

Procedure 1.1.1 Board of Trustees and Governance: By Laws

TRI-COUNTY	BOARD OF TRUSTEES AND	PROCEDURE
COMMUNITY COLLEGE	GOVERNANCE	1.1.1
	BY LAWS	

The following are the official By Laws for the Tri-County Community College Board of Trustees.

Tri-County Community College Board of Trustees By Laws

Article I: Responsibility and Membership

Section 1: Jurisdiction and Responsibility

- (a) The Board of Trustees of Tri-County Community College is a body corporate established by an act of the North Carolina General Assembly (Chapter 115D-14, General Statutes of North Carolina), and it possesses all of the powers of a body corporate for the purposes created by or that may exist under provisions of the law. (GS 115D-14)
- (b) The Board of Trustees has the responsibility for the development and operation of the College in accordance with the provisions of the law and the standards of the State Board of Community Colleges.
- (c) The official title of the Board of Trustees, and the corporate name of the Institution, shall be "The Board of Trustees of Tri-County Community College."
- (d) Under the law, the Board of Trustees shall hold title to all real and personal property donated to the College or purchased with funds provided by the tax levying authorities.

Section 2: Membership

- (a) The Board shall consist of thirteen members in three groups. The eight trustees in Group One shall be elected by the Cherokee County Board of Commissioners. The four Trustees in Group Two shall be appointed by the Governor. Group Three consists of the President of the Student Government Association who will be an ex officio, non voting member of the Board of Trustees. (G.S. 115D-12)
- (b) The terms of the members of the Board shall be as ratified in House Bill 555, Chapter 521, section 115D-13. "The regular terms of trustees appointed in 1981 and trustees appointed in 1987 shall be extended for one year. Except for the one-year extension of terms set forth in subsection (a) and for the ex officio member as the terms of trustees currently in office expire, their successors shall be appointed for four-year terms. All terms shall commence on July 1 of the year." (G.S. 115D-13)

- (c) All trustees shall be residents of Cherokee, Clay, or Graham, or of counties contiguous thereto within North Carolina with the exception of members provided for in group three. (G.S. 115D-12)
- (d) Vacancies occurring in any group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select the trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within sixty (60) days after the date on which a vacancy occurs, whether by creation or expiration of a term for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term. (G.S. 115D-12)
- (e) Should the State Board of Community Colleges have sufficient evidence that any member of the board of trustees of an institution is not capable of discharging, or is not discharging, the duties of his office as required by law or lawful regulations, or is guilty of immoral or disreputable conduct, the State Board shall notify the chairperson of such board of trustees, unless the chairperson is the offending member, in which case the other members of the board shall be notified. Upon receipt of such notice, there shall be a meeting of the board of trustees for the purpose of investigating the charges, at which meeting a representative of the State Board of Community Colleges may appear to present evidence of the charges. The allegedly offending member shall be given proper and adequate notice of the meeting; and the findings of the other members of the board shall be recorded, along with the action taken, in the minutes of the board of trustees. If the charges are, by an affirmative vote of two-thirds of the members of the board, found to be true, the board of trustees shall declare the office of the offending member to be vacant. (G.S. 115D-19)

Nothing in this section shall be construed to limit the authority of a board of trustees to hold a hearing as provided herein upon evidence known or presented to it. A board of trustees may declare vacant the office of a member who does not attend three consecutive scheduled meetings without justifiable excuse. The board of trustees shall notify the appropriate appointing authority of any vacancy. (G.S. 115D-19)

Section 3: Office of Record

The Board shall maintain its office of record at Tri-County Community College.

Article II: Officers and Their Duties

Section 1: Election and Term of Office

- (a) The corporate officers of the Board of Trustees shall be the Chairperson, the Vice Chairperson, and the Secretary.
- (b) The Chairperson and Vice Chairperson shall be elected by the Board of Trustees from its membership.

- (c) The Secretary, who need not be a member of the Board of Trustees, shall be elected by the Board.
- (d) The Chairperson, Vice Chairperson, and the Secretary shall be elected for a period of one year, but shall be eligible for re-election by the Board.
- (e) The President of the College shall be the executive officer of the Board, and he/she shall serve at the pleasure of the Board.

Section 2: The Chairperson of the Board of Trustees

- (a) The Chairperson shall appoint the members of and serve as an ex-officio voting member of all committees of the Board, preside at all meetings of the Board, call meetings of the Board, and discharge all other functions delegated to him/her by the Board.
- (b) The Chairperson shall vote only to break a tie vote.

Section 3: The Vice Chairperson of the Board of Trustees

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

Section 4: The Secretary of the Board of Trustees

- (a) Upon the recommendation of the Chairperson of the Board, the Board shall elect a secretary.
- (b) The Secretary shall:
 1. Keep complete and accurate records of the proceedings of the Board.
 2. Have custody of the corporate seal of the Board, affix it to official documents, and attest same by his/her signature.
 3. Have custody of all official records and documents of the Board.
 4. Prepare and maintain an indexed compilation of all bylaws and amendments thereto, a copy of all policies, procedures, and regulations of the Board and all amendments thereto.
 5. Issue, upon direction by the Chairperson, notice of all meetings of the Board to members of the Board and to the President of the College.

Section 5: The President of the College

- (a) The President shall be qualified, by training, experience, habits, and philosophy, to develop and maintain a comprehensive institution of high quality in accordance with State law and regulations and sound public education theory and practice.

- (b) The President shall attend and participate, without vote, in all meetings of the Board of Trustees, except where his/her absence is expressly desired or when the Board is in executive session.
- (c) The President shall be responsible for all administrative and managerial aspects of the development and operation of the College.
- (d) The President shall submit recommended policies and public policy decisions to the Board when requested to do so by the Board or when he/she deems it to be consistent with the mission of the College.
- (e) The President shall recommend, in the following broad fields, all educational programs and co-curricular programs which he/she deems to be in the best interests of the citizens of Cherokee, Clay, and Graham counties and of the State of North Carolina, which are educationally and financially feasible and which are not in conflict with the requirements of the Statutes or the standards of the State Board of Community Colleges or the mission of the College.
 - 1. Organized curricula for the preparation of technicians.
 - 2. Courses and curricula in vocations, trade, and technical specialty areas.
 - 3. Courses and programs in occupational and general adult education, college transfer and general education curricula.
- (f) The President shall appoint lay-advisory committees for particular programs of the College where needed.
- (g) The President shall advise the Board on the planning, construction, and modification of physical facilities.
- (h) The President shall advise the Board on the financial and budgetary needs of the College.
- (i) The President shall discharge any other functions which the Board may delegate to him.

Article III: Powers and Duties of Trustees

- (a) The Board of Trustees shall: (G.S. 115D-20)
 - 1. Elect a President or Chief Administrative Officer of the College for such term and under such conditions as the trustees may fix, such election to be subject to the approval of the State Board of Community Colleges. Elect or employ all other personnel of the College upon nomination by the President or Chief Administrative Officer, subject to the standards established by the State Board of Community Colleges.
 - 2. Evaluate the President or Chief Administrative Officer on a regular annual schedule.

3. Ensure a regular review of the College's mission and approve any changes to the College's mission statement.
 4. Purchase all land required for the College site, and right-of-ways, which shall be necessary for the proper operation of the College, when such site has been approved by the State Board of Community Colleges, and if necessary, to acquire land by condemnation in the same manner and under the same procedures as provided in Article 2, Chapter 40, of the General Statutes. (For the purpose of condemnation, the determination of the Board as to the amount of land to be taken and the necessity thereof shall be conclusive.)
 5. Apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges.
 6. Receive and accept private donations, gifts, bequests, and the like and to apply them or invest any of them and apply the proceeds for the purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of State law and the regulations of the State Board of Community Colleges.
 7. Provide all or part of the instructional services for the institution by contracting with other public or private educational institutions of the State, according to regulations and standards adopted by the State Board of Community Colleges.
 8. Establish and disestablish programs of instruction with the College.
 9. Require the execution of such studies and take such steps as are necessary to insure that the functions of the College are always those which are most helpful and feasible in light of the resources available to the College.
 10. Recommend and adopt current income, expense, and local and Capital Outlay Budgets.
 11. Enact policies that will encourage professional growth of the administrative staff and faculty through continued education and training.
 12. Protect the College from undue influence by external persons or bodies.
 13. Evaluate its responsibilities, expectations, and performance on a regular basis.
 14. Perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations, and bylaws for the government and operation of the College under the law and for the discipline of students.
- (b) If necessary, an appropriate committee of the Board of Trustees shall hear appeals consistent with the standards established in the College's policies and procedures.

- (c) No individual trustee may act on behalf of the Board of Trustees, or on behalf of the College, unless specifically authorized to do so by vote of the Board, acting as a *body corporate* in accordance with Community College Laws of North Carolina.

Article IV: Committees

Section 1: Types of Committees and Method of Appointment

The Board will act as a committee as a whole on all matters pertaining to Tri-County Community College except when it deems it necessary for an ad hoc or special committee to be appointed. The Chairperson shall appoint the members of all ad hoc or special committees.

The Chairperson shall appoint standing committees as deemed necessary. These committees will consist of, but not be limited to the following:

- Building and Grounds
- Finance
- Student Services
- Personnel

The Chairperson also will have ad hoc or special committees appointed when deemed necessary by the Board.

Section 2: Limitation of Authority of Committees

In general, no committee of the Board may act for the Board in any matter, unless specifically authorized to do so, in each instance, by vote of the full board or an appropriate quorum thereof. If the Board in regular or special meeting authorizes a committee to act on a matter referred to it, the chairperson of the committee shall report within a reasonable time to the Board in writing the action taken, and the action of the committee shall be deemed concluded; otherwise, committee action shall be reported as a recommendation for consideration and action by the Board at a regular or special meeting.

Article V: Meetings

Section 1: Regular Meetings

The regular meetings of the Board shall be held every other month, unless the Board shall fix another time and/or place of meeting. (G.S. 115D-18)

Section 2: Special Meetings

- (a) The time, place, and purpose(s) of special meetings may be fixed by the Chairperson or by the President.

- (b) The business to be transacted at any special meeting of the Board shall be confined to such matters as have been specified in the call to members and officers of the Board.

Section 3: Notice of Meetings

Members and officers of the Board and the President shall be notified in writing by the Secretary of the time and place of all meetings and the purpose(s) of special meetings at least seventy-two hours in advance of meetings.

Section 4: Quorum

Seven members of the Board of Trustees in actual attendance at meetings shall constitute a quorum for the transaction of business. No business shall be transacted without an affirmative vote of at least four members of the Board.

When electing a president of the College and/or when establishing or disestablishing curricula or academic programs of the College, a majority vote of all members of the Board (seven affirmative votes) shall be required.

Section 5: Agenda

The President of the College will provide the Chairperson with a list of those items to be presented to the Board with his/her recommendations and, where appropriate, with thirteen (13) copies of any documents to be presented as information or for action by the Board. The Chairperson shall receive agenda items from the President, Board members, and from other sources at least four days prior to the meeting for which they were prepared.

Section 6: Order of Business

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

- (a) Consideration of the regular agenda, including the Ethics Awareness and Conflict of Interest Disclosure
- (b) Consideration and disposition of the minutes.

Section 7: Parliamentary Rules

ROBERTS RULES OF ORDER shall be followed in conducting the meetings of the Board unless otherwise provided by the Board.

Section 8: Individual or Group Hearings

Any individual or organized group who desires to appear before the Board shall state in writing the purpose of such appearance and the name of each person who is to appear as a spokesman.

The statement shall be filed with the Chairperson at least seven days in advance of the meeting at which the appearance is desirable in order that it may be included in the agenda for the meeting.

Article VI: Administration of Tri-County Community College

Section 1: Coordination Within the College

All unreasonable duplication of programs and services of the College and all waste shall be avoided. The College shall provide to the citizens of Cherokee, Clay, and Graham counties and the State of North Carolina educational programs of high quality only on the basis of justified need. Programs which are appropriate to a comprehensive college or may be authorized to serve the needs of all or any combination of the following groups, among others:

- (a) High school dropouts who seek occupational training.
- (b) High school dropouts eighteen years of age or older or those who have special permission who desire to complete high school.
- (c) Adults who desire high school review.
- (d) High school or high school equivalency graduates who seek to complete an Associate Degree program.
- (e) Adults who seek non-degree occupational training.
- (f) Adults, employed or unemployed, who desire retraining.
- (g) Adults, employed or unemployed, who desire to upgrade their skills or who need refresher instruction in their fields.
- (h) Adults who seek occupational training.
- (i) Adults who are interested in education instructional services and who do not desire credit.
- (j) Groups within the community who need short courses for specific purposes.
- (k) Adults who need instruction to remove literacy deficiencies.
- (l) High School students who wish to participate in the concurrent enrollment with the College.

Section 2: The President of the College

- (a) The President shall have full authority and responsibility for the operation of the College under the policies and rules and regulations of the Board and of the State Board of

Community Colleges within the budgets approved by the Board. The President shall be elected by the Board of Trustees and shall hold office at the pleasure of the Board.

- (b) The Board shall at all times exercise its control of the College through the President.
- (c) The President shall recommend persons to be granted educational leave of absence by the Board, subject to policies on educational leave adopted by the State Board of Community Colleges.
- (d) The President shall have the initiative in shaping and maintaining the educational policies of and the character of the College, and he/she shall recommend changes to be made in the programs and services to be provided.
- (e) The President shall recommend the items to be included in the current expense budget and the capital outlay budget.
- (f) The President shall make a report to the Board of Trustees at each regular meeting on the development and operation of the College, with both immediate and long-range recommendations.
- (g) The President shall be responsible for and exercise control over the institution's fundraising activities. As such, the President may receive and accept private donations, gifts, bequests, and the like on behalf of the Board of Trustees.

Section 3: Interim Presidency

In the event of the President's serious disability, death, resignation, dismissal, or prolonged absence from his/her post, the Board shall appoint a president from among the senior administrators to serve as acting president until the Board has selected a temporary or permanent president.

Section 4: Personnel

It shall be the purpose of the Board of Trustees at all times to insure that all employees of all classifications in the College shall be of such character, habits, philosophy, and competence that their influence upon the students, each other, and upon the various publics of the College is wholesome and constructive. Only the Board of Trustees may grant educational leave for full-time professional personnel of the College subject to educational leave policies of the State Board of Community Colleges. The Secretary of the Board is to adequately inform the Board of existing policies of the State Board of Community Colleges pertaining to leave at the time such leave is applied for.

Section 5: Academic Freedom and Responsibility

Tri-County Community College is dedicated to the dissemination of knowledge, the engendering and development of skills, competencies and understandings, and to the nurture of those personal and intellectual habits and attitudes which are peculiar to responsible individuals in a free, open, democratic society. The Board of Trustees, therefore, shall guarantee and protect academic

freedom in the College. The Board shall likewise require the exercise of responsible judgment on the part of personnel of the College as they exercise academic freedom in accomplishing the objectives of the College.

Tri-County Community College is an equal opportunity college and in keeping with this policy, recognizes its responsibility for the development of Equal Employment Opportunities that do not discriminate against employee, student, or applicant on the basis of race, color, religion, sex, age, handicap, or national origin.

Article VII: Policies, Rules, and Regulations

Section 1: General Provisions

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

Section 2: Notification and Publication

The Secretary of the Board of Trustees shall be responsible for providing to each member of the Board and the President a copy of all current Board bylaws, policies, rules, and regulations.

Article VIII: Adoption and Amendment

Section 1: Adoption

- (a) The Bylaws of the Board of Trustees shall be presented to the membership at a regular meeting at least one month prior to their adoption.
- (b) By an affirmative vote of a majority of the members, the Board may adopt the bylaws.

Section 2: Amendment

- (a) The Board of Trustees may amend the bylaws by an affirmative vote of a majority of the members.
- (b) A proposed amendment shall be presented to the Board in writing at a regular meeting one month prior to its being voted upon.
- (c) If the Chairperson deems it necessary, the proposed amendment may be referred to a standing committee or an ad hoc committee for further study. The committee is not empowered to table the proposed amendment, but rather to make recommendations pertaining to it. The

proposed amendment shall be voted upon at the next regular meeting, following its initial presentation.

Policy Adopted: 5/24/18 BOT

By Laws Adopted: 5/24/18 BOT

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