

HAYWOOD COMMUNITY COLLEGE BOARD OF TRUSTEES

BY-LAWS

Revised

Approved May 7, 2024

Haywood Community College provides accessible, affordable, and high-quality education, workforce training, and lifelong learning.

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 115D, 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 Board of Trustees has the responsibility for the development and governance 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 Board of Trustees, and the corporate name of the institution, shall be "The Board of Trustees of Haywood 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.
- e) In accordance with North Carolina General Statute (NCGS115D-20.9), the Board of Trustees shall recognize the legal authority of the Haywood Community College Foundation, Incorporated as a non-profit 501 (c) (3) corporation organized and operated exclusively for the educational purposes of the College and with Articles of Incorporation under the laws of North Carolina (N.C.G.S. 55A, Non-Profit Corporation Act). As such, the Foundation is governed by a Board of Directors and may promote, establish, conduct, and maintain activities on its own behalf and solicit and receive funds and other real property; it may invest, reinvest, hold, manage, administer, expand and apply such funds and property so long as such procedures and/or actions do not violate or otherwise infringe upon the Haywood Community College Board of Trustees.

Section 2. Membership

- a) The Board of Trustees shall be composed in accordance with the North Carolina General Statute §115 D-12(a) as follows: (I) Eight trustees appointed by the General Assembly under N.C.G.S. §120- 121. The General Assembly shall appoint two members annually, each for a four (4) year term. One member shall be appointed annually upon the

recommendation of the Speaker of the House of Representatives, and one member shall be appointed annually upon the recommendation of the President Pro Tempore of the Senate; and (2) Four trustees shall be appointed by the Haywood County Board of Commissioners, one each year for a four-year term. One Trustee appointed by the County Commissioners may be, but is not required to be, a County Commissioner.

- b) All terms shall be four (4) years and shall commence on July 1, with the exception of the President of the Student Government Association, who serves for his/her term of office. The appointing bodies have varying policies on the number of consecutive terms an appointee may serve.
 - a) All Board of Trustees members, except the President of the Student Body, shall be residents of Haywood County or a county contiguous to Haywood County.
 - b) Vacancies occurring in a seat appointed by the General Assembly shall be filled as provided in G.S. 120- 122. Vacancies occurring in a seat elected by a board of county commissioners shall be filled for the remainder of the unexpired term in the manner in which regular selections are made.
 - c) As required by North Carolina law (N.C.G.S. 138A-14; N.C.G.S. 138A-22; N.C.G.S.138A- 27), trustees are required to attend an ethics education representation approved by the North Carolina State Ethics Commission within six (6) months of being appointed or re-appointed and refresher sessions every two years thereafter. Trustees are also required to file with the Commission a Statement of Economic Interest. Any person who provides false information on a statement of economic interest, knowing that the information is false, is guilty of a Class H felony and shall be subject to disciplinary action under N.C.G.S. 138A-45.
 - d) As required by North Carolina Law (NCGS115D-19), trustees are required to participate within six months of appointment in a trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees. Haywood Community College Trustees have also adopted the requirement that newly appointed Trustees must attend a college orientation session within three months of appointment.
 - e) Trustees shall receive no compensation for their services but shall receive reimbursement, according to regulations adopted by the State Board of Community Colleges, for the cost of travel, meals, and lodging while performing their official duties.
 - f) All persons appointed to serve on a board shall attend at least 75 percent of all regularly scheduled meetings of the board during the board's calendar year, and failure to do so may be cause for Removal. Trustees are also encouraged to attend all graduation activities of the College and encouraged to participate in as many college events as possible.

Section 3. Removal of Trustees

In accordance with N.C. Law (NCGS115D-19, Removal of trustees), the Board of Trustees of Haywood Community College may declare vacant the office of a member for cause. Cause

includes inability to discharge duties, disreputable conduct, failure to attend three (3) consecutive scheduled meetings, and failure of a newly appointed Board member to participate in, without justifiable reason, an orientation session sponsored by the N.C. Association of Community College Trustees within six (6) months of being appointed. Cause may also include failure to abide by the requirements of the State Ethics Act (NCGS138A) and its related standards of ethical conduct, conflicts of interest, and undue influence. The Board has also adopted the requirement that newly appointed Trustees attend a college orientation within three months of their appointment.

Section 4. Office of Record

The Board of Trustees shall maintain its office of record on the campus of Haywood 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 Chair, the Vice-Chair, and the Secretary.
- b) At the April Board Meeting, the Chair of the Board of Trustees shall appoint a Nominating Committee consisting of four members of the Board, composed of the Chair of the Personnel Committee, who shall serve as Chair of the Nominating Committee, and one each of the most tenured non-officer trustee appointed by each authority with appointment authority (e.g. Haywood County Commissioners, Speaker of the House of Representatives and the President Pro Tempore of the Senate). The Nominating Committee shall, on or before the May Meeting of the Board, nominate Officers for the following term beginning July 1. Any other Member of the Board may also nominate alternate Officers at least fifteen (15) days prior to the June Meeting by Notice to the Chair and consent of the nominee. At the June meeting of the Board, Officers shall be elected on an interim basis for the following term beginning July 1 until the first Board Meeting after July 1. The Interim Chair shall appoint Committee members and Committee Chairpersons to begin their duties on July 1 on an interim basis. In accordance with N.C.G.S. 115D-18, at the first Board Meeting after July 1, Officers shall be elected for the term, which began on July 1. Interim Officers are eligible to continue in their roles if elected. Any alternate nominee for the position of any office shall be nominated and give consent to their nomination, and Notice of such nomination shall be given to the Board at least fifteen (15) days before the first meeting after July 1.
- c) In the event of a vacancy in one or more of the positions of Officers of the Board of Trustees, the Board shall nominate and elect replacement Officers as soon as practical.
- d) The Chair and the Vice-Chair shall be elected by the Board of Trustees from its membership.
- e) The Secretary, who need not be a member of the Board of Trustees, shall be elected annually by the Board of Trustees.
- f) The Chair and Vice-Chair shall be elected for a one-year term and shall be eligible for re-election by the Board of Trustees, if otherwise eligible.

- g) Upon recommendation of the Chair, the Board of Trustees shall elect three of its members to serve a one-year term as voting members on the Board of Directors of the Haywood Community College Foundation, Inc. The Board Chair will meet with the Director of Institutional Advancement prior to making a recommendation on trustee appointments to the Foundation Board of Directors to determine its current membership needs. Subsequently, these (trustee) members, during their tenure on the Foundation Board of Directors, will refrain from voting on Foundation issues brought before the Board of Trustees.

Section 2. The Chair of the Trustees, Duties

The Chair shall appoint the members of and serve as an ex officio voting member of all committees of the Board of Trustees, preside at all meetings of the Board of Trustees, special meetings of the Board of Trustees, and discharge all other functions delegated by the Board of Trustees, which shall include an annual self-evaluation by the Board of Trustees. The Chair shall appoint three Trustees, nominated and approved by the Board of Trustees, to serve on the Board of Directors of the Haywood Community College Foundation.

The Chair shall make a good-faith effort to assist public servants within the College or on the Board in monitoring their personal, financial, and professional affairs to avoid taking any action that results in a conflict of interest or the appearance of a conflict; the Chair shall at the beginning of each Meeting of the Board of Trustees, remind all members of their duty to avoid conflicts of interest and appearances. At the beginning of each Board meeting, the Chair shall inquire as to whether there is any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at that time. (N.C.G.S. 138A-15, Duties of heads of State agencies)

Section 3. The Vice-Chair of the Trustees

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

Section 4. The Secretary of the Trustees

- a) The Board of Trustees shall elect a Secretary.
- b) The Secretary or designee shall:
 - a. Keep an accurate record of all meetings of the Board of Trustees.
 - b. Have custody of the corporate seal of the Board of Trustees, affix it to official documents, and attest to the same by his/her signature.
 - c. Have custody of all official records and documents of the Board of Trustees.
 - d. Prepare and maintain an indexed compilation of all by-laws and amendments thereto and policies of the Board of Trustees, the whole of which shall be known as the Operating Manual of the Board of Trustees of Haywood Community College.
 - e. Issue, upon direction by the Chair, notice of all meetings of the Board of Trustees to members of the Board of Trustees and to the President of the College.

Section 5. Removal of an Officer

In accordance with N.C. Law (NCGS115D-19, Removal of trustees), the Chair or Vice-Chair or Secretary of the Board of Trustees may be removed from office when, in the judgment of the Board of Trustees, there is just and good cause contained in the §115D-19 expressed by a two-thirds vote of the members present at any meeting.

Section 6. 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 a vote, in all meetings of the Board of Trustees, except where his/her absence is justified or expressly desired by a majority of the Board of Trustees during a closed session meeting of the Board of Trustees.
- c) The President shall be responsible for all administrative, fiscal, and managerial aspects of the development and operation of the College and of the Haywood Community College Foundation, including fundraising activities. The President shall serve on said Foundation's Board of Directors as an ex officio non-voting member.
- d) The President shall submit recommended policies and public policy decisions to the Board of Trustees when requested to do so by the Board of Trustees or when the President deems it to be in the best interests of the College to do so. The President shall implement and administer Board policy.
- e) The President shall recommend all educational programs and co-curricular programs deemed 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.
- f) The President shall appoint lay advisory committees for particular programs of the College as required by the State and in consultation with the Board of Trustees.
- g) The President shall provide an annual performance summary to the Board of Trustees each year as part of his/her performance evaluation process. The President will also provide new performance targets for the following year.

ARTICLE III. POWERS AND DUTIES OF THE TRUSTEES

Section 1. Duties of the Board of Trustees: The Board of Trustees shall:

- a) Establish the basic qualifications, terms, and conditions under which it will elect a President. The election of the President is subject to the approval of the State Board of Community Colleges.
- b) Review the status of the College in meeting its mission and ratify changes to the College mission statement annually.
- c) The Board of Trustees delegates to the President the authority to employ all personnel without Board ratification.
- d) Purchase all land required for the College and 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 Board of Trustees as to the amount of land to be taken and the necessity, therefore, shall be conclusive.

- e) Apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges.
- f) 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 and/or transfer any part of these actions to the Haywood Community College Foundation, Incorporated.
- g) 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.
- h) Establish and disestablish programs of instruction within the College.
- i) 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.
- j) Adopt current expense and capital outlay budgets.
- k) To perform such other acts as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of policies.

Section 2. Ethics, Conflict of Interest, and Undue Influence

Members of the Board of Trustees of Haywood Community College will, in accordance with North Carolina law and the policies of the State Board of Community Colleges, discharge their duties in the best interests of the College and the public and avoid any conflict of interest or any appearance of a conflict of interest. Trustees shall adhere to the North Carolina State Government Ethics Act (NCGS 138A) to exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence, and to follow standards for ethical conduct and conflicts of interest. Trustees shall make known at each Board of Trustees meeting any conflict or potential conflict with matters coming before the Board for consideration and then refrain from any undue participation in the said matters.

No person who has been employed full-time by the community college within the prior five years, and no spouse or child of a person currently employed full-time by the Community college, shall serve on the Board of Trustees (NCGS115D-12b1). Additionally, no one can be appointed as a Trustee if they have a parent, spouse, or child employed full-time by the College. No Trustee shall be compensated for service on the Haywood Community College Board of Trustees. Trustees are also prohibited from obtaining a direct benefit from any contract or procurement in

which they are involved on behalf of the College. This prohibition includes influencing or attempting to influence, for personal benefit, anyone at the College who is involved in making a contract or procurement decision. Additionally, Trustees are prohibited from soliciting or

accepting any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract or procurement decision. (NCGS14-234; NCGS115D-26; NCGS115D-12)

Section 3. Appeals

All employees may request an appeal to the Board of Trustees for suspension without pay or dismissal.

Section 4. Evaluation of the President

The Board of Trustees shall conduct an annual evaluation of the President, which shall be processed by the Committee on Personnel, reviewed, and approved by the Board of Trustees prior to June 30 of each year.

Section 5. Board Trustees Self-Evaluation

The Board shall conduct a self-evaluation each spring and review the results at its meeting in June.

ARTICLE IV. COMMITTEES

Section 1. Types of Committees and Methods of Appointment

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

Section 2. Protocol/Limitations of Committees

If the Board of Trustees, in a regular or special meeting, authorizes a committee to act on a matter referred to it, the Chair of the Committee shall report within a reasonable time to the Board of Trustees in writing or via e-mail 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 of Trustees at a regular or special meeting.

- a) **Membership:** Standing committees of the Board of Trustees shall consist of four trustees, the Chair, the Vice-Chair, and, in the case of the Committee on Technology, Education, and Student Affairs, the President of the Student Government Association. The President of the College or his/her designee shall serve as an ex officio member of each standing Committee.
- b) **Meetings:** Each Standing Committee shall hold regularly scheduled meetings prior to each regularly scheduled Board of Trustees meeting unless there are no committee action items. Information items can either be carried forward to the Board of Trustees meeting or carried over to the next scheduled committee meeting. A non-routine committee meeting may be called by the Committee Chair as approved by the Board Chair and in coordination with the President.

- c) **Procedures, Minutes, Reports, Resolutions:** The President shall appoint the appropriate college representative to serve as the resource person for each Committee. The College will record the minutes of the meetings and distribute a copy of the draft minutes to all members of the Committee and the remaining Board of Trustees members. Appropriate committee reports and resolutions shall be filed.
- d) **Special Relationships:** The Committees shall communicate and collaborate with other committees and the remaining Board of Trustees members to foster effective planning.

Section 3. Executive Committee of the Board of Trustees

The Executive Committee shall consist of the Chair, the Vice-Chair, and chairs of the standing committees. The Executive Committee, at the direction of the Board Chair, will address specific topics that would benefit from the perspectives of all committees. Thus, the Executive Committee represents the standing committees and, as such, is authorized to take reports and action items concerning the specific topics assigned by the Board Chair to the full Board.

Section 4. Committee on Buildings and Grounds

Purpose and Responsibilities

The Committee on Buildings and Grounds shall ensure that policies of the Board of Trustees related to this area of the institution's operations are consistent with the College's mission and values. Further, the Committee shall seek to ensure the adequacy of the College's facilities. It will be an advocate for new structure and rehabilitation or renewal of older structures as dictated by Board Policy, rules, and regulations of the State Board of Community Colleges and the educational and program goals of the College. Furthermore, the Committee shall work to ensure adequate levels of funding for capital projects and capital improvements for Haywood Community College.

The Committee on Buildings and Grounds shall, subject to applicable standards of the State Board of Community Colleges, the tax-levying authorities of Haywood County, and other funding agencies, have the following responsibilities :

- a) Review proposed Board Policies and Policy revisions regarding land, facilities, grounds, and related equipment matters and make recommendations to the Board of Trustees;
- b) Ensure that facilities are adequate to meet the current and long-term educational and program goals of the College and to fulfill the vision and mission of Haywood Community College;
- c) Make recommendations subject to rules and regulations of the State Board of Community Colleges on "Large" construction projects; the selection of an architect to design buildings; approval of construction projects and the awarding of contracts;
- d) Make recommendations on the acquisition or disposal of real property owned by the trustees and matters concerning easement and right-of-way, subject to the approval of the State Board of Community Colleges;
- e) Ensure that adequate funding is requested for capital projects and the repair and renovation of the College's facilities; and
- f) Complete special tasks or other items referred to it by the Board of Trustees.

Section 5. Committee on Finance: Purpose and Responsibilities

The Committee on Finance shall seek to ensure that the fiscal policies of the Board of Trustees are consistent with the College's mission and values. Further, the Committee shall seek to ensure the fiscal stability and long-term economic health of Haywood Community College. This Committee shall relieve the Board of the time-consuming and complex task of examining financial detail.

Furthermore, this Committee shall communicate with the Board of Trustees concerning the financial operations of the College in a timely and accurate manner.

The Committee on Finance shall, subject to applicable standards of the State Board of Community Colleges, the tax-levying authorities of Haywood County, and other funding agencies, have the following responsibilities:

- a) Review proposed Board Policies and Policy revisions regarding fiscal matters and make recommendations to the Board of Trustees;
- b) Ensure that the long-range fiscal plans and the annual budget process support the mission, vision, and values of Haywood Community College;
- c) Recommend the annual budget to the Board of Trustees for consideration;
- d) Receive, study, and recommend to the Board of Trustees, with modifications it deems appropriate, any special or unusual expenditures of any type recommended by the President or other committees of the Board of Trustees;
- e) Monitor the College's financial condition related to expectations contained within the institution's annual budget and long-range plan. By periodic monitoring, the Committee seeks to ensure financial stability essential to the successful operation of the College.
- f) Communicate with the trustees on financial matters of the College;
- g) Relieve the Board of Trustees of the time-consuming and complex task of examining the College's financial details;
- h) Provide leadership concerning the securing of financial support for the College; and
- i) Complete special tasks or other items referred to it by the Board of Trustees.

Section 6. Committee on Personnel

Purpose and Responsibilities

The Committee on Personnel shall seek to ensure that the personnel policies of the Board of Trustees are consistent with the College's mission and values, with policies appropriately disseminated, clearly stated, widely understood, and appropriately funded. Specifically, the Committee shall:

- a) Review proposed Board Policies and revisions regarding personnel matters and make recommendations to the Board of Trustees;
- b) As necessary, and within appropriate Board Policy, serve as an appeal committee regarding personnel matters, unless it is determined by the Committee that a matter under appeal should be referred to the entire Board of Trustees;
- c) Accomplish special tasks assigned to it by the Board of Trustees;

- d) Initiate an Annual Evaluation of the President by the Board of Trustees, and report its findings and recommendations to the Board of Trustees prior to June 30 of each year.

Section 7. Committee on Technology, Education, and Student Affairs

Purpose and Responsibilities

The Committee on Technology, Education, and Student Affairs shall seek to ensure that the policies of the Board of Trustees pursuant to the institution's technology support services, educational programs, and student support services are consistent with the College's mission, values, and strategies, clearly stated, widely understood, and appropriately funded. Specifically, the Committee shall review and make recommendations to the Board of Trustees in the following matters:

- a) Board policies regarding college technology support services, educational programs, and student support services.
- b) Proposals for a new degree, diploma, certificate, and other educational programs in response to community needs;
- c) Internal studies of degree, diploma, and certificate program effectiveness and viability, recommending closure of programs when necessary;
- d) Proposals for substantive change in institutional purposes, policies, and programs; and
- e) Special tasks or other items referred to it by the Board of Trustees.

ARTICLE V. MEETINGS

Section 1. Regular Board of Trustees Meetings

The Board of Trustees shall determine a schedule of Regular Meetings at its first Meeting after July 1 of each year. In accordance with N.C.G.S. 115D-18, the Board of Trustees shall meet at least six (6) times annually.

Section 2. Other Meetings

- a) **Special Meetings:** The time, place, and specified purpose(s) of special meetings shall be established by the Chair or by the President. Public notice must be posted 48 hours prior to the Date/Time of the Special Called Meeting, per NCGS 143-318.12(b)2.
- b) **Electronic Meetings:** The Board of Trustees may conduct a meeting by use of conference telephone or other electronic means per NCGS 143-318.13(a). The Board of Trustees shall provide a location and means whereby members of the public may listen to the Meeting, and the notice of the Meeting shall specify the time and location.
- c) **Closed Session Meetings:** The Board of Trustees follows NCGS 143-318.11(a). (1-9)

Section 3. Notice of Meetings

All members of the Board of Trustees and the President shall be notified by the Secretary of the time and place of all meetings and the purposes(s) of special meetings at least forty-eight hours in advance of meetings.

Section 4. Quorum

Seven voting 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 of Trustees. A Trustee may participate by remote or electronic access, following state law. A majority of all of the Board of Trustees is required for the election, non-renewal, or termination of the College President.

Section 5. Agenda

- a) The President of the College will provide the Chair with a list of those items to be presented to the Board of Trustees with his/her recommendations and copies of any documents to be presented as information or for action by the Board of Trustees shall be provided to all Trustees. The Chair shall receive agenda items from the President, Board members, and from all other sources at least forty-eight hours prior to the Meeting for which they were prepared.
- b) The Agenda will be made available upon request.
- c) In emergencies, the Chair, on the request of the President or members of the Board of Trustees, may add items to the agenda regardless of the date he receives such items.

Section 6. Order of Business and Parliamentary Rules

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

Section 7. Individual or Group Hearings

All individuals or organized groups who desire to appear before the Board of Trustees shall state in writing the purpose of such appearance and the name of each person who is to appear as a spokesperson. The statement shall be filed with the Chair at least seven days in advance of the Meeting at which the appearance is desired in order that it may be included in the agenda for the Meeting.

ARTICLE VI. HAYWOOD COMMUNITY COLLEGE

Section 1. Philosophy and Purposes

As an open-door community-based institution, Haywood Community College strives to meet the educational and job training needs of diverse populations with varying backgrounds, goals, interests, abilities, and resources. The College provides accessible educational, training, entrepreneurial, cultural, and social opportunities that focus on current trends and foster the development of the individuals and communities it serves. Learners engage in experiential activities that join the worlds of work and learning and develop problem-solving, leadership, critical thinking, and enterprise abilities.

The College fulfills its mission through the following objectives that provide:

- quality postsecondary and continuing education;
- occupational education that develops and enhances students' employability and career advancement;
- a two-year course of study, which may serve as the first two years of a baccalaureate program;
- distance learning and flexible program opportunities for learner accessibility;
- academic support to students requiring basic reading, English, and math skills;
- continuing and adult education programs meeting community needs and interests, particularly job training and retraining, small business development, adult basic skills, cultural enrichment, and personal growth;
- individual counseling, career guidance, and job placement services;
- technological support for all educational programs and services to enhance learners' abilities to access, evaluate, organize, and use information from a variety of sources; and
- collaborative initiatives with K-12, colleges and universities, business, industry, government, and other organizations to promote lifelong learning and enhance workforce, economic, and community development.

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 of Trustees and the State Board of Community Colleges within budgets approved by the Board of Trustees. The President shall be elected by the Board of Trustees, subject to the approval of the State Board of Community Colleges.
- b) The Board of Trustees shall at all times exercise its oversight of the College through the President.
- c) The President shall recommend persons to be granted educational leave with pay by the Board of Trustees, subject to policies on educational leave adopted by the State Board of Community Colleges.
- d) The President shall take the initiative in shaping and maintaining educational planning for and the character of the College, and he/she shall recommend changes to be made in the programs and services to the Board of Trustees.
- e) The President shall develop and manage resources, prepare and recommend the items to be included in the current expense budget and the capital outlay budget, and oversee the fundraising activities of the College and the Haywood Community College Foundation, Inc.
- f) The President shall provide a report to the Board of Trustees on the development and operation of the College. At the President's discretion, the report can be provided on an annual basis in October or on a monthly basis throughout the year.
- g) The President shall consult the Board of Trustees on the planning, construction, and modification of physical facilities.

Section 3. Acting Presidency

When the President has to be away from the College and is inaccessible, he/she shall designate a staff member to be in charge. If the President is unable to carry out his/her duties for a prolonged period of time, the Board may name an Acting President who shall carry out the responsibilities of the Presidency and have full authority thereof. In the event of a Presidential vacancy, the Board may select an Interim or a full-contract President.

ARTICLE VII. POLICIES

Section 1. General Provisions

By an affirmative vote of a majority of all the members of the Board of Trustees, the Board of Trustees may make or amend such policies 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 of Trustees and the President a copy of all current Trustees' by-laws and policies.

ARTICLE VIII. ADOPTION AND AMENDMENT

Adoption of Amendments

- a) An ad hoc committee may be appointed by the Board of Trustees Chair to review the By-Laws at any time, and such Committee may bring forward any proposed changes at any regular meeting.
- b) Any member of the Board of Trustees may propose an Amendment to the By-Laws in writing at any Regular Meeting.
- c) A proposed amendment shall be presented to the Trustees in writing by such Committee or by any Member of the Board of Trustees at any regular meeting for discussion at least two months prior to such amendment being voted upon. There must be at least one intervening regular Meeting between the regular Meeting where a By-Law Amendment is proposed and the Regular Meeting where the revision is voted upon in order to allow a second regular meeting for discussion.
- d) If the Chair, or a majority of the Board of Trustees, 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 recommendation, if passed by the Board of Trustees, will be considered at a regular meeting and voted on for adoption in accordance with subsection (c) above.
- e) The Board of Trustees may amend the by-laws by an affirmative vote of a two-thirds (2/3) majority of all the members.
- f) The Board of Trustees may vote to make any such Amendment effective immediately upon ratification or at any other time that may be appropriate.