

HAYWOOD COMMUNITY COLLEGE

BOARD OF TRUSTEES

BY-LAWS

(Revised December 1991)
(Committees Revised April 13, 2000)

ARTICLE I. RESPONSIBILITY AND MEMBERSHIP

Section 1. Jurisdiction and Responsibility

- (a) The Board of Trustees of Haywood Community College is a body corporate established by an Act of the North Carolina General Assembly (Chapter 115-D, 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.
- (b) The Trustees have the responsibility for the development and operation of the College in accordance with the provisions of the law and the policies of the State Board of Community Colleges.
- (c) The official title of the Trustees, and the corporate name of the institution, shall be "The Trustees of Haywood Community College."
- (d) Under the law, the 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 trustees shall consist of thirteen members in three groups of four Trustees each plus the President of the Student Government Association who serves as an ex-officio, non-voting member. The four Trustees in Group One shall be elected by the Haywood County Board of Education. The four Trustees in Group Two shall be elected by the Haywood County Board of Commissioners. The four Trustees in Group Three shall be appointed by the Governor of North Carolina.
- (b) The terms of the members of the Trustees shall be set by the selecting agencies that the term of a member in each group shall expire on June 30 of every other year, the shortest term to expire on June 30 of the next odd-numbered year following the date the Trustees were established. Thereafter, all terms shall be four* (4) years and shall commence on July 1, with the exception of the Student Government Association President who serves for his/her term of office as Student Government President.
- (c) All Trustees shall be residents of Haywood County.
- (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.
- (e) Trustees may be removed for cause as stated in Public Law 115D-17.
- (f) Trustees shall receive no compensation for their services but shall receive reimbursement, according to regulations adopted by the State Board of Community Colleges, for cost of travel, meals, and lodging while performing their official duties.

* As required by Community College Laws B 115-D-13, amended April 1985.

Section 3. Office of Record

The Trustees shall maintain their office of record in the Haywood Community College.

ARTICLE II. OFFICERS AND THEIR DUTIES

Section 1. Election and Term of Office

- (a) The corporate officers of the Trustees shall be the Chairman, the Vice-Chairman, and the Secretary.
- (b) The Chairman and the Vice-Chairman shall be elected by the Trustees from their membership.
- (c) The Secretary, who need not be a member of the Trustees, shall be elected annually by the Trustees.
- (d) The Chairman and Vice-Chairman shall be elected for a one-year term and shall serve no more than two terms consecutively.
- (e) The President of the College shall be the executive officer of the Trustees and shall serve initially for a two-year term, and thereafter at the pleasure of the Trustees.
- (f) Election of officers shall be held each year at the November meeting.

Section 2. The Chairman of the Trustees

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

Section 3. The Vice-Chairman of the Trustees

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

Section 4. The Secretary of the Trustees

- (a) Upon the recommendation of the Chairman of the Trustees, the Trustees shall elect a Secretary.
- (b) The Secretary shall:
 - (1) Keep an accurate record of the proceedings of the Trustees.
 - (2) Have custody of the corporate seal of the Trustees, affix it to official documents, and attest same by his signature.
 - (3) Have custody of all official records and documents of the Trustees.
 - (4) Prepare and maintain an indexed compilation of all by-laws and amendments thereto, a copy of all policies, procedures, and regulations of the Trustees and all amendments thereto, the whole of which shall be known as the Operating Manual of the Trustees of Haywood Community College.
 - (5) Issue, upon direction by the Chairman, notice of all meetings of the Trustees to members of the Trustees 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 Community college of high quality in accordance with State law and regulations and sound public educational theory and practice.
- (b) The President shall attend and participate, without vote, in all meetings of the Trustees, except where his absence is expressly desired or when the Trustees are 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 Trustees when requested to do so by the Trustees or when he deems it to be in the best interests of the College to do so.
- (e) The President shall recommend, in the following broad fields, all educational programs and co-curricular programs which he deems to be in the best interest of the citizens of Haywood County and of the State of North Carolina, which are not in conflict with the requirements of the Statutes or the standards and policies of the State Board of Community Colleges:
 - (1) Organized curricula for the preparation of technicians;
 - (2) Courses and curricula in vocational, trade and technical specialty areas;
 - (3) Courses and programs in general and adult education.
- (f) The President shall appoint lay advisory committees for particular programs of the College where needed. He shall consult with the Executive Committee of the Trustees before appointing such lay advisory committees.
- (g) The President shall advise the Trustees on the planning, construction, and modification of physical facilities.
- (h) The President shall advise the Trustees on the financial and budgetary needs of the College.
- (i) The President shall discharge any other functions which the Trustees may delegate to him.

ARTICLE III. POWERS AND DUTIES OF THE TRUSTEES

- A. The Trustees shall:
 - 1. Establish the basic qualifications for and appoint a President for such term and under conditions as it may fix, such election to be subject to the approval of the State Board of Community Colleges.
 - 2. Provide for the employment of the personnel required for the operation of the College upon nomination by the President, subject to standards established by the State Board of Community Colleges.
 - 3. Purchase all land required for the College, the rights-of-way, 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 Trustees as to the amount of land to be taken and the necessity therefor shall be conclusive.

4. Apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges.
 5. Receive and accept private donations, gifts, bequests, and the like and to apply them or invest any of them and apply the proceeds for the purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of State law and the regulations of the State Board of Community Colleges.
 6. Provide all or part of the instructional services for the 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.
 7. Establish and disestablish programs of instruction within the College.
 8. Require the execution of such studies and take such steps as are necessary to ensure that the functions of the college are always those which are most helpful and feasible in light of the resources available to the College.
 9. Adopt and recommend current expense and capital outlay budgets.
 10. To perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations, and by-laws for the governmental operation of the College under the law and for the discipline of students.
- B. An appropriate committee of the Trustees shall hear appeals from personnel in the College, including students and applicants for admission to particular programs of the College, provided that the appeals are made under the rules and regulations prescribed by the Trustees. Any such appeal shall be presented to the Chairman who shall refer it to the standing committee involved or to a special committee.

ARTICLE IV.

COMMITTEES

Section 1.

Types of Committees and Methods of Appointment

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

Section 2.

Limitation of Authority of Committees

If the Trustees, in regular or special meeting, authorize a committee to act on a matter referred to it, the chairman of the committee shall report within a reasonable time to the Trustees 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 Trustees at a regular or special meeting.

Section 3.

The Executive Committee of the Trustees - Abolished 4/13/00

Executive Committee shall have control and direction of all officers and committees of the Trustees and of the College. The Chairman of the Executive Committee may call meetings of the Committee at any time with reasonable notice. At each meeting of the Trustees, the Executive Committee shall submit a full report of its activities since the last meeting of the Trustees, with such suggestions and recommendations as it shall deem expedient for the best interests of the College. The Executive Committee may, at any time, request the counsel of the members of the Trustees before making a decision even when the Committee is authorized to act.

Section 4. Committee on Buildings and Grounds.

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

- (a) To carry out, or require to be carried out, studies relating to sites, buildings, and grounds.
- (b) To recommend to the Trustees, after consultation with the President, the College's campus planner and architect.
- (c) To recommend for inclusion in all planning, architectural, and construction contracts all appropriate provisions for the protection of the interest of the College.
- (d) To recommend to the Trustees, after consultation with the President, a long-range campus plan and architectural plans for all construction.
- (e) To make recommendations to the Trustees, after consulting with the President, regarding the immediate and long-range buildings and facilities needs of the institution.
- (f) To recommend to the Trustees the call for bids on institutional construction and the awarding of contracts.
- (g) To make recommendations to the Trustees, after consultation with the President, regarding plans and programs of maintenance of the campus and its property and regarding the beautification of the campus.
- (h) To recommend to the Trustees adequate insurance coverage of buildings and their contents and for other facilities.
- (i) To recommend to the Trustees the securing or granting of easements and rights of way.

The Committee on Buildings and Grounds shall have such other functions, regular and special, as the Trustees may authorize.

Section 5. Committee on Finance

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

- (a) To make recommendations to the Trustees regarding the fiscal policies of the College.
- (b) To receive, study, and recommend to the Trustees, with such modifications as it deems appropriate, the President's recommended budgets for current operations and capital outlay.
- (c) To receive, study, and recommend to the Trustees, with modifications it deems appropriate, any special or unusual expenditures of any type recommended by the President.
- (d) To receive, study, and take such action as it deems appropriate on any reports on the budget, purchasing, and accounting functions required by it or presented to it by the President.
- (e) To recommend to the Trustees policies and decisions regarding investment of any surplus or restricted monies.
- (f) To recommend to the Trustees policies and decisions regarding the receipt and disposition of any monetary bequests, gifts, grants and donations, the care of all College securities, and regarding contracts for instructional or research services or other purposes with private or governmental firms, persons, or agencies.
- (g) To represent the Trustees before the Board of County Commissioners, the Legislature, the State Board of Community Colleges, the Department of Community Colleges, and other agencies and offices in matters concerned with the securing of adequate financial support for the needs of the College for current operating expenses and support for its needs for capital outlay.
- (h) To recommend to the Trustees that issuance of bonds or notes be effected and recommend that special taxes be levied for the purpose of meeting payments of principal and interest on such bonds and notes, when the capital outlay requirements of the College make such action necessary.
- (i) To recommend to the Trustees policy to govern the receipt, securing, depositing, accounting, and expending of all trust and non-trust funds pertaining to the College, in accordance with the law and State Board of Community College regulations.
- (j) To recommend to the Trustees appropriate bonding policy to govern employees entrusted with funds of all kinds.
- (k) To receive and examine the audit of the College books and make such recommendations to the Trustees as it may deem appropriate.

Section 6. Committee on Personnel

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

- (a) To receive, study and recommend to the Trustees, upon nomination by the President and subject to standards established by the State Board of Community Colleges, the employment of all professional administrative and instructional personnel of the institution.
- (b) To review personnel annually with the President and his representatives, and to recommend to the Trustees the renewal of contracts for employees.

Section 7. Committee on Academic and Student Affairs

The Committee on Academic and Student Affairs shall consist of four Trustees, one of which must be the President of the Student Government Association. The Chair and vice Chair of the Board of Trustees shall serve as ex-officio members with voting privileges. The Committee shall meet as necessary to discharge its functions and to accomplish special tasks assigned to it by the Board of Trustees.

In collaboration with staff of the College, the committee shall seek to insure that (1) the institution's educational programs are consistent with its mission, (2) academic priorities are clearly stated, widely understood, and appropriately funded, and (3) policies support program development. Every matter the committee discusses and brings to the Board's attention should focus on the impact of issues and concerns on students and the learning process. The Committee shall have the following regular functions:

- (a) To recommend policies to the Trustees regarding academic programs and students affairs.
- (b) To review all proposals for new programs recommended by staff of the College. Once approved, the Committee will carry its recommendation the Board of Trustees for action.
- (c) To review internal studies of program viability presented by College staff.
- (d) To review the academic calendar of instruction for each year.

ARTICLE V. MEETINGS

Section 1. Regular Meetings

The regular meetings of the Trustees shall be held on the second Tuesday of each month on the campus of the College unless the Trustees shall fix another time and/or place of meeting.

Section 2. Special Meetings

- (a) The time, place and purpose(s) of special meetings may be fixed by the Chairman or by the President.
- (b) The business to be transacted at any special meeting of the Trustees 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 Trustees and the President shall be notified in writing by the Secretary of the time and place of all meetings and the purposes(s) of special meetings at least seventy-two hours in advance of meetings.

Section 4. Quorum

Seven members of the 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 Trustees.

A majority vote of all of the members of the Trustees shall be required for the determination of policy, for making rules and regulations, for the election of a president, for the establishment or disestablishment of curricula or services of the College, and for the adoption of budgets.

Section 5. Proxy Votes

A member who finds it impossible to attend a meeting may, prior to the meeting being called to order, contact the Secretary to the Board and either designate another member as his/her proxy or request the Secretary to name a proxy.

Section 6. Agenda

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

(b) In emergencies, the Chairman, on the request of the President or members of the Trustees, may add items to the agenda regardless of the date he receives such items.

Section 7. Order of Business and Parliamentary Rules

The regular order of business at meetings of the Trustees shall be ruled by the latest edition of Roberts' Rules of Order.

Section 8. Individual or Group Hearings

Any individual or organized group who desires to appear before the Trustees 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 Chairman at least four 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.

HAYWOOD COMMUNITY COLLEGE

Section 1.

Philosophy and Purposes

The mission of Haywood Community College is to offer accessible educational, social, and cultural opportunities to residents of Haywood County and the surrounding area. Through its open-door policy, the College strives to meet the needs of students with varying backgrounds, resources, interests, abilities, and career goals. In recognition of this diversity, the College provides a variety of quality programs and services that are responsive to the needs of all individuals.

Haywood Community College seeks to take learning beyond the classroom by encouraging individuals to develop their abilities in problem solving, leadership, critical thinking, and entrepreneurship. As a community college, Haywood endeavors to reflect state, national, and global trends in its educational programs and to serve the surrounding community by fostering economic growth in the county and region. The College fulfills its mission through the pursuit of the following objectives:

- to offer postsecondary technical education of the highest quality;
 - to provide occupational education that develops students' skills for entry level employment as technicians, craftspersons, and entrepreneurs, as well as programs that improve and upgrade the skills of currently employed workers;
 - to offer a two-year course of study in the liberal arts and sciences, which may serve as the first and second years of a baccalaureate program;
 - to extend opportunity for course work in a distance learning format to the growing population of nontraditional learners;
 - to provide academic support to students who must master the basic skills of reading, English, and math before pursuing higher levels of education;
 - to provide adult education programs that are based on community needs and interests with an emphasis on basic skills improvement, high school completion, job training, cultural enrichment, and personal growth;
 - to provide counseling, career guidance, and job placement services essential to developing the potential of individual students;
 - to support all educational programs and services with advanced technology;
 - to support regional economic development by providing education and training programs in partnership with business, industry, government, and non-profit organizations; and
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- to develop and maintain relationships with public schools, community colleges, senior educational institutions, and other agencies that enhance individual opportunities for lifelong learning.

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 Trustees and of the State Board of Community Colleges within the budgets approved by the Trustees. The President shall be elected by the Trustees and shall hold office at the pleasure of the Trustees.
- (b) The Trustees 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 Trustees, subject to policies on educational leave adopted by the State Board of Community Colleges.
- (d) The President shall recommend all professional administrative and instructional personnel for appointment by the Trustees; the President shall appoint and be responsible for all other personnel.
- (e) The President shall have the initiative in shaping and maintaining the educational policies of and the character of the College, and he shall recommend changes to be made in the programs and services to be provided.
- (f) The President shall recommend the items to be included in the current expense budget and the capital outlay budget.
- (g) The President shall make a written report to the Trustees once each year on the development and operation of the College, with both immediate and long-range recommendations.

Section 3. Interim Presidency

Unless the Trustees shall decide otherwise, the Dean of Fiscal Affairs, Dean of Instruction, or Dean of Student Services - in the event of the President's serious disability, death, resignation, dismissal, or prolonged absence from his post for any other reason - shall serve as acting president until the Trustees have selected a temporary or permanent president.

Section 4. Academic Freedom and Responsibility

Haywood 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 Trustees, therefore, shall guarantee and protect academic freedom in the College. The Trustees 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 institution.

ARTICLE VII. POLICIES, RULES, AND REGULATIONS

Section 1. General Provisions

By an affirmative vote of a majority of all the members of the Trustees, the Trustees 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 Trustees shall be responsible for providing to each member of the Trustees and the President a copy of all current Trustees' by-laws, policies, rules, and regulations.

ARTICLE VIII. ADOPTION AND AMENDMENT

Section 1. Adoption

- (a) The by-laws of the Trustees shall be presented to the membership in 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 by-laws.

Section 2. Amendment

- (a) The Trustees may amend the by-laws by an affirmative vote of a majority of the members.
- (b) A proposed amendment shall be presented to the Trustees in writing at a regular meeting one month prior to its being voted upon.
- (c) If the Chairman 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.