

## Requirement 2.2

### Governing Board

The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from it. Both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, or personal or familial financial interest in the institution.

A military institution authorized and operated by the federal government to award degrees has a public board on which both the presiding officer and a majority of the other members are neither civilian employees of the military nor active/retired military. The board has broad and significant influence upon the institution's programs and operations, plays an active role in policy-making, and ensures that the financial resources of the institution are used to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from the board except as specified by the authorizing legislation. Both the presiding officer of the board and a majority of other voting board members are free of any contractual, employment, or personal or familial financial interest in the institution.

### Judgment

Compliant  Partial Compliance  Non-Compliant  Not Applicable

### Narrative

Haywood Community College (HCC) is in compliance with Core Requirement 2.2.

Haywood Community College has a governing board, officially recognized as "The Board of Trustees of Haywood Community College," serving as a body corporate established by an act of the North Carolina General Assembly ([Body Corporate, Chapter 115D-14 of the North Carolina General Statutes](#)).

### Membership

Currently, 13 members sit on the HCC Board of Trustees ([List of BOT Members with Dates of Term of Office](#)). [Chapter 115D-12 \(Selection of Trustees\) of the North Carolina General Statutes](#) provides the mechanism for the appointment of trustees:

- Four trustees appointed by the Governor of North Carolina
- Four trustees elected by the Haywood County Commissioners
- Four trustees elected by the Haywood County Board of Education
- HCC Student Government Association President (serves as an ex-officio, non-voting member).

### Powers and Duties

The HCC Board of Trustees possess all the powers of a body corporate created by or under provisions of the laws of the State of North Carolina ([Article III. Powers and Duties of the Board of Trustees, Board of Trustees By-Laws, p. 5](#)) ([Chapter 115D-20: Powers and Duties of the Board, North Carolina General Statutes](#)) ([NC General Statute 115D-14](#)). These responsibilities include, but are not limited to, the power to:

- enable the Board to acquire, hold, and transfer real and personal property

- institute and defend legal actions and suits
- exercise such other rights and privileges as may be necessary for the management and administration of the local college and for carrying out all the applicable provisions and purposes of Chapter 115D of the North Carolina General Statutes (as referenced above).

The HCC Board of Trustees is not controlled by a minority of the board members or by organizations or interests separate from it. Neither the President nor any of the members of the Board of Trustees have contractual, employment, personal, or familial financial interest in the institution pursuant to [NC General Statutes Chapter 115D-26, Conflict of Interest](#)) and to [NC General Statutes Chapter 14-234 , Public Contracts](#)) of the North Carolina General Statutes. Additionally trustees are governed by the NC Ethics Law and have non-conflict summaries on file with the [NC Ethics Commission Requirement for Board of Trustee Members](#). In accordance with the Ethics Law, a no-conflict statement is read and noted at the beginning of Board of Trustee meetings ([NC Commission Ethics Statement](#)) ([HCC Board of Trustees Minutes reflecting reading of statement: March 13, 2007, p.1; April 10, 2007, p. 1](#)).

Table 1 lists each of the HCC Trustees, place of employment, and ruling of the NC State Ethics Commission on the conflict or potential conflict, if any, with the organization. The findings of the Ethics Commission, presented as "Evaluation of Statement of Economic Interest" are presented to the Board of Trustees by the Board Chairperson ([HCC Board Minutes, December 13, 2007, p. 1](#)), and trustees are called to excuse themselves from taking action on any item that might present the potential for conflict. The evaluation of the College President found no conflict or potential of conflict ([NC State Ethics Commission Letter listing ethics of each board member and approval](#)).

Table 1. Trustees, Employment, and Ethics Ruling.

Board Member	Employer	Interest in College NC State Ethics Commission
Peggy C. Melville	Home Trust Bank	Meets criteria of NCGS115D-26 <b>Ethics:</b> No actual conflict of interest, but found a potential for conflict of interest.
Mark Bumgarner	Ray, Bumgarner, Kingshill & Associates, PA	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict of interest, but found a potential for conflict of interest.
Lynne Barrett	Self-Employed Licensed Psychologist	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict of interest, but found a potential for conflict of interest.
	Owner, WNC	Meets criteria of NCGS115D-26

Charles Boyd	Landscaping	<b>Ethics:</b> No conflict or potential of conflict
R. Neal Ensley	Engineer Arrowhead Engineering & Surveying, Inc.	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict of interest, but found a potential for conflict of interest.
Donna Forga	Attorney	Meets criteria of NCGS115D-26 <b>Ethics:</b> Have not received documentation
Ellene Francis	Retired Fruit Farmer	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict of interest, but found a potential for conflict of interest.
Randy Herron	Herron Surveying	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict or potential of conflict
Deborah Hyatt	Retired Nurse	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict or potential of conflict
Robert Morris	Blue Ridge Glass	Meets criteria of NCGS115D-26 <b>Ethics:</b> Have not received documentation
Steve Sorrells	Owner, Cold Mountain Nursery	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict of interest, but found a potential for conflict of interest.
James Stevens	Retired Public School Administrator	Meets criteria of NCGS115D-26 <b>Ethics:</b> No conflict or potential of conflict
Amanda Wilkinson	HCC SGA President	Meets criteria of NCGS115D-26 <b>Ethics:</b> College Student – not required to









		file conflict of interest statement
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The Board meets every month except January ([Annual Calendar of Board Meetings](#)). The agendas for Board meetings are appropriate and within the guidelines of their duties. Board meeting agendas and minutes provide evidence that the Board is an active policy-making body of the College and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program.

The following Board Minutes are listed as examples for review:

- [Agenda and Board Minutes, 051005, p. 2](#)
- [Agenda and Board Minutes, 052306, p. 4](#)
- [Agenda and Board Minutes, 100907, p. 4](#)
- [Agenda and Board Minutes, 041205, p. 4](#)

## Supporting Documents

 <a href="#">4 2007 April</a>
 <a href="#">Bd_Mins_121307</a>
 <a href="#">May 2005</a>
 <a href="#">May 2006</a>
 <a href="#">3 2007 March</a>
 <a href="#">Annual Calendar Trustees 2007-2008</a>
 <a href="#">Bd_Mins_041205</a>
 <a href="#">Bd_Mins_100907</a>
 <a href="#">Bd_Mins_121307</a>
 <a href="#">Ethics-Reminder</a>
 <a href="#">Ethics_Letters</a>
 <a href="#">GS_14-234_ethics_requirements_forBOT</a>
 <a href="#">List_Bd_Trustees_090607</a>
 <a href="#">NCGS 115D-14 Board_powers</a>
 <a href="#">NCGS_115D-12_Selection_Trustees</a>
 <a href="#">NCGS_115D-20_Powers_Duties_Trustees</a>
 <a href="#">NCGS_115D-26_Conflict_of_Interest</a>
 <a href="#">NCGS_14-234_Benefiting_from_Public_Contracts</a>
 <a href="#">nc_ethics_act</a>
 <a href="#">Trustees_Statement_Ec_Interest</a>
 <a href="#">BOT_By-Laws_0208 (page 5)</a>