

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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## **Purpose**

The Board will not tolerate prohibited harassment of employees or students including harassment of an individual because of that person's sex, sexual orientation, gender, race, religion, color, national origin, age, disability, genetic information, veteran's status, or any other classification protected by law. Any employee who engages in any form of prohibited harassment will be disciplined. Discipline may include, but is not limited to, transfer, demotion, suspension, or discharge. The college also forbids retaliation of any type against an employee or student for reporting any type of prohibited harassment.

## **Prohibited Conduct**

The College prohibits any form of sexual or other prohibited harassment involving any of its employees in the employment relationship or involving any of its students in the educational relationship, whether it be in the form of an employee harassing an employee or student. Harassment, retaliation, coercion, interference, or intimidation of an employee or student due to his or her race, color, religion, gender, sexual orientation, age, national origin, disability, or other legally protected status is strictly forbidden. The foregoing provisions are amplified and complemented by the following:

- (1) **Sexual Harassment.** Sexual harassment does not require physical contact but involves conduct that merely creates an unwelcome environment, as follows:

Employees: Sexual harassment involving an employee includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of the employee's employment (either explicitly or implicitly); when submission to or rejection of the conduct is used as a basis for employment decisions affecting the employee; or when the conduct is sufficiently severe, persistent, or pervasive to interfere with the employee's work performance or to create an intimidating, hostile, or offensive working environment.

Occasional compliments of a socially acceptable nature do not constitute sexual harassment. Similarly, circumstances such as the nature of course materials, educational programs, or other educational activity will be considered before a determination is made that behavior in such a context is prohibited conduct.

Verbal or physical conduct of a sexually provocative, uncivil, or disrespectful nature at the College, whether or not it would be judged illegal as a matter of law, is unwelcome by the College and will not be tolerated. Nothing in these policies creates rights inconsistent with a zero tolerance for prohibited behavior. Furthermore, the College has the final word in interpreting these policies.

### **Definitions**

- “Unwelcome” signifies conduct that is not requested or invited and is regarded as offensive or undesirable.
  - “Conduct of a sexual nature” refers to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including, but not limited to:
    - Sexual advances
    - Sexual touching
    - Sexual graffiti
    - Displaying or distributing sexually explicit objects, drawings, pictures, and written materials
    - Sexual gestures
    - Sexual or “dirty” jokes
    - Requests for sexual favors
    - Touching oneself sexually or talking about one's sexual activity in front of others
    - Spreading rumors about or rating other employees or students as to sexual activity or performance
- (2) **Other Prohibited Harassment.** Other prohibited harassment involving an employee or student may consist of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, age, national origin, disability, or other legally protected status, or that of his or her relatives, friends, or associates, and has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; has the purpose or effect of interfering unreasonably with an individual's work or has the purpose or effect of denying or limiting a person's ability to participate in or benefit from the College program; or otherwise adversely affects an individual's employment or educational opportunities.

Any act, comment, or behavior that constitutes sexual or other prohibited harassment is strictly prohibited and will not be tolerated of any employee or student. This prohibition covers not only the relationship with other persons encountered in the

course of performing his or her job duties and each student's relationships with other persons encountered in the course of participating in the College's education programs or activities.

Verbal or physical conduct that shows hostility or aversion towards a protected status, class, trait or condition, whether or not it would be judged illegal as a matter of law, is unwelcome by the College and will not be tolerated. Nothing in these policies creates rights inconsistent with a strict application of a zero tolerance for such prohibited behavior. Furthermore, the College has the final word in interpreting these policies.

### **Complaints by Employees**

Employees, without any fear of reprisal, have the responsibility to bring any form of sexual or other prohibited harassment (whether by a co-worker, a student, or someone else encountered during the course of performing their job duties) to the attention of their supervisor or department head, so that an appropriate investigation may be begun into the circumstances of the incident and the alleged harassment. If an employee is uncomfortable with reporting the harassment to his or her supervisor or department head, the employee should go directly to the Director of Human Resources or to one of the chief administrators. Any person who receives a report of sexual or other prohibited harassment should notify the Director of Human Resources immediately, to obtain assistance in coordinating any investigation.

### **College's Response to Complaints**

- (1) **Investigation.** An employee who is reporting suspected sexual or other prohibited harassment is encouraged to provide as much information about the incident(s) as possible, and to assist the College in following up with the complaint. One or more impartial members of the College administration will be responsible for interviewing the person making the complaint, the person(s) accused of engaging in sexual or other prohibited harassment, and any witnesses named by those involved or others who the College believes may have relevant information. Designated College officials also will be responsible for reviewing any relevant documentation or other evidence provided by those involved.

The College's goal is to conduct and conclude its investigation promptly, so that an appropriate resolution of the matter may be reached as soon as reasonably possible. The extent of the College's investigation will depend upon the circumstances, including the nature of the harassment allegations and the College's ability to contact and obtain information from those involved. Interim measures may be taken to help avoid potential harassment or retaliation during the investigation process. Fact-finding and the determinations to be made from the facts shall be solely the province of the College.

- (2) **Propriety.** The College will keep all information relating to harassment allegations and investigations as confidential as reasonably possible under the circumstances, consistent with the College's legal obligations and with the need to investigate allegations of harassment and to take corrective and/or disciplinary

action with the College determines that prohibited harassment or another violation of College policy has occurred.

- (3) **Corrective/Disciplinary Action.** Following the College's investigation of any alleged sexual or other prohibited harassment, a review of the results of the investigation with the person or persons involved will be conducted. If appropriate, corrective and/or disciplinary action will be taken. This may result in immediate termination of employment for the employee.

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## TUITION EXEMPTION - BP 2.28

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*Legal Authority: 23 NCAC 2C .0210; 23 NCAC 2D .0202*

*Approval: April 19, 2011*

*Revision:*

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### **Tuition Exemption**

#### Community College Enrollment Privileges

As allowed by the NCAC, institutional staff members may enroll in one course per semester in the same institution or another institution in the System without tuition charge. This tuition exemption applies to full-time regular employees only.

The course selected for enrollment may be a curriculum or continuing education course, the exception being continuing education courses labeled “Self-supporting.” By state mandate, the fee for a self-supporting continuing education course cannot be waived for any individual, regardless of the individual's age or employer. Self-supporting courses are clearly indicated on each edition of the continuing education course schedule.

In general, the tuition-exempt course in which the employee enrolls must meet after the employee's designated working hours unless special circumstances exist. An employee wishing to enroll in a class that meets during his or her established working schedule must coordinate that enrollment with his or her supervisor.

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## SICK LEAVE- BP 2.29

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Sick Leave**

#### Amount Earned

All full-time regular and temporary employees who are employed for a period greater than six months, and are actively at work for one-half or more of the regularly scheduled workdays in any calendar month shall earn sick leave consistent with State and System personnel directives and the President's determinations.

All part-time regular and temporary employees who work at least 20 hours a week and are employed for a period greater than six months, shall earn sick leave on a pro rata basis if he/she is actively at work for one-half or more of the regularly scheduled workdays in a month. Teaching personnel employed on a part-time basis by class contract are not eligible for sick leave under this Policy.

Maximum Accumulation: Sick leave is cumulative indefinitely.

Advancement: Sick leave may be advanced up to the maximum amount an employee can earn during the current fiscal year.

#### Notice

Foreseeable Sick Leave. If an employee's need for sick leave is foreseeable, the employee must provide his or her supervisor with at least 30 days' advance notice of the reason for the leave before the leave is to begin. If 30 days' notice is not practical because of a lack of knowledge of approximately when sick leave will need to begin, a change in circumstances, or a medical emergency, notice must be provided as soon as practical (normally within one or two workdays of learning of the need for sick leave, except in extraordinary circumstances when this is not feasible).

Unforeseeable Sick Leave. If an employee's need for sick leave is not foreseeable, notification must be made to the employee's supervisor of the reason for the employee's absence as soon as practical (normally within one or two workdays of learning of the need for sick leave, and in any event, not later than 30 minutes after the beginning of the scheduled workday).

Verification of Sick Leave. For any absence of six or more consecutive workdays, an employee is required to obtain and present a Certification of Health Care Provider form, available from the Human Resource Office, from the employee's or family member's health care provider, as applicable, attesting to the illness or injury. For any absence of ten or more consecutive workdays due to illness, injury, medical condition, or serious health condition for which sick leave may be taken under this Policy, the employee is requested without additional notice to obtain and present a Certification of Health Care Provider form.

An employee who requires sick leave due to his or her own illness, injury, medical condition, or serious health condition may be required to obtain and present a return to work certification from his or her health care provider for any absence of 3 or more consecutive workdays and is required without further notice to obtain and present a return to work certification from his or her health care provider for any absence of ten or more consecutive workdays. Presentation of the return to work certification by the employee, if required under this Policy, is a condition to the employee's return to work following such illness, injury, medical condition, or serious health condition.

#### Use of Sick Leave

Sick leave may be granted for:

- (1) illness or injury which prevents an employee from performing his or her usual duties;
- (2) death in the employee's immediate family (meaning the employee's wife, husband, mother, father, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, mother-in-law, father-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, step-father, and step-child);
- (3) reasonable medical appointments;
- (4) absences due to illness in the employee's immediate family (meaning the employee's spouse, parent, or child, as defined in the Policy on family and medical leave, and other dependents living in the employee's household);
- (5) the actual period of temporary disability connected with the birth of a child;
- (6) conversion of up to three days (24 hours) each school year for personal leave by instructors, pursuant to the Policy on personal leave.
- (7) for shared leave purposes.

Sick leave may not be exhausted for any other type of leave.

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## SECONDARY EMPLOYMENT- BP 2.30

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*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Secondary Employment**

Full-time personnel shall not engage in outside employment that:

- (1) Conflicts with required work hours, workday, or workweek at the College.
- (2) Adversely affects his or her college job performance.
- (3) Might reasonably be considered to conflict with College goals, objectives and institutional resources in the community.

The employee may not use his or her position with the College for personal gain through outside employment. This outside employment shall not bring discredit to the College nor should the name of the College be used to acquire an outside position.

The Board of Trustees shall approve or disapprove any secondary employment of the President.

The President shall approve or disapprove secondary employment of all full-time employees.

All employees are required to report all secondary employment.

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## VETERANS PREFERENCE IN HIRING DECISIONS - BP 2.31

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*Legal Authority: NCGS 128-15; 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

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### **Veterans Preference In Hiring Decisions**

It shall be the Policy of the Board that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, eligible veterans shall be granted preference in employment with the College when the qualifications and experience of the final candidates for a position are generally equal.

As used in this section:

- (1) “A period of war” includes any campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense, including without limitation, World War II, the Korean Conflict, the Vietnam Conflict, and the War on Terror.
- (2) “Veteran” means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.
- (3) “Eligible veteran” means:
  - (a) A veteran who served during a period of war; or
  - (b) The spouse of a disabled veteran; or
  - (c) The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as the result of such service; or
  - (d) A veteran who suffered a disabling injury for service-related reasons during peacetime; or
  - (e) The spouse of a veteran described in subdivision d. of this subsection; or
  - (f) The surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

The President and the Board will take into consideration veteran status in accordance with state law if two or more candidates are generally equally qualified for the position based upon qualifications and experience.

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# **AMOROUS AND SEXUAL RELATIONSHIPS BETWEEN FACULTY OR ADMINISTRATIVE STAFF AND STUDENTS- BP 2.32**

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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It is the policy of Board that faculty members or administrative staff shall not initiate, pursue, or be involved in any amorous or sexual relationships (hereinafter referred to as amorous relationships) with any student whom they are in a position to evaluate or supervise by virtue of their teaching, research, or administrative responsibilities.

Friendships or mentoring relationships between faculty or administrative staff and students are not proscribed by this Policy, nor is it the intent of this Policy that such non-amorous relationships be discouraged or limited in any way.

Marital relationships are covered separately under the College's policy concerning Employment of Relatives.

## **Amorous Relationships Outside the Instructional Context**

Amorous relationships between faculty members or administrative staff and students occurring outside the instructional or administrative context may also lead to difficulties. Particularly when the individual and the student are in the same College curriculum program or in programs that are academically allied, relationships that the involved parties view as consensual may be disruptive and appear to others to be exploitative. Further, in these and other situations, the faculty or administrative staff member may face serious conflicts of interest. In any such situation, therefore, faculty or administrative staff members should be most careful to remove themselves from involvement with any decisions that may reward or penalize the student.

## **Rationale for Policy**

The College's educational mission is promoted by professionalism in faculty-student relationships, and professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members or members of administrative staff that harm this atmosphere will undermine professionalism and hinder fulfillment of the educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power.

Faculty members and other instructional personnel exercise power over students, whether in giving them praise and criticism, evaluating their work, making recommendations for their further studies or future employment, or conferring other benefits on them. Because it may

easily involve or appear to involve a conflict of interest, an amorous or sexual relationship between a faculty member or member of the administrative staff and a student entails serious ethical concerns when the faculty or administrative staff member has professional responsibility for the student.

Voluntary consent by the student in such a relationship is difficult to determine with certainty, given the fundamentally asymmetric nature of the relationship. Because of the complex and subtle effects of that power differential, relationships may well be less consensual than the individual whose position confers power believes, and the faculty or administrative staff member bears a special burden of accountability in any such involvement.

Further, amorous or sexual relationships in which one person is in a position to review the work or influence the career of another may provide grounds for complaint by others outside the relationship when that relationship appears to give undue access or advantage to the individual involved in the relationship, or to restrict opportunities, or to create an unacceptable environment for those outside the relationship. Other students and faculty may be affected by behavior that places the faculty member or member of the administrative staff in a position to favor or advance one student's interests at the expense of others' interests and implicitly makes or appears to make obtaining benefits contingent on amorous or sexual favors.

### **Administration of the Policy**

The Board authorizes the President to implement Administrative Rules consistent with this Policy and the following guidelines:

- A. Because of the sensitive nature of amorous relationships, every reasonable effort should be made to resolve alleged Policy violations on an informal basis if possible.
- B. Any remedial action will depend on the totality of the circumstances. Efforts should be made to be constructively educational for both parties and to be corrective rather than punitive if a Policy violation is found: An acknowledgment of the violation and a commitment not to violate the Policy in the future, along with a warning or other appropriate action directed toward the faculty or other administrative staff member, may be sufficient resolution.
- C. In cases where further action is deemed appropriate, sanctions may range from a letter of reprimand to dismissal, all in accordance with applicable College procedures.
- D. If not satisfied with the decision reached under the process implemented by the President, the faculty member or administrative staff accused of a Policy violation may proceed in accordance with the College's established grievance procedures.

- E. Complaints found to have been intentionally dishonest or made in willful disregard of the truth may subject the complainant to disciplinary action, with possible sanctions ranging from a letter of reprimand to dismissal.

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# **SOCIAL MEDIA AND SOCIAL NETWORKING POLICY- BP 2.33**

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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## **Social Media and Social Networking Policy**

The Board recognizes that College employees and students may use the medium of personal web sites, blogs, social networking sites, and other types of online publishing (collectively, social media) on personal time. If a person chooses to identify himself/herself as an employee or student of the College or to discuss matters related to the College through the use of social media, that person does not represent or speak for the College or the Board unless specifically authorized to do so by the Board or the President.

In addition, the Board directs the President to ensure that:

1. Use of social media and social networking on personal devices on personal time is not disruptive to the College's educational mission.
2. Use of social media and social networking does not interfere with an employee's job at the College or with the work or studies of colleagues, faculty, other employees or students of the College.
3. Employees should always identify themselves and make it clear to his or her readers that the views being expressed are his or her alone and that they do not necessarily reflect the views of the College. ”
4. Employees are prohibited from disclosing any information to any third party that is confidential or proprietary to the College, its students, faculty or other employees.
5. Employees are prohibited from making discriminatory, defamatory, libelous, or slanderous comments about any person or organization, including without limitation the College, its faculty, other employees, students, vendors, or other affiliates.
6. Employees are prohibited from using the College's logo, tag line, or trademark, or reproduce the College's material unless approved in advance in writing by President.

7. Reasonable steps are taken to protect the College's logo, tag line, trademark, or other College material from unauthorized use.

Furthermore, the President may request that employees confine their web site, social networking or blog commentary to topics unrelated to the College (or that they suspend their web site, social networking or blog activity altogether) if the President believes this restriction is necessary to ensure compliance with applicable laws or to prevent disruption of the College's educational mission.

Nothing in this policy is intended to abridge or infringe upon (i) employees' rights under Section 7 of the National Labor Relations Act or (ii) an employee's right under the First Amendment of the Constitution of the United States to speak as a citizen on a matter of public concern, so long as the employee's or employees' exercise of such rights does not threaten, imperil, disrupt or do harm to the College's educational mission.

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# **GENETIC INFORMATION NON-DISCRIMINATION ACT ("GINA")- BP 2.34**

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*Legal Authority: NCGS 115D-77; 23 NCAC 2C .0702*

*Approval: April 19, 2011*

*Revision:*

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## **Protection and Use of Genetic Information**

Effective November 21, 2009, the Genetic Information Non-Discrimination Act ("GINA") became law. In compliance with GINA's requirements, it is the policy of the Board that the College will not discriminate or take any adverse action in any employment decisions such as hiring, firing, job assignments, or any other terms or conditions of employment, including compensation, based upon employee genetic information. Also, the College will not use genetic information to limit, segregate, or classify its employees in a way that deprives them of employment opportunities or adversely affects their employment status. The College will not request, require, or purchase genetic information about employees or their family members.

## **Limited Use of Genetic Information**

There are some exceptions that permit the College to collect, request, or require the disclosure of genetic information. The College may collect genetic information in order to comply with any federal or North Carolina law that regulates how the College conducts its business. The College may also request or require the disclosure of genetic information to monitor the biological effects of exposure to hazardous substances discovered in the workplace. The College may also acquire commercially and publicly available genetic information about an employee or the employee's family member found in sources such as newspapers, magazines, periodicals and books. However, the College may not acquire genetic information from any medical databases or court records.

In the rare event that the College does acquire genetic information, upon notification to the employee the College will only release any genetic information to third parties (1) in response to a court order or (2) to disclose information to a public health agency manifesting a contagious disease which presents an imminent threat of death or life-threatening illness. Upon notification to the employee, the College may also disclose to a public health agency information relating to the family member of an employee who manifests a contagious disease which presents an imminent threat of death or life-threatening illness.

In the rare event that the College ever has to collect or acquires genetic information for one of these purposes allowed or required by law, the College will not use this genetic information as the basis for discrimination or adverse job action.

The President is authorized to implement those Administrative Rules necessary for the implementation of this policy and compliance with GINA.

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# FAMILY AND MEDICAL LEAVE- BP 2.35

*Legal Authority: 29 U.S.C. § 2615 et seq.; NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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## **Family and Medical Leave Act**

In addition to regular sick leave, eligible employees are protected by the Family and Medical Leave Act of 1993, as amended (FMLA). In an effort to provide eligible employees with assurance that the need to take leave for certain family and medical reasons will not result in the loss of their job or insurance benefits, the Board hereby adopts this policy with respect to the types of family and medical leave available.

### **Eligible Employees**

In order to be eligible for FMLA leave, an employee must:

- A. Have worked for the College for at least 12 months (which need not be consecutive months) before the leave request as a part-time or full-time employee.
- B. Have worked for the College at least 1,250 hours during the 12-month period immediately preceding the commencement of the employee's FMLA leave.
- C. Be employed at a worksite where 50 or more employees are employed by the College within 75 surface miles of that worksite at the time the employee requests FMLA leave.

Full-time and part-time regular temporary employees who meet these requirements are eligible for FMLA leave, subject to the conditions described in this policy.

### **Types of FMLA Leave Available**

If eligible under this policy, an employee is entitled to up to 12 weeks of job protected leave, with or without pay, during any 12-month period for any of the following reasons:

- A. Leave for the birth of a son or daughter, and to care for the newborn child;
- B. Leave for placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;
- C. Leave to care for the employee's spouse, son, daughter, or parent with a serious health condition;

- D. Leave because of a serious health condition of the employee that makes the employee unable to perform one or more of the essential functions of his or her position; and,
- E. Leave because of any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("qualifying exigency leave").
- F. Furthermore, subject to the certification requirements described below, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the covered servicemember ("servicemember family leave"). The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period described above, an eligible employee shall be entitled to a combined total of 26 workweeks of FMLA leave. Nothing in this paragraph shall be construed to limit the availability of any other FMLA leave during any other 12-month period.

### **Employment and Benefits Protection**

- A. The employee shall be reinstated to the same position held when the FMLA leave began or to an equivalent position with equivalent pay, benefits, and other conditions of employment. Certain salaried highly paid "key" employees may be denied reinstatement following their FMLA leave if necessary to prevent substantial and grievous economic injury to the College's operations. The College may require the employee to report at reasonable intervals his/her status and intention to return to work.
- B. The employee shall be reinstated without loss of benefits accrued when his or her FMLA leave began (except to the extent that annual leave and sick leave are applied toward an FMLA absence). All benefits will continue to accrue during any period of paid FMLA leave; however, no benefits will be accrued during any period of FMLA leave without pay. The resumption of an employee's benefits upon his/her return from FMLA leave will be subject to any College-wide changes in benefit levels that have taken place during the period of FMLA leave. Any benefits lost as a result of nonpayment of insurance premiums will be restored upon the employee's return to work, without any requalification requirements.
- C. The College shall maintain coverage for the employee under the State's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued working. The employee still is required to pay his/her share of health coverage cost while on FMLA leave to the same extent as it would have been paid or deducted from the employee's paycheck if he/she were still at work.

- D. The College may recover health insurance premiums paid on behalf of the employee during any unpaid portion of his/her FMLA leave if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. If the employee fails to return to work because of the continuation, recurrence, or onset of a serious condition, the College may require medical certification of the employee's or family member's serious health condition.
- E. It is expected that following an FMLA absence, an employee will return to work. Employees will not be considered to have returned to work unless they are back at work for at least 30 calendar days following their FMLA leave.

### **Interference with Rights**

- F. It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.
- G. It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:
  - 1. Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy;
  - 2. Gives, or is about to give, any information in connection with any inquiry provided by this policy;
  - 3. Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.

The President is authorized to implement those Administrative Rules necessary for the implementation of this policy and compliance with FMLA.

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## **SECTION III: STUDENT LIFE AND SERVICES**

## STUDENT RIGHTS AND RESPONSIBILITIES - BP 3.1

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Student Rights and Responsibilities**

The Board directs the President to establish appropriate student services that will ensure that student rights and responsibilities are integrated into the academic and extracurricular programs of the College. The rights and responsibilities of students are inherent and outlined in College policies and procedures. These policies and procedures are developed to ensure that students have a positive educational experience while attending the College and that the institution operates in a manner that fulfills its mission.

In addition, the Board is committed to providing nondiscriminatory educational opportunities. The College will prohibit discrimination against students based upon gender, race, color, religion, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other characteristic protected by law. The President shall ensure that the College does not unlawfully discriminate in any education decision such as admission, student services, or graduation.

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## STUDENT ATHLETICS - BP 3.2

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*Legal Authority: NCGS 115D-5; 23 NCAC 2C .0110*

*Approval: April 19, 2011*

*Revision:*

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### **Student Athletics**

The Board encourages student participation in recreational athletics and competitive intercollegiate sports as a means of developing physical fitness, leadership, and enhancing intellectual ability. The President is authorized to promote and establish intramural athletics and intercollegiate sports among students consistent with this Policy and System standards.

The primary mission of any athletic team or sport supported by the College is to serve the needs of the College's students by providing quality student-athlete programs. Each athletic program must be built on a foundation of integrity, excellence, and scholarship. Recognizing the value of diversity and equality, the College is committed to offering opportunity for all. The College's athletic program shall promote strong academic standards, emphasize service to school and community, and ultimately form a reputation of open opportunity and excellence.

Funds appropriated by the System as operating expenses for allocation to the College shall not be used to support recreation extension courses or intercollegiate athletics. The financing of these sports and courses by the College shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the State level. The Board authorizes interested organizations such as the Student Government Association to use student activity fees to support College athletics. The Board also encourages the Craven Community College Foundation to support College athletic activities to the extent it deems appropriate.

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## CODE OF CONDUCT - BP 3.3

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Code of Conduct**

The Board directs the President to develop and implement a Student Code of Conduct (Code). The purpose of the Code shall be to hold students accountable for their actions and to educate students about their rights and responsibilities as members of the student body. Consistent with its educational mission, the Board further desires to promote student understanding of the balance between individual privileges and college responsibilities, as well as to provide everyone in the College community a safe environment that conducive to student learning and success.

#### The Board expects students to:

Familiarize themselves with and to be accountable for information contained in all of the College's student publications (general catalog, student handbooks, bulletins, syllabi, etc.) relating to student responsibilities.

The Board expects all students to:

- Respect the rights of others in the College community.
- Comply with verbal or written directions of College staff, faculty and administration.
- Comply with all federal, state or local laws as good citizens.
- Respect the freedom to teach and the freedom to learn.
- Develop and demonstrate effective workplace behaviors.

In general, all students are expected to conduct themselves in a manner that promotes and supports both students' and the College's educational endeavors and objectives.

#### The goals of the Code shall be to:

- Educate all in the College community on issues related to student rights, conduct, responsibilities, and behavioral expectations as outlined in this Policy.
- Protect the rights of students, faculty and staff in the College community.

- Discipline and sanction students in a manner that is fair and fosters learning, ethical behavior, social development, integrity and responsibility.

### Prohibited Conduct

By way of illustration and not limitation, the President shall ensure that the following misconduct on College premises or off of College property but occurring at College-sponsored activities, shall be prohibited:

- (1) Physical, psychological, or verbal abuse, threats, intimidation, harassment, coercion and/or conduct, which threatens or endangers the health or safety of any person;
- (2) Forms of dishonesty, including cheating, plagiarism, knowingly furnishing false information, forgery, alteration, or any use of identification or other projects with an intent to defraud;
- (3) Failure to comply with the lawful directions of any College official, faculty, staff or law enforcement officers acting in the performance of their duties;
- (4) Seizing, holding, commandeering, or damaging any property or facilities of the College or threatening to do so, or refusing to depart from any property or facilities of the College upon direction of College officials, staff employees or other persons authorized by the President;
- (5) Physically detaining or restraining any other person or removing such person from any place where he or she is authorized to remain or in any way obstructing the free movement of persons or vehicles;
- (6) Use of alcoholic beverages including the purchase, consumption, possession or sale of such items on the College campus or violation of any rules and regulations relating to the use of alcoholic beverages with regard to College related activities;
- (7) Possessing, using, selling or distributing any type of illegal drugs or legal drugs without valid prescription for same for illegal purposes or violating any College rules or regulations relative to controlled drugs and other controlled substances;
- (8) Possessing any firearm or weapon as outlined in North Carolina General Statute 14-269.2;
- (9) Possessing any dangerous chemical or explosive elements or component parts thereof not used by the student for lawful College studies;
- (10) Gambling, conducting or holding a raffle or lottery except in cases of specific prior approval by the President;
- (11) Littering, defacing, destroying or damaging property of the College or property under its jurisdiction or removing or using such property without authorization;

- (12) Solicitation, distribution, selling, posting or promotion of materials and/or goods on College owned or controlled property without prior approval as addressed in the Access to Campus Policy;
- (13) Willfully encouraging others to commit any of the acts which have been herein prohibited or to conduct themselves in violation of the standards prescribed for College student conduct;
- (14) Violating any local, state or federal laws; or
- (15) Any other action that is contrary to this Policy or that the Board or President determines is detrimental to the College or its employees or students.

Authority for Disciplinary Action

The President shall implement a disciplinary system for students that is consistent with this Policy and student rights.

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## **DRIVER’S LICENSE ELIGIBILITY - BP 3.4**

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*Legal Authority: 23 NCAC 2C .0308*

*Approval: April 19, 2011*

*Revision:*

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### **Driver's License Eligibility**

North Carolina law requires the College to coordinate with the Division of Motor Vehicles in implementing state Dropout Prevention laws (the “Dropout Prevention Law”), which provides for the denial or revocation of a student's driving permit or license if the student is under the age of 18 and is unable to maintain adequate academic progress at or drops out of school. The Board authorizes the President to implement a program to ensure compliance with the Dropout Prevention Law and its implementing regulations.

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## STUDENT GOVERNANCE - BP 3.5

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Student Governance**

The Board values student input in its Policy-making decisions. The president of the student body shall serve as an ex-officio non-voting member of the Board. The President shall seek the input of student leaders in the operation of the College when, in the President opinion, such input would be useful and beneficial.

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## STUDENT PUBLICATIONS POLICY - BP 3.6

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*Legal Authority: NCGS 143-170.1; NCGS 143-170.2*

*Approval: April 19, 2011*

*Revision:*

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### **Student Publications**

The Board recognizes that print and electronic media communications help to develop the skills needed for students to exercise critical thinking, good judgment, and accuracy. Therefore, the Board authorizes the use of limited student activity fees and College funds for newspapers, newsletters, websites, blogs, and other print or electronic means of written communication published by officially recognized student organizations.

The President shall implement a student publications procedure consistent with this Policy that includes at least the following requirements for student publications:

1. Only publications published by officially recognized student organizations may receive student activity fees or College funding support. No publication is entitled by right to ongoing student activity fee or College funding support. The student activity fees or College funding support may be withheld or terminated by the College at any time such funds are no longer available, the student organization is no longer officially recognized, or other reason determined by the President to be in the best interest of the College; provided, however, the College shall not make funding decisions that infringe on students' first amendment rights.
2. The student publication is editorially independent from the College. Each edition of the publication (whether in paper or electronic form) must contain a disclaimer substantially similar to: "The views expressed in this publication [or on this website, etc.] are those of the authors and do not necessarily reflect the views of Craven Community College. Craven Community College does not endorse this publication."
3. The publication does not use the College's logos or the College's trademarks unless authorized by the President. The President may withdraw authorization at any time.
4. The publication is authored, edited, and prepared by enrolled full-time students at the College.
5. The student organization's advisor participates in the publication process as a resource for the students. Although the advisor must express his or her opinion about the quality and content of a publication, the advisor may not require the removal of any lawful editorial content from the publication.

6. The publication must publish in unedited form, upon the President's request, any College response to content contained in the publication.
7. The publication does not violate the College's Code of Conduct or otherwise contain any content that is prohibited by State or federal law.
8. The publication does not violate federal copyright laws.

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# STUDENT RECORDS AND PRIVACY RIGHTS - BP 3.7

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*Legal Authority: NCGS 115D-89; NCGS 115D-90; 23 NCAC 3A .0107*

*Approval: April 19, 2011*

*Revision:*

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## **Student Records and Privacy Rights**

The Board is committed to the protection of the privacy of students and their education records and the College's compliance with the Family Educational Rights and Privacy Act ("FERPA"). The College qualifies as an educational institution within the meaning of FERPA, and therefore all education records are private to the student and the College with the exceptions set forth in this Policy and as provided by law. Students shall be granted rights of access to their records and such records shall be open to revision only as allowed by this Policy and the College's Administrative Rules. The Board authorizes the President implement those Administrative Procedures necessary to implement this Policy and as required by FERPA and the regulations implementing FERPA. Such Administrative Rules shall contain at least the following:

1. **Right to Inspect and Review:** A student shall have the right to inspect, review, or be informed of his or her education records (but only with respect to information about that particular student), except for those portions of the record protected from review by State or federal law.
2. **Destruction of Records:** The College periodically may destroy education records as required or permitted by applicable law. However, the College will not destroy any education records while there is an outstanding request to inspect and review those records, which has been made in accordance with this Policy.
3. **Notice of FERPA Rights:** The College must send a written notice of FERPA rights as required by law.
4. **Request for Amendment:** Allow a student to challenge the content of his or her education record and request an amendment thereto.
5. **Right to a Hearing:** A student who objects to a decision by the College not to make a requested amendment to his or her education records or who otherwise wishes to challenge the content of his or her education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of his or her rights of privacy will have the right to a hearing for this purpose, in accordance with the provisions of this Policy and applicable provisions of the student appeals procedure.

6. Release of Personally Identifiable Information. No release of personally identifiable information shall be made by the College without a student's prior consent, unless State or federal law requires such release.

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# STUDENT GRIEVANCE POLICY - BP 3.8

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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## **Student Grievance Policy**

The Board authorizes the College to address student grievances in a way that promotes fairness and equitable treatment of all students according to their rights and responsibilities. The President shall implement an appropriate system for addressing and resolving student grievances. Any resulting procedures should include following.

### Scope

A grievance is a student allegation that a College action or decision has an undue negative effect on the student at the College. This procedure does not apply to course grades or other college policies that reference student appeal procedures.

### Student Right to Review

A student may request a review of a College decision or action alleged to have an undue negative effect on the student at College.

### Procedure

The College's procedure for dealing with student grievances shall include the opportunity for informal mediation and resolution as well as a formal hearing as established by the President.

### Timeliness

A grievance should be presented within a reasonable period after the instance giving rise to the grievance occurs. The President may establish deadlines for reporting consistent with this Policy. The College shall address grievances as soon as practicable.

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## **SECTION IV: ACADEMIC AFFAIRS**

## ACADEMIC FREEDOM - BP 4.1

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Academic Freedom**

The College's Policy on academic freedom is based on the AAUP 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments and gender specific amendments from 1989-90.

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. An educated citizenry is the key to the continual improvement of society.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It is essential to foster a spirit of inquiry within the institution where ideas may be examined in an atmosphere of freedom and confidence. Along with academic freedom comes responsibility.

College faculty are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for money should be based upon an understanding with the authorities of the institution.

College faculty are entitled to freedom in the classroom in discussing their subject. They should be accurate, exercise appropriate restraint, and show respect for student learning and opinions.

College faculty are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they will be free from institutional censorship or discipline; however, their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their comments. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the Institution.

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## **CONTINUING EDUCATION PROGRAMS AND CLASSES - BP 4.2**

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*Legal Authority: 23 NCAC 2D .0203; 23 NCAC 2D .0324; 23 NCAC 2E .0101;  
23 NCAC 2E .0305*

*Approval: April 19, 2011*

*Revision:*

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### **Continuing Education Programs and Classes**

#### **General Policy**

The Board authorizes the President to develop and provide the following continuing education programs, or such other programs as may be allowed by the NCGS or NCAC:

- a. Occupational Extension Courses.
- b. Community Service Programs.
- c. Self-Supporting Programs.
- d. Basic Skills Programs.
- e. Business and Industrial Training.
- f. Human Resources Development.
- g. Learning Laboratory Programs.
- h. Off-campus Programs.
- i. Distance Education Programs.

The President shall implement an accountability and credibility plan for continuing education programs.

#### **Registration Fees**

Continuing education course fees shall vary depending upon the program and course area. Registration fee waivers shall be granted to those individuals meeting the criteria set forth at 23 NCAC 2D.0203.

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## CLASSROOM ACCESS - BP 4.3

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Classroom Access**

The Board prohibits the unnecessary disruption of classes, labs, and shops. Therefore, persons must be registered students for a particular course before they can enter the classroom, lab, or shop where that course is meeting, except for (i) those special guests or speakers granted temporary access by the instructor, and (ii) College officials and their invitees while conducting their official duties. Minors, including children of registered students, shall not be granted access to a class, lab, or shop except with the prior approval of the President.

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## LIBRARY POLICY - BP 4.4

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*Legal Authority: NCGS 115D-5; NCGS 115D-20; 23 NCAC 2C .0401*

*Approval: April 19, 2011*

*Revision:*

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### **Library Policy**

It is the Policy of the Board to maintain a collection of information resources that supports and enhances the College's curriculum and community outreach programs consistent with the College's mission. The College's will provide quality library services for its patrons that include current, diverse, and balanced resources. The Board delegates to the President the authority to manage the library and other educational resources of the College consistent with System guidance and Board directives.

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## **ROLE OF FACULTY AND STAFF IN GOVERNANCE - BP 4.5**

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Role of Faculty and Staff in Governance**

While the governance of College rests legally and primarily with its Board of Trustees, input to the governing process is encouraged by both faculty and staff.

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## SELF-SUPPORT - BP 4.6

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*Legal Authority: 23 NCAC 2D .0203; 23 NCAC 2E.101*

*Approval: April 19, 2011*

*Revision:*

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### **Self-Support**

The Board authorizes the President to designate appropriate continuing education and curriculum courses as self-supporting classes and collect those fees allowed by the NCAC. All students enrolled in self-support courses shall pay a pro-rata share of the amount of direct and indirect costs involved in the course plus a minimum 25% mark-up, as required by 23 NCAC 2D.0203. The President may increase the mark-up whenever an increase is reasonably necessary. Because self-supporting class costs are not registration fees, the pro-rata share for a student shall not be waived.

If self-supporting receipts exceed expenditures for the fiscal year, then the President shall expend the funds for student financial aid, scholarships, or program improvement. All expenditures of excess receipts shall benefit students.

Funds for self-supporting classes shall not be used to pay supplemental salaries for personnel, administrative expenses that do not meet the standards set forth in the preceding paragraph, or College entertainment expenses.

### **Board Review**

The Board shall review this Self-Supporting Courses Policy at least once every three years and specifically reflect in the Board minutes review of the self-supporting class portion of this Policy.

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## ACADEMIC HONORS - BP 4.7

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Academic Honors**

The College shall honor academic excellence and extraordinary contributions to the College community by students. The Board authorizes the President to implement a program that honors academic excellence and extraordinary contributions to the College that are consistent with the goals of the College and System.

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# PROGRAM AND COMMUNITY ADVISORY COMMITTEES - BP

## 4.8

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*Legal Authority: NCGS 115C-55*

*Approval: April 19, 2011*

*Revision:*

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### **Program and Community Advisory Committees**

Advisory committees are important liaisons between the College and the broader community. The Board encourages the use of advisory committees composed of student and faculty as well as community education and business leaders to advise the President and faculty on matters of curriculum planning and community relations. The key goal for advisory committees is to better prepare students for today's jobs by promoting a greater cooperation between the educational environment and interested members of the non-College community. Advisory committees do not have Policy or regulatory authority, but help ensure that the College's academic programs are of responsive to collegiate needs, university transfer programs, private-sector developments, and job market trends. The President may structure advisory committees in any way useful to the College. . The President shall implement appropriate Administrative Rules that will encourage the use of advisory committees.

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## **LIVE PROJECTS – CURRICULUM PROGRAM- BP 4.9**

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*Legal Authority: NCGS 115D-5; NCGS 115D-20; NCGS 115D-31.3; 23 NCAC 2D .0310; 23 NCAC 2E .0201*

*Approval: April 19, 2011*

*Revision:*

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### **Live Projects – Curriculum Programs**

#### **General Policy**

The College shall support curriculum programs in which enrolled students, as an integral part of their learning experiences, are able to undertake certain live projects and repair, remodel or produce goods or services of value to the consumer and with less cost than through direct purchase of said goods or services.

The President shall be authorized to identify the particular programs that shall be specified as providing appropriate live projects and to affirm the particular services therein provided by these program students.

The President shall be authorized to establish a fee structure for approval by the Board of Trustees for payment of live projects received by consumers, which shall recover applicable direct materials, parts and supply costs plus a reasonable overhead charge.

None of the fees charged or collected shall be directed to provide wages or other direct or indirect payments to any students, employees or others. The essential purpose of the provision of live projects shall be to provide opportunities for enhanced student practical and applied learning in selected Curriculum educational programs and not for revenue generation or to avoid commercial services and corporate products.

Identified student practical experiences shall be considered as live projects and as being a desired and a necessary component of student learning activity to assure practical mastering of skills.

#### **Public Customers and Clients**

The consumers served for identified live projects shall be limited to current employees and to currently enrolled students, with priority directed to students enrolled in the particular program who would thus be receiving the services from fellow students.

Live projects shall not be made available to the public unless the President recommends to the Board that a larger consumer market is necessary to achieve educational purposes.

After such recommendation, the live project may be made available to members of the general public only if the Board adopts appropriate criteria for offering the live project to the public.

Benefit or Financial Gain

Faculty and staff within an educational program that offers live projects shall not receive any inappropriate benefit or financial gain from the live project. Personal property owned by such faculty and staff shall not receive any priority of services over other employees and students and the program.

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## **RELIGIOUS OBSERVANCE POLICY - BP 4.10**

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*Legal Authority: NCGS 115D-5; 23 NCAC 2C .0213*

*Approval: April 19, 2011*

*Revision:*

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### **Religious Observation Policy**

Each student shall be allowed two excused absences each academic year for religious observances required by the faith of the student. The absences may be taken on separate or consecutive days, and shall be taken consistent with the Administrative Rules covering attendance for courses.

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## EARLY COLLEGE - BP 4.11

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*Legal Authority: NCGS 115D-5; NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Early College**

The Board affirms its commitment to improving educational opportunities for high school students. The Board authorizes the President to cooperate with the Craven County Public Schools in order to establish one or more Craven Early College High Schools, which may be located at one or more of the College's campuses. Cooperation may include, but is not limited to, the development of a memorandum of understanding or other agreement with the Craven County Public Schools that is consistent with the following directives:

- a. The administration of the Craven Early College High School shall be vested in a principal, subject to appointment and supervision by Craven County Public Schools.
- b. All teachers for the Craven Early College High School shall be appointed by, and as employees of, the Craven County Public Schools.
- c. All decisions for operation of the Craven Early College High School inclusive of academic policy, curriculum, textbooks, student eligibility and selection, faculty selection and course content shall be made by the Craven County Public Schools.
- d. Students enrolled in the Craven Early College High School shall be eligible to enroll in selected College curriculum courses, as allowed by System regulations or law. The high school students shall meet all course pre-requisites and be judged by the College as able to benefit from the course(s).
- e. To the fullest extent possible, all Board policies shall apply to public school students enrolled in the Craven Early College High School including, but not limited to, Equal Opportunity, Student Rights, Student Records, Student Code of Conduct, Acceptable Use of Technology Resources, and Drug and Alcohol Use.
- f. Students enrolled in the Craven Early College High School shall be reasonably supervised by personnel of the Craven County Public Schools and have access to the campuses of the College.
- g. Course tuition and fees, insurance costs and other pertinent charges for Craven Early College High School shall be borne by the Craven County Public Schools; however, the College may supplement the charges with

special purpose fees to be paid by the enrolled students, when approved by the President.

- h. The College shall cooperate with the Craven County Public Schools to identify the classrooms and other physical spaces to be dedicated to the Craven Early College High School.
- i. The President shall seek prior approval from the Board for the termination or closure of the Craven Early College High School.

The College shall track and conduct such research, as necessary, to determine the academic progress and course success of students enrolled in the Craven Early College High School for college-level courses and shall provide the Principal with said report to assess student success and program impact.

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# CONCURRENT ENROLLMENT OF HIGH SCHOOL STUDENTS - BP 4.12

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*Legal Authority: 23 NCAC 02C .0305; NCGS 115C-238.50-238.55; NCGS 115D-41*

*Approval: April 19, 2011*

*Revision:*

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## **Concurrent Enrollment of High School Students**

The Board authorizes the President to implement, in coordination with the Craven County Public Schools and/or a private high school, a concurrent enrollment program. The President may negotiate such agreements with the Craven County Public Schools and/or a private high school as may be necessary for the efficient operation of this Policy. Concurrent enrollment allows a high school student, 16 years or older, to be enrolled in high school and in the College at the same time. A high school student, 16 years old or older, may be admitted to any curriculum course one hundred level and above or any continuing education course, except adult basic skills, concurrently with adult College students under the following conditions:

1. Upon recommendation of the chief administrative officer of the Craven County Public Schools or, in the case of a private high school the chief administrative officer of such private high school, and approval of the President;
2. Upon approval of the student's program by the chief administrative officer of the Craven County Public Schools or, in the case of a private high school the chief administrative officer of such private high school, and the President; and
3. Upon certification by the chief administrative officer of the Craven County Public Schools or, in the case of a private high school the chief administrative officer of such private high school, that the student is taking the equivalent of one-half of a full-time schedule in the high school and is making progress toward graduation.

High school students taking courses pursuant to this Policy shall not displace adults from any curriculum or continuing education course. Once admitted, the high school students shall be treated the same as all other College students.

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# SACS SUBSTANTIVE CHANGE POLICY – BP 4.13

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*Legal Authority: NCGS 115D-1; NCGS 115D-5; 23 NCAC 2C .0603*

*Approval: January 24, 2012*

*Revision:*

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## **Reporting of Substantive Change**

Craven Community College (CCC) will notify the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) of institutional and programmatic changes in accordance with the Policy on Substantive Change for Accredited Institutions of the Commission on Colleges. The College will seek approval prior to the initiation of changes and will submit a substantive change prospectus to the SACSCOC, if required.

The President will keep the Board of Trustees informed of substantive change notifications. CCC will comply with the directives of the SACSCOC upon notification of proposed changes.

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**SECTION V: AUXILIARY AND ADMINISTRATIVE SERVICES**

## ACCESS TO COLLEGE FUNDS- BP 5.1

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Access to College Funds**

The Board authorizes the President to implement those controls necessary to ensure that College and other public funds are properly handled. Employees of the College may be authorized to collect and handle funds only after authorization by the President. When funds are collected, they are to be collected, safeguarded, receipted, and otherwise handled in strict compliance with procedures prescribed by the President. Funds shall be turned in to the designated College office on the day they are collected. The Board and State law require that all funds collected be deposited in a bank no later than the next business day following the date of collection.

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## PURCHASING POLICY - BP 5.2

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*Legal Authority: NCGS 115D-58.14; NCGS 115D-58.15*

*Approval: April 19, 2011*

*Revision:*

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### **Purchasing Policy**

The purpose of this Policy is to (i) provide for the fair and equitable treatment of all persons or firms involved in purchasing by the College; (ii) assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the College; (iii) promote competition in contracting; (iv) provide safeguards for maintaining a procurement system of quality and integrity; and (v) assure that the College purchasing actions are in full compliance with applicable federal standards, System regulations, and North Carolina law. The President is directed to implement a purchasing system that complies with this Policy.

#### **Application**

Except as otherwise required by law, this Policy applies to all contracts for the procurement of supplies, services, and construction entered into by the College. It shall apply to every expenditure of funds by the College for public purchasing, irrespective of the source of funds; however, nothing in this Policy shall prevent the College from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law. The term “procurement,” as used in this Policy, includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease, or rental of supplies and equipment.

#### **Public Access to Procurement Information**

Except as limited by federal and North Carolina law, procurement information shall be a matter of public record to the extent provided in Chapter 132 of the North Carolina General Statutes and shall be available to the public as provided in that statute.

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# **BOOKSTORE, VENDING, AND FOOD SERVICE REVENUE - BP**

## **5.3**

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*Legal Authority: NCGS 115D-5(a1); NCGS 115D-58.13; 23 NCAC 02D .0312*

*Approval: April 19, 2011*

*Revision:*

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### **Bookstore, Vending, and Food Service Revenue**

The College may collect profits and commissions from bookstore, vending, and food service operations in any manner that is consistent with the regulations, mission, and purpose of the System. According to the NCGS, profits from bookstore sales shall not be used to supplement salaries of any College personnel. According to the NCAC, profits from vending facilities, vending machines, and other convenience concession activities shall not be used to supplement the salary of the President. Profits may be used in the support and enhancement of the bookstore, vending operations, and food services; for student aid or scholarships; for expenditures of direct benefit to students; and for other similar expenditures authorized by the Board, subject to rules adopted by the System.

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# ENVIRONMENTAL SAFETY AND CONSERVATION - BP 5.4

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*Legal Authority: NCGS 113A-100; NCGS 143-211; NCGS 143-215.75; NCGS 130A-310*

*Approval: April 19, 2011*

*Revision:*

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## **Environmental Safety and Conservation**

### Purpose

The Board directs the President to ensure that the College complies with all applicable federal, state, and local environmental protection requirements, to inform employees and students of their obligations to help the College protect the environment and comply with all applicable laws and regulations, and to promote environmental safety and conservation within the College community.

### College Facilities

The College's physical plant, premises, and facilities shall be adequate, safe, and sanitary and shall be in compliance with the statutory provisions and the rules and regulations of all local ordinances pertaining to fire, health, safety, and sanitation. The equipment, supplies, and instructional materials of the College shall be satisfactory and adequate in type, quality, and amount, and shall be suitable for satisfactory use in administering the course or courses of instruction. They shall also meet all requirements of statutory provisions and local ordinances, and rules and regulations adopted by the State or System in regard to fire, health, safety, and sanitation.

### Prohibited Conduct

1. General Prohibition. The Board prohibits any activity not conducted in accordance with applicable federal, state, and local environmental laws and regulations. Activities that require compliance with specific environmental laws include, without limitation:

- the production, use, handling, storage, and disposal of chemicals and hazardous materials;
- the generation, storage, treatment, transportation, and disposal of hazardous wastes;
- the maintenance of vehicles, equipment, and facilities;
- the collection, storage, disposal, and recycling of paper, cardboard, plastic containers, and other solid wastes;

- the discharge of wastewater from any equipment or process unit, or from College premises;
- the emission of air contaminants from any source on College premises;
- the use, maintenance, excavation, and handling of soils and vegetation on or from College premises; and construction, excavation, or land clearing activities.

### Permitting

The College shall obtain and maintain compliance with applicable air quality, water quality, solid and hazardous waste, land use and development, and other environmental permits and approvals required for construction, operation and use of College equipment, buildings, facilities, and property. All applicable fees associated with such permits and approvals shall be paid as required.

### Pollution Prevention

The Board recognizes that prevention of pollution serves to protect the environment, reduce costs, and conserve valuable resources. To that end, the College shall strive and continually improve its efforts to:

- minimize the types and volumes of wastes generated by College activities;
- prevent spills, leaks, discharges, releases, and emissions of chemicals and hazardous materials; and
- recycle paper, cardboard, plastics, metals and other materials used by employees and students.

### College's Response to Reports

1. Investigation: Following a report of an environmental incident or instance of apparent violation of environmental laws or this Policy, appropriate College personnel promptly will conduct an investigation into the circumstances of the incident. The President will investigate the incident and report findings to the Board.
2. Corrective/Disciplinary Action: Following the College's investigation of any apparent violation of environmental laws or this Policy, a review of the results of the investigation with the person or persons involved shall be conducted. Corrective and/or disciplinary action will be taken which may result in immediate termination of employment for employees who are determined to have engaged in prohibited or unlawful activity, and immediate dismissal from the College of students who are determined to have engaged in such conduct.

### Review of Actions

Any review desired by an employee of corrective and/or disciplinary action resulting from his or her violation of this Policy must follow the Grievance Procedure approved by the Board. Similarly, any review desired by a student of corrective and/or disciplinary action resulting from his or her violation of this Policy must follow the Student Grievance Policy approved by the Board.

## Emergency Planning and Response

1. **Planning:** The President shall be responsible for ensuring the College's compliance with the federal Emergency Planning and Community Right-to-Know Act (“EPCRA”) and Hazardous Communication (“HAZCOM”) program, and any related state and local requirements, with regard to environmental incidents and emergencies.
2. **Records:** EPCRA and HAZCOM documents shall be available during normal college business hours for review by any employee, student, or other interested person, as appropriate.
3. **Personnel, Equipment and Materials:** The College will endeavor to obtain and maintain all personnel, equipment, and materials necessary and appropriate to respond to reasonably anticipated environmental incidents and emergencies on the college premises.
4. **Cooperation with Local Emergency Response Personnel:** The College shall cooperate with local fire, police, and other emergency response personnel in planning and responding to environmental incidents and emergencies on the college premises.

## Education and Training

In particular, the College shall provide necessary and appropriate training for College employees in environmental protection, regulatory compliance, chemicals and hazardous materials handling, waste recycling and disposal, and emergency response preparedness.

## Environmental Audits

It is the Board’s goal to meet the College’s environmental obligations through a process of self evaluation and improvement. The College may conduct periodic environmental compliance audits of College operations and activities whenever deemed appropriate by the President. The purpose of the audit shall be to identify areas for improvement in the implementation of this Policy. Audits should be conducted in accordance with accepted independent environmental compliance audit standards and practices by a State or independent private auditor in cooperation with appropriate College administrative personnel and employees. Upon completion of an audit, the President will present findings and any recommendations for improvement to the Board.

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## **SECTION VI: CAMPUS SECURITY AND SAFETY**

# SAFETY POLICY- BP 6.1

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*Legal Authority: NCGS 115C-105.47; NCGS 115C-35.33; NCGS 115D-21*

*Approval: April 19, 2011*

*Revision:*

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## **Safety Policy**

The Board is committed to ensuring that the College provides a safe and secure campus environment to all students, employees, and visitors. The College must maintain adequate security for its campus and other property by providing security or law enforcement personnel, utilizing customary security measures, and complying with applicable State and federal laws and regulations. The President must ensure that this Policy is implemented the fullest extent possible according to applicable laws and regulations.

### **Annual Report**

Compliance with the Clery Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires the College to disclose certain timely and annual information about campus crime and security policies. The College shall publish an annual report that contains three years worth of campus crime statistics and certain security Policy statements including sexual assault policies that assure basic victims' rights, the law enforcement authority of campus security, and where students should go to report crimes. The report is to be made available to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. The College may publish such information on its official website if the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education pursuant to applicable federal regulations.

### **Crime Statistics**

The College must disclose crime statistics for crimes occurring on the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities pursuant to federal regulations. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have significant responsibility for student and campus activities. The College must report statistics for each of the categories required by federal regulations.

### **Access to Timely Information**

The College must provide timely warnings when the President considers a crime to pose an ongoing threat to students and employees. The College must keep a security log that records all incidents reported to the campus police or security department as required by federal regulations. The security log must be publicly available during normal business hours as required by State and federal laws and regulations.

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## **PROTECTION FROM IMMINENT THREATS - BP 6.2**

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Protection from Imminent Threats**

The College is committed to providing the best possible education for all of its students and a good working environment for all of its employees. In striving to achieve this goal, it is important to ensure the physical and emotional safety for all students, staff, and faculty members. In addition to typical safety and security concerns, the College may encounter circumstances that require immediate or extraordinary response to a threat of bodily harm to a person on the College's campus. The Board authorizes the President to exercise those powers available under State law and regulation to protect the College community from the threat of imminent bodily harm. Specifically, and without limitation, the Board authorizes the President to implement the following policies.

Denial of Admission [Effective after approval by the State Rules Commission]

The Board authorizes the President to refuse admission to any applicant if it is necessary to protect the health or safety of the applicant or other individuals. When making a health and safety determination, the President may refuse admission to an applicant where there is an articulable, imminent, and significant threat to the application or other individuals. Whenever the President refuses admission on the basis of a health or safety threat, the following must be documented:

1. Detailed facts supporting the rationale for denying admission.
2. The time period within which the refusal to admit will be effective and the supporting rationale for the designated time period.
3. The conditions upon which the applicant that is refused would be eligible to be admitted.

The President must offer the right of appeal to any person denied admission under this Policy. The appeal process must comply with applicable laws and reasonably ensure the safety of those involved.

Threat Assessment of an Existing Student or College Employee [Effective Immediately]

The President shall develop and implement a threat assessment process that will help ensure the safety of the College community. A threat assessment is a way to assess a person's particular physical, emotional and psychological well-being and help that person

receive the assistance he or she needs in order to continue being a productive member of the College community.

While some threat assessment resolutions may result in disciplinary action against the person, it is the intention of the Board that through the threat assessment process, resources and assistance can be provided to the person in such a way that the person can continue to be a part of the College community. Ultimately, the Board is committed to ensuring that the College can continue to be a friendly and safe environment for students and staff.

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## DRUGS AND ALCOHOL - BP 6.3

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Drugs and Alcohol**

The Board does not tolerate the use, possession and distribution of illegal drugs on College property or while participating in College activities wherever located. The Board directs the President to ensure that each student agrees that he or she will not possess, use, sell, distribute or be under the influence of drugs while participating in any College activity. For purposes of this Policy, the term “Drugs” includes all controlled substances listed under 12 U.S.C. § 802, 13 CFR part 1308, and Article V, Chapter 90 of the North Carolina General Statutes. The Board does not tolerate the use of alcohol by any under-aged person or any student, staff, or faculty member on any College property or while engaged in any College activity except when alcohol is served at an event sponsored by the College and approved by the President.

#### **Prohibited Conduct**

A student or employee will be subject to disciplinary sanctions, up to and including expulsion or termination, for engaging in any of the following prohibited conduct:

(1) **Drug Violations**

Engaging in the unlawful manufacture, distribution, dispensing, possession, sale, purchase, or use of any illicit drug while on the College campus, while at school or work or during his or her school or working hours, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participation in College activities.

Being under the influence of any illicit drug while on the College campus, while at school or work during his or her school or working hours, in a College vehicle or while using College equipment, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participating in College activities.

Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using an illicit drug away from the College campus in a manner that adversely affects the student's or employee's performance, his or her or others' safety at school or work, or the College's regard or reputation in the community.

If an employee, failing to report to the College a conviction for violation of any criminal drug statute in the workplace (whether entered into upon a verdict or a plea, including a plea of nolo contendere) within five days after the conviction.

“Illicit drugs” are any “controlled substances,” as defined at 21 U.S.C. §802 and listed on Schedules I through V of 21 U.S.C §812, as revised from time to time; as defined in and listed on Schedules I through VI in Article 5 of Chapter 90 on the North Carolina General Statutes, as revised from time to time; and as defined by other federal and state laws and regulations (unless the controlled substance has been prescribed and is being taken as prescribed). These are drugs which have a high potential for abuse and include but are not limited to marijuana, opiates, cocaine, amphetamines, and phencyclidine. Also included are other drugs that are illegal under federal, state, or local law; legal drugs that have been obtained illegally or are not being taken as prescribed by a licensed physician; and substances that are not intended for human consumption (such as glue).

(2) Alcohol Violations

Engaging in the unauthorized manufacture, distribution, dispensing, possession, sale, purchase, or use of alcohol while on the College campus, while at school or work or during his or her school or working hours, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participating in College activities (reasonable use of alcohol may be permitted in a business/social setting, provided the student or employee is of legal age);

Being under the influence of alcohol while on the College campus, while at school or work or during his or her school or working hours, in a College vehicle or while using College equipment, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participating in College activities; or,

Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using alcohol away from the College campus in a manner that adversely affects an employee's performance at work or adversely affects a student's or employee's or others' safety at school or work.

Students and employees also are prohibited from storing any illicit drug or alcohol in a locker, desk, or other repository owned or leased by the College without prior authorization from appropriate College officials, even if the repository is made available for a student's or employee's use.

### Enforcement

All applicable laws pertaining to alcohol consumption, including State laws relating to the sale to, purchase by, or use by underage persons of alcohol, will be enforced on the College campus. Similarly, all applicable federal, State and local drug laws will be enforced on the College campus.

### Drug and Alcohol Abuse Policy

In accordance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, as amended, the President is directed to implement a Drug and Alcohol Abuse Plan, to which all students and employees are subject. Additional information about the consequences of prohibited drug use and alcohol misuse, as well as information about the College's drug- and alcohol- abuse education programs, is contained in the plan, which shall be distributed annually to students and employees. Appropriate disciplinary action, up to and including expulsion from the College or termination of employment, as applicable, will be taken against any student or employee who violates this Policy or the plan.

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## SEXUAL ASSAULT PROGRAMS - BP 6.4

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*Legal Authority: Title VII, Civil Rights Act of 1964; NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Sexual Assault Programs**

The Board directs the President to implement a sexual assault program that will discourage sexual assault and assist victims of sexual assault. The College sexual assault plan shall include, but not necessarily be limited to, the following components:

#### **Educational Programs**

The President shall ensure that educational programs are provided to help raise the awareness of the harm that rape, acquaintance rape, and other forcible and non-forcible sex offenses inflict on the victims and the College community. The College shall participate in an annual Alcohol and Drug Awareness Week or such other educational promotions consistent with this Policy. Students, staff, and faculty members shall be encouraged to participate in these educational programs.

#### **Changes in Student's Situation Following a Sex Offense**

The President shall ensure that the College makes every reasonable and appropriate effort to assist victims of sexual assault by allowing the victim to a change in classes, a change in the student's schedule, a change in class location, time away from school, tutoring, an opportunity for make-up sessions, rescheduled examinations, and adjustments in the student's course load.

#### **Disciplinary Action**

Because of the seriousness of the accusation of sexual assault, the President shall ensure that alleged perpetrators and victims are afforded every right to which they are entitled under State and federal law. The President is authorized to coordinate the College's response to alleged sexual assault with law enforcement and the College's legal counsel.

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## **SECTION VII: INSTITUTIONAL ADVANCEMENT**

## FOUNDATIONS - BP 7.1

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Foundations**

The Board encourages the establishment of private, nonprofit corporations (also known as foundations) to support the College. The Board authorizes the establishment of the Craven Community College Foundation and the Public Radio East Foundation as private, nonprofit corporations dedicated to the enhancement of the College's educational mission. The President may assign employees to assist with the establishment and operation of such foundations and may make available to the foundations office space, equipment, supplies and other related resources. However, the sole purpose of the foundations must be to support the College. The board of directors of each foundation 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 foundation. The board of directors shall transmit to the Board a copy of the annual financial audit report of the private nonprofit corporation.

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## GIFTS AND CONTRIBUTIONS - BP 7.2

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Gifts and Contributions**

#### Policy

The Board encourages donations that contribute to the ability of the College to complete its mission. It is the Policy of the Board that the College receive the benefits of donations and gifts made to the Public Radio East Foundation or the Craven Community College Foundation (collectively, the “Foundations”). All gifts and donations, whether made to the College or the Foundations, must be of a nature that is suitable to the College's mission and goals, and the College may refuse acceptance of monetary donations or gifts of real or personal property when the President or Board determines that acceptance is not in the best interest of the College.

#### Donations of Money

Any donations of money to the College or the Foundations that are accompanied by special restrictions or conditional uses must be reviewed and approved by the President. The President may direct that the donation be accepted or declined. Also, the President may request that the Board decide the appropriateness of the donation.

#### Gifts of Personal Property

All proposals to donate personal property to the College or the Foundations shall be directed to President, who shall review the appropriateness of the donation. Examples of gifts that may not be appropriate include: equipment, cars, boats, aircraft, supplies, and gifts that are given with unusual restrictions or that may violate College policies. With the concurrence of the board of directors of the Foundation to which the gift is proposed, the President may direct that the gift be accepted or declined, or the President may request that the Board decide the appropriateness of the gift.

#### Gifts of Real Property

Gifts of real property can be valuable assets for furthering the mission of the College. Real property includes, without limitation, improved or unimproved land, personal residences, farmland, commercial property, rental property and mineral interests. In general, the College and Foundations shall utilize or dispose of all gifts of real property

as efficiently and expeditiously as possible. However, gifts of real property can create financial, legal and logistical obligations for the College, particularly if the gift is provided with the expectation or condition that the College must retain the gift for extended periods, for specific purposes, or in a specific condition. No gift of real property to the College shall be accepted without approval by the Board or, if the gift is to one of the Foundations, the gift shall not be accepted without the approval of the Foundation's Board of Directors and concurrence by the Board.

1. Gifts of real property must benefit the College in at least one of the following ways:
  - (a) Programmatic purpose: Gifts of real property may be accepted to advance the programs of the College (for example, teaching, research, and outreach) either as the location for specific programs or as long-term sources of income to support programs.
  - (b) Real property to be sold: Gifts of real property may be accepted for immediate sale or short-term retention in anticipation of sale for purposes of providing funds to support other College objectives.
  - (c) Other institutional purposes: Gifts of real property may be accepted if the gifts are determined to be valuable assets to the College for other appropriate purposes.
2. The following procedure shall be followed for determining whether real property should be accepted by the College:
  - (a) Proposal: Any proposal for the acceptance of a gift of real property must be in writing. The proposal should contain:
    - i. A description of the specific benefit to the College that supports acceptance of the gift.
    - ii. A plan for the real property's maintenance, including the source of funds for maintaining the property.
    - iii. If the real property is to be sold immediately or as soon as possible after receipt, the proposal should also include:
      1. A description of the source of funds to cover expenses incurred while holding the property until it is sold.
      2. A description of the anticipated proceeds to be realized from the sale and the proposed use of such proceeds.
  - (b) Conditions Affecting Acceptance
    - i. If the property is to be used by the College, it shall be in good physical condition. If it is not in compliance with applicable building, health, and safety codes, or requires repairs or improvements, a source of funds for the cost of bringing the property into compliance must be identified prior to acceptance.
    - ii. Prior to acceptance of the real property, the College shall take such steps as are reasonably necessary to ascertain whether or not there are any

- environmental or similar risks associated with the property, such as the presence of hazardous substances on or under the property and, if so, to determine the potential liability arising from those risks. The College may require that a Phase One environmental inspection be made at the donor's expense by a reputable, licensed environmental engineer or firm competent to advise the donor and the Foundation whether further inspections and investigations are required.
- iii. The College or either Foundation may not accept property that would jeopardize their tax-exempt status, or expose the College to expenses for which no source of funds has been identified.
  - iv. No gift of real property may be accepted until all mortgages, deeds of trust, liens and other encumbrances have been discharged.
  - v. Prior to formal acceptance, the College or Foundation as applicable shall obtain the following:
    - a. Preliminary title report covering the subject property (the title report shall reflect that title is vested in the donor in the form represented, and is subject to no claims, liabilities, or major defects of title);
    - b. A current valid appraisal performed by a qualified appraiser. The donor may be asked to pay the costs associated with obtaining any necessary final appraisal.
    - c. A list of improvements to the property;
    - d. A current list of leases, if any;
    - e. A list of encumbrances, liens, pending assessments and current expenses, if any;
    - f. A commitment for title insurance; and
    - g. A physical inspection of the property by an employee, agent of, or consultant to the College.
- (c) **Review and Recommendation:** The President shall consider all facts and circumstances pertinent to whether the College or a Foundation should accept a proposed gift of real property. The President shall recommend to the Board and, if applicable, to the Foundation's board of directors, whether the gift of real property should be accepted. No gift of real property to the College shall be accepted without approval by the Board or, if the gift is to one of the Foundations, the gift shall not be accepted without the approval of the Foundation's board of directors and concurrence by the Board.
- (d) **Accounting Systems and Procedures:** The College and the Foundations shall establish appropriate accounting systems and procedures to track and document all monetary donations and gifts of real or personal property.

### Tax Information

The College and Foundations shall provide a donor with a written confirmation of acceptance, but the College shall not appraise or estimate the value of donated personal or real property. The College and Foundations shall not provide any donor with tax advice or suggestions and guarantees regarding the tax treatment of a particular donation.

### Reports to the Board

A summary report of any acceptance of gifts of personal and real property shall be submitted to the Board at its next regular meeting following acceptance.

### Implementing Guidelines

The President is authorized to establish College procedures necessary for the successful implementation of this Policy.

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# SOLICITATION OF CONTRIBUTIONS - BP 7.3

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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## **Solicitation of Contributions**

### Purpose

The purpose of this Policy is to help ensure that the solicitation (also known as fundraising) of funds and the acceptance of donations in the name of College, any related organization, or any private, nonprofit corporation established to support the College is related to the purpose of the College, is in accordance with applicable law, and allows the College to maintain a good public image within the community.

### Requirements

Any fundraising activity or donation authorized under this Policy must be consistent with the mission, goals, and services of the College; shall not jeopardize the tax-exempt status of any private, nonprofit corporation established to support the College; and shall be consistent with applicable local, State, and federal laws, regulations, and policies.

### Coverage

This Policy covers fundraising activities by any student or employee on behalf of the College and by any private, nonprofit corporation established to support the College, such as the Craven Community College Foundation and the Public Radio East Foundation.

### Approval Process

1. Employees: Students, and Employee or Student Organizations. Employees, students, and employee or student organizations must follow the procedures required by the President for approval of any fund raising activities.

Related Organizations: The Alumni Association and each private, nonprofit corporation established to support the College will be responsible for creating their own procedures to ensure that all fund raising activities are in compliance with this Policy. All fund raising activities by these related organizations must be approved by their respective governing boards and the Board.

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## NAMING HONORS - BP 7.4

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*Legal Authority: NCGS 115D-14; NCGS 115D-15; NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Naming Honors**

The Board may honor important contributors to the College by naming any College buildings, rooms or property in honor of an individual, organization, or corporation. A naming honor will normally be associated with the receipt of a substantial financial gift or property contribution from an individual(s), organization or corporation. However, the Board may also consider significant and selfless contributions of time, leadership or service when making a naming recognition. The President is authorized to coordinate naming honor opportunities with the College's fundraising efforts and may make recommendations for naming honors to the Board. Board members who desire to initiate a naming honor will meet with the President before any public announcement that the College is considering a particular naming honor. All public announcements of a finalized naming honor shall be specifically authorized by the Board.

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# EXTERNALLY FUNDED GRANTS AND CONTRACTS - BP 7.5

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*Legal Authority: NCGS 115D-58.1*

*Approval: April 19, 2011*

*Revision:*

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## **Externally-Funded Grants and Contracts**

The Board encourages its faculty and staff to participate in externally-funded grant and contract programs that reinforce and complement the educational mission of the College. In addition, the Board recognizes the importance and benefits of professional development by faculty and staff. The College may only support or allow grants and contracts that are consistent with the mission of the College and the Bylaws and policies of the Board, and are in compliance with applicable federal and State laws, rules, and regulations. The College will not accept grants that may endanger its tax-exempt status or which cause a conflict of interest for any College employee.

The Board authorizes the President to implement a system for encouraging, monitoring, and administering College-related grants and contracts with faculty and staff. Such system shall include at least the following components:

- (1) **Voluntary Participation:** Because the College is a teaching institution and not a research institution, faculty and staff who elect to engage in research and externally-funded grants, contracts, or other external professional activities do so on a voluntary basis.
- (2) **Coordination with Other Responsibilities:** In all instances, balance must be maintained between external professional activities and the responsibility of a faculty or staff member to fulfill his or her employment obligations to the College. The needs of students must take precedence in regard to the scheduling of classes and the providing of services. Therefore, externally-funded grants, contracts, or other external professional activities must not diminish or detract from an employee's primary responsibilities or interfere with the employee's scheduled work periods, except to the extent that the President of the College may authorize the employee to be relieved or partially relieved of his or her regular duties to participate in a project for which a grant or contract has been awarded. In this event, a replacement or substitute for the employee may be retained by the College to perform the duties from which the employee has been relieved.

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## **PUBLIC ANNOUNCEMENTS AND MEDIA RELATIONS - BP 7.6**

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Public Announcements and Media Relations**

The Board desires a mutually beneficial working relationship with all media outlets and governmental agencies serving the community. The Board shall promote open communication and cooperation with community media outlets and governmental agencies. The Board and the College shall abide by all open meetings and public records laws.

The President is authorized to direct the College's media and governmental relations efforts at the direction of the Board. The President shall supervise the creation and use of the College's website, College news releases, and advertising regarding College programs, courses, events, students, employees and other functions.

Only the President or the Chair of the Board specifically authorized by a vote of the Board may represent the Board in public announcements or events. The President or any trustee speaking to the media or the public without authorization from the Board must disclose that the he or she is speaking on his or her own behalf and does not necessarily represent the official position of the College.

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**SECTION VIII: MISCELLANEOUS POLICIES OF GENERAL APPLICABILITY**

## TOBACCO PROHIBITION - BP 8.1

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*Legal Authority: NCGS 115D-20.1; NCGS 143-599*

*Approval: April 19, 2011*

*Revision:*

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### **Tobacco Prohibition**

The Board is committed to providing students, employees and the public with a safe and healthful campus environment. The use of tobacco products on the property or premises of the College's campuses is determined to be detrimental to the health and safety of students, employees and visitors.

Accordingly, the use of tobacco products shall be prohibited by students, employees and visitors in all campus buildings, facilities and vehicles owned or leased by the College, as well as on the property or grounds of the New Bern Campus and the Havelock-Cherry Point Campus except for specifically designated official smoking areas.

The advertisement, promotion, sale, or distribution on any College campus or at any College events of tobacco products, including non-tobacco merchandise promoting or advertising tobacco, shall be prohibited.

Student organizations shall be prohibited from accepting money or gifts from tobacco companies. Advertisements promoting the use of tobacco shall be prohibited from appearing in any College publications.

For the purposes of this Policy, "tobacco" means any type of tobacco product including, but not limited to cigarettes, cigars, cigarillos, pipes, bids, hookahs, smokeless tobacco or snuff of any type including spit and spitless tobacco.

Smoking shall be permitted on campus grounds only in specific, designated official smoking areas. All students, employees, students and visitors shall adhere to Policy and restrict their use of tobacco products to such designated areas while on campus.

The President is authorized to establish those College Administrative Rules necessary to ensure compliance with this Policy.

THIS POLICY SHALL BE EFFECTIVE DECEMBER 15, 2009.

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## IDENTITY THEFT - BP 8.2

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Identity Theft**

The Board directs the President to implement those Administrative Rules and College procedures necessary to protect students and College employees from identity theft, including the illegal or unauthorized use of sensitive personal information. Such Administrative Rules and College procedures shall include at least the following components:

1. Appropriate procedures to detect, investigate, and address Red Flags, as that term is defined in the Fair and Accurate Credit Transactions Act.
2. Methods to prevent and mitigate identity theft of students and College employees.

The President shall review this Policy's effectiveness at least annually.

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# INTELLECTUAL PROPERTY OWNERSHIP POLICY - BP 8.3

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*Legal Authority: NCGS 115D-19*

*Approval: April 19, 2011*

*Revision:*

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## **Intellectual Property Ownership Policy**

As a constituent member of the System, the Board encourages the creation of intellectual property that improves productivity, enhances the teaching environment, and contributes to the quality of life in North Carolina. This Policy governs the respective ownership rights of the College and all of its faculty members, staff, students, contract employees, and any other individuals officially associated with the College that receives compensation (“Covered Individuals”). This Policy shall apply to all intellectual property created (i) within the scope of employment or otherwise arising out of the participation of the Covered Individuals' activities on behalf of the College, (ii) pursuant to the terms of an agreement to which the College is a party, (iii) in conjunction with grants or contracts administered by the College or its supporting foundations, or (ii) by making Significant Use of College Resources (as defined below).

Intellectual Property. Covered Individuals routinely create intellectual property. Intellectual property as used herein shall include all forms of intellectual property, including, without limitation, all works of authorship, copyrights, programs, inventions, processes, methods, algorithms, machines, compositions of matter, coding, apparatuses, designs, or improvements created, developed, designed, originated, compiled, or produced by a Covered Individual.

Intellectual Property Ownership Standards Within Scope of Employment. As a general rule, the creator of Intellectual Property owns the Intellectual Property. Current law defines the owner as the employer when such Intellectual Property is created by employees within the scope of their employment. Therefore, as a matter of law, except as otherwise modified by this Policy or other written agreement signed by the Covered Individual and the President, all Intellectual Property created by a Covered Individual in the course of his or her employment with the College is the property of the College.

College Assignment of Rights. The Board appreciates that a fundamental principle of the College as an academic organization is to encourage the development and widest possible dissemination of scholarly work produced by members of the College community. Therefore, in an effort to encourage academic creativity and innovation, the Board agrees and hereby does assign to Covered Individuals ownership in the Intellectual Property (including books, papers, lecture notes, articles, and similar materials) created by such Covered Individual within the scope of his or her employment using College resources

that are generally available to the Covered Individual. Generally available resources include a faculty member's office, office computer, telephone (excluding long-distance charges), and library. In cases where the provisions of this Policy state that the College assigns ownership in the Intellectual Property to the Covered Individual, it is the intention that such ownership shall be assigned to the Covered Individual by operation of this Policy without requiring further action by the College.

The President shall implement those Administrative Rules appropriate to protect the College's property while also encouraging the educational process consistent with the NCGS, System guidance, and standards of the Southern Association of Schools and Colleges. Such Administrative Rules shall include at least the following components:

College Retains Ownership. The Board does not concede or assign ownership in the following situations:

1. Assigned Projects and Tasks. The College retains ownership of the Intellectual Property created by Covered Individuals as part of an assigned or commissioned project or task.
2. Agreement to the Contrary. The College retains ownership of the Intellectual Property created by Covered Individuals when the College and a Covered Individual enter into a written agreement that contains provisions for Intellectual Property ownership.
3. External College Agreements. The ownership of Intellectual Property commissioned or developed by a Covered Individual pursuant to an agreement that the College has with an entity outside of the College will be governed by the terms of such agreement. If the agreement does not specify ownership by the outside entity, ownership shall vest in the College. All such agreements must be approved in writing by the Covered Individual and the President.
4. Significant Use of College Resources. The College retains ownership of all Intellectual Property in which the College makes a significant investment in the development of the Intellectual Property through the provisions of substantial financial, personnel, technology, facilities, or other resources beyond that which is generally provided to a Covered Individual ("Significant Use of College Resources").

Intellectual Property Created by Students. Intellectual property created by a student in the course of their academic training using College resources that are generally available to all students shall be owned by the student.

Intellectual Property License Back. In consideration for the Board's assignment of rights in the Intellectual Property back to the Covered Individual, the Covered Individual must grant to the College a perpetual, irrevocable, unlimited, royalty free, and non-exclusive license to use the Intellectual Property for its own purposes. Such license shall include the right to publish, reproduce, display, transmit, adapt, prepare derivative works, distribute, perform, or otherwise make use of such Intellectual Property or portions thereof.

Intellectual Property Ownership Outside Scope of Employment. It is the policy of the College that Intellectual Property created using the Covered Individual's resources or generally available College resources on a Covered Individual's own independent

initiative outside the time, place, and scope of employment are owned by the Covered Individual. Use of such Intellectual Property by Covered Individuals within the scope of employment shall not change ownership of the Intellectual Property to the College.

Intellectual Property Updates. Covered Individual creator(s) of the Intellectual Property owned by the College have the right to update, correct, edit, or otherwise revise the Intellectual Property that becomes dated or that will be in need of revision within a particular period.

Disclosure. The Covered Individual creator(s) of any Intellectual Property shall promptly disclose to the President any Intellectual Property covered by this Policy that may be within the ownership rights of the College.

Transfer of Ownership. Where the College retains ownership of the Intellectual Property, it may, upon request, transfer ownership to the Covered Individual creator(s) of the Intellectual Property by written assignment signed by the President. In such cases, unless otherwise agreed to in writing, the College retains a perpetual, irrevocable, unlimited, royalty free, and non-exclusive license to use such Intellectual Property for its own purposes.

Third Party Materials. It is the policy of the College that all Covered Individuals comply with the requirements of law, specifically including state and federal copyright and privacy laws. Because liability may arise from incorporating into a work copyrighted material owned by third parties, and images and voices of individuals, it is the responsibility of the Covered Individual creator(s) or developer(s) to obtain in writing all permissions and releases necessary to avoid copyright infringement and invasion of the personal rights of others, regardless of the ultimate ownership of the created work.

Survival. Covered Individuals whose relationship with the College has ended shall continue to be bound by this Policy with respect to the Intellectual Property created during the Covered Individual's employment with the College.

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## ACCEPTABLE USE OF COLLEGE TECHNOLOGY - BP 8.4

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*Legal Authority: NCGS 115C-102.5; NCGS 115C-102.6; NCGS 115C-102.7*

*Approval: April 19, 2011*

*Revision:*

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### **Acceptable Use of College Technology**

The Board directs the President to implement those Administrative Rules necessary to ensure that College owned or operated computing resources are used primarily for the educational, instructional, research, and administrative computing needs of the faculty, students, staff, and other individuals authorized by the College. The Board authorizes personal use of the College's computing resources to the extent such use does not interfere with the College's official functions, increase the College's expenses, violate the College's Code of Conduct, or violate any State or federal law or regulation.

The College's computing resources include, but are not limited to, all College computers, software, and hardware, access to the any network provided through College owned or operated computers, online and offline storage, network and communications facilities, telephone systems, and cellular telephone devices. Access to these computing resources is a privilege that the President may limit or prohibit in the best interests of the College. Therefore, it is essential that all users exercise responsible ethical behavior when using the College's computing resources.

The College shall monitor access to its computing resources and reserves the right, without prior notice to users, to access the College's computing resources and to use any and all information retrieved from the computing resources. Users do not have any privacy regarding their use of the computing resources, and by accessing and using the College's computing resources, users expressly consent to such monitoring, access, and use by the College. Further, information contained on the College's computing resources may be subject to inspection under the State's Public Records Law and may be used in any internal disciplinary proceeding or criminal investigation.

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## COPYRIGHT PROTECTIONS - BP 8.5

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*Legal Authority: NCGS 115D-20*

*Approval: April 19, 2011*

*Revision:*

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### **Copyright Protections**

The Board requires all students, staff, and faculty members to comply with federal copyright law. Copyrights must be protected because they promote the creation, publication, and use of original works of the intellect. Copyright principles include both the exclusive rights of copyright owners to determine and control the uses of their works (in not-for-profit as well as commercial contexts) and certain exceptions to those exclusive rights, including the doctrine of fair use. Copyright is legal protection for creative intellectual works, which is broadly interpreted to cover just about any expression of an idea. Text, graphics, art, photographs, music, and software are examples of types of work protected by copyright. Under the copyright laws, reproduction without permission for educational purposes is allowed in only very limited circumstances.

Students, staff, and faculty members may use all or part of a copyrighted work only if (a) the user has the copyright owner's permission, or (b) the user qualify for a legal exception (the most common exception is called fair use). Use of a work is defined for copyright purposes as copying, distributing, making derivative works, publicly displaying, or publicly performing the work.

Copying, distributing, downloading, and uploading information on the Internet may infringe the copyright for that information. Even an innocent, unintentional infringement violates the law. Violations of copyright law that occur on or over the College's networks or other computer resources may create liability for the College as well as the computer user. Accordingly, violation of this Policy shall require disciplinary action up to and including expulsion and termination.

The President is authorized to implement those Administrative Rules necessary to ensure compliance with this Policy.

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## PUBLIC RECORDS - BP 8.6

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*Legal Authority: NCGS 115D-78; NCGS 115C-3*

*Approval: April 19, 2011*

*Revision:*

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### **Public Records**

The Board and the College, as a public entity supported with tax dollars, have a responsibility to be open and responsive to document requests from the public and the news media. Documents that are not a public record must not be released to the public until after approval by the President and consultation with the College's legal counsel.

In general, most of the College's day-to-day programs and activities generate public information. How the college is structured, how it operates, statistics about the student body, faculty or physical facilities are all public information. Most reports, policies, budget information, and college committee minutes are public information. In addition, certain personnel information listed below is public information.

Some information shall not be public. Such information includes, but is not limited to:

1. College employees' personnel records: Most of an individual's personnel record is confidential under the State Personnel Privacy Act, but the act generally requires the release of the following information about any employee: name, age, date of original employment or appointment to state service, current salary, date and amount of most current increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification, and office or station to which the employee is currently assigned.

College students' academic, medical and counseling records: State law requires that medical and counseling records be kept confidential, and the federal disabilities law requires confidentiality for medical information provided in connection with the Americans with Disabilities Act ("FERPA"). In addition, the Federal Family Educational Rights and Privacy Act restricts information that can be released about a student, but allows the release of what basic directory information unless the student files a request that it not be released. Before releasing this information about any student, the faculty or staff member receiving the request must confirm that the information is disclosable and that the student has not requested that it be withheld. Students may voluntarily release any part of their academic record, but such release must be made in writing signed by the student. FERPA also allows information about drug and alcohol violations of students under the age of 21 to be released to their parents or legal guardians. If a student is found guilty in a campus disciplinary

proceeding of an act of violence or sex offense, FERPA allows release of the student's name, the violation committed, and the College sanction imposed.

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## CAMPUS ACCESS AND PUBLIC EXPRESSION - BP 8.7

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*Legal Authority: NCGS 115D-20*

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*Revision:*

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### **Campus Access and Public Expression**

The Board is committed to providing educational opportunities to its students and others in the College community and believes that public expression can play an important role in accomplishing the College's mission. Thus, the Board endorses free speech and association in those areas of College premises that are open to public expression. The College shall not deny or grant any request in violation of the requestor's free speech rights. However campus access and public expression shall be subject to reasonable time, place, and manner limits.

A grant of access to any particular individual or group does not mean that the Board or the College endorses the beliefs, practices, or views expressed by that individual or group. The Board prohibits any non-College individuals and groups from stating, implying, or suggesting in any manner that they are endorsed by or associated with the College. Such individuals or groups are prohibited from stating or implying that the content of any publication, announcement, or other form of expression made on the College's premises has been approved by or is associated with the College. Posting of publications, handouts, or flyers as well as public assembly, presentations, and solicitations must be conducted according to this Policy.

Nothing in this Policy prohibits the President from barring solicitation, handouts, assemblies or public addresses in campus areas that are not public forums. Areas not traditionally open to the public for speech or other access, such as office space and classrooms, are limited to official College uses. The President may rescind approval for on-campus activity for any organization or person that violates this Policy.

The President is authorized to implement those Administrative Rules necessary to implement this Policy in order to protect free speech while ensuring that the College adheres to its educational mission.

#### **Access to College Premises for Public Expression**

The President shall implement a system for granting access to College facilities to students, other members of the College community and the public consistent with Board policies, System regulations, and applicable laws. The President may deny access to those who have previously damaged or otherwise abused College facilities or property;

or, have previously materially interfered with the work or educational activities of the College.

#### Public Assemblies, Presentations, and Solicitations

The Board authorizes public assemblies, presentations, and solicitations that are not sponsored by the College only in (i) the lobby of the Institute of Technology, (ii) the lobby of Orringer Hall, and (iii) other public areas that the President determines are appropriate for such an assembly, presentation, or solicitation. All public assemblies, presentations, and solicitations must obtain prior permission from the College, and such permission will be subject to reasonable time, place, and manner limits. Any individual or group that wishes to conduct an assembly, presentation, or solicitation must apply to the College for authorization to conduct such action.

#### Waiver

The President may waive an application requirement required by this Policy for good cause, provided that such waivers are documented in writing and based on neutral criteria and not on the content of the event or the viewpoint of the sponsors.

#### Compliance with Applicable Laws and Regulations

Permission to access areas of College premises that are open to public expression or posting is contingent upon compliance by the individual or group requesting access with all applicable federal, state, or local laws, rules, or regulations. Under no circumstances may College premises be used for any illegal activity.

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