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Montgomery Community College
Board Policy Manual

Preface

The State Board of Education issued a charter to Montgomery Technical Institute on September 7, 1967. As directed by law, eight members were appointed to the Board of Trustees. In November 1967, administrative and teaching personnel were employed. In June 1968, a building on Page Street was occupied as a temporary location of Montgomery Technical Institute. Extension classes were conducted in 1967-1968, Adult Basic Education and adult high school diploma programs began in October 1968, and full-time curriculum students were accepted in August 1968. The institution’s first students were graduated in June 1969.

On June 3, 1971, the State Board of Education approved Montgomery Technical Institute as a charter technical institution, effective July 1971. In compliance with law, four additional Trustees were appointed by the Governor on December 1, 1971. Responsibility for local control of the College was given to the Board of Trustees, including the President of the Student Government Association (an ex-officio member of the Board of Trustees).

In October 1975, citizens of Montgomery County passed a bond issue authorizing the construction of a new campus of 64,000 square feet on a 149 acre tract of land donated by Dr. Reese Blair. The State Board of Education Department of Community Colleges accredited Montgomery Technical Institute on December 7, 1978, and on December 19, 1978, the Commission of Colleges of the Southern Association of Colleges and Schools affirmed its accreditation. The Commission reaffirmed the Institute’s accreditation December 19, 1983.

Montgomery Technical Institute became Montgomery Technical College in 1983 in accordance with legislative and Board approval, and in September 1987, the Board of Trustees and Montgomery County Commissioners voted for the name to be officially changed to Montgomery Community College as authorized by the North Carolina General Assembly. In December 1993, and again in December 2004, the Commission on Colleges of the Southern Association of Colleges and Schools reaffirmed the College’s accreditation to offer associate degrees, diplomas, and certificates.

In 1992, local citizens and North Carolina voters approved, through a bond referendum, $2.6 million in matching funds to finance a Business, Industry, Technology Resource Center (BITRC) and the Montgomery County School Board voted in 1994 to transfer approximately four acres of land to the College to be used for the facility. The Center contains 44,800 square feet of space utilized for an electronic library, an interactive classroom to transmit and receive real-time voice, video, and data on the North Carolina Information Highway (NCIH), and classrooms/laboratories. The building serves as a facilitation site for employers to train all levels of staff.
In 2004, Building 500 on the MCC campus underwent a 3,000 square foot renovation which now houses the Criminal Justice Complex. The Complex has classrooms and a physical fitness center, as well as showers, which complement the College’s Criminal Justice and Basic Law Enforcement Training programs. The MCC campus now includes facilities of approximately 128,000 square feet on 153 acres of land.

In 2009, new construction of a building for the Forest Management Technologies program added approximately 6,400 square feet to the campus. Classrooms and labs in Building 100 formerly used for the Forestry program were renovated to provide operatories and learning labs for the Dental Assisting program. The campus now includes facilities of approximately 134,400 square feet on 153 acres of land.
Philosophy

The philosophy of Montgomery Community College is a system of beliefs that serves as a reservoir from which come all goals and objectives of the College. This philosophy reflects the thoughts of leading educators, students, faculty, staff, and administration, and has been adopted by the Board of Trustees.

With the establishment of Montgomery Community College a new dimension was added to the educational system of this area. In keeping with the broad goals of the State Board of Community Colleges, Montgomery Community College readily adopted the philosophy of "total education" and "open door" admission. Total education, in addition to providing quality instruction, gives consideration to the diversity of cultural, civic, and economic needs among individual students and takes into account the differences in individual ability to acquire an education. Open door admission provides that for any applicant who wants and needs more education, regardless of his/her educational background, the door of the College is open.

Montgomery Community College recognizes there must be a planned, collaborative effort with the elementary and secondary schools, Colleges and universities and other relevant agencies with similar goals and objectives in order to make the opportunities MCC offers a reality to the citizens of North Carolina.

In summary, Montgomery Community College believes in (1) the hope of universal, educational opportunity and (2) the hope of maximal intellectual, moral, and physical achievement on the part of each student.
Vision
Montgomery Community College will be
a place of discovery and educational excellence;
a centerpiece for life-long learning – for our
students, staff, faculty, and community.

Mission Statement
Montgomery Community College provides quality educational opportunities.

April 2014

College Goals
In accomplishing our mission, we commit our resources to serving our community in the
successful achievement of its educational goals through the implementation of these strategic
College goals:

- **Goal 1:** Develop and implement instructional programs and student support services, in
traditional and distance learning formats, consistent with the assessed needs of the
constituent groups in the College's service area and with state, regional, and national
standards.
- **Goal 2:** Provide facilities, technologies, and information services that enhance student
learning.
- **Goal 3:** Support businesses, industries, and community initiatives through educational
services that facilitate economic growth and workforce training.
- **Goal 4:** Create a culture for employing and retaining quality faculty and staff to support
student success.
- **Goal 5:** Develop and manage human, financial, and infrastructure resources essential to
fiscal stability and meeting student and community needs.
- **Goal 6:** Consistent with accrediting standards and the College mission, engage in
ongoing, systematic institutional planning and evidence-based assessment, resulting in
continuous quality improvement and institutional effectiveness.

March 2012
100.00 ORGANIZATION - BOARD OF TRUSTEES

110.00 Compliance

The Board of Trustees of Montgomery Community College complies with and supports the State Board of Community Colleges Code (latest edition), the North Carolina Community Colleges Accounting Procedures Manual (latest edition) and the Community College Laws of North Carolina and all of its subsequent additions and deletions.
It is the policy of the Board of Trustees of Montgomery Community College to comply with the Standards and Criteria of the Southern Association of Colleges and Schools. The administration of Montgomery Community College is directed to assure the continued compliance with the Standards and Criteria for continued accreditation of Montgomery Community College by the Southern Association of Colleges and Schools Commission on Colleges to offer the Associate Degree.

120.01 Substantive Change Compliance Policy

Montgomery Community College (MCC) will maintain compliance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Substantive Change for Accredited Institutions of the Commission on Colleges Policy Statement through appropriate and timely reporting on areas of Substantive Change, as that term is defined below.

The President shall appoint a SACSCOC Accreditation Liaison. The President and/or SACSCOC Accreditation Liaison will notify the Commission of any Substantive Changes in accordance with MCC’s Substantive Change procedure listed below. No Substantive Change will be implemented until a letter of approval or an acceptance of notification is received from the SACSCOC. Prior to receipt of the letter of approval, any distribution of information regarding a Substantive Change, including advertising, will include wording that the program is pending SACSCOC approval.

Montgomery Community College Substantive Change Compliance Policy applies to each academic unit and department within the College and is mandatory.

Definition

A “Substantive Change” is defined as a significant modification or expansion of the nature and scope of an accredited institution as defined by SACSCOC. A significant modification or expansion (also referred to as a “significant departure”) is when a program is not closely related to previously approved programs at the institution or site or for the mode of delivery in question. To determine whether a new program is a “significant departure,” it is helpful to consider the following questions:

- What previously approved programs does the institution offer that are closely related to the new program and how are they related?
- Will significant additional equipment or facilities be needed?
- Will significant additional financial resources be needed?
- Will a significant number of new courses be required?
- Will a significant number of new faculty members be required?
Will significant additional library/learning resources be needed?

Substantive Changes include:
- Any change in the established mission or objectives of the College
- Any change in legal status, form of control, or ownership of the College
- The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the College was last evaluated by SACSCOC
- The addition of courses or programs of study at a degree or credential level different from that which is included in the College’s current accreditation or reaffirmation.
- A change from clock hours to credit hours
- A substantial increase in the number of clock or credit hours awarded for successful completion of a program
- The establishment of an additional location geographically apart from the main campus at which the College offers at least 50 percent of a degree program.
- The establishment of a branch campus
- Closing a program, off-campus site, branch campus or the College
- Entering into a collaborative academic arrangement such as a dual degree program or a joint degree program with another institution
- Acquiring another institution or a program or location of another institution
- Adding a permanent location at a site where the College is conducting a teach-out program for a closed institution
- Entering into a contract by which an entity not eligible for Title IV funding offers 25% or more of one or more of the College’s

Procedure/Training

The Institutional Unit Report (Substantive Change Section) is completed by the Program Heads.

The Institutional Unit Report is sent to the Office of Institutional Effectiveness to identify timing and reporting requirements early in the planning process.

After a review of the responses to the Institutional Unit Report, if it is unclear as to whether a change is substantive in nature, the MCC SACSCOC Accreditation Liaison contacts SACSCOC staff for consultation.

Once approved internally, substantive change actions are processed by the Office of Institutional Effectiveness for SACSCOC approval.

Actions and decisions are communicated to appropriate leadership and stakeholders.
The Office of Institutional Effectiveness will offer periodic training for Program Heads on substantive change policy, procedure, and other program/department compliance issues.

Additional Resources

- Southern Association of Colleges and Schools, Commission on Colleges: www.sacscoc.org
- Southern Association of Colleges and Schools, Commission on Colleges Substantive Change for Accredited Institutions of the Commission on Colleges Policy Statement

February 2013
130.00 Board of Trustees

130.01 Selection of Trustees

Montgomery Community College shall be governed by a Board of Trustees consisting of thirteen members selected as follows:

Group One--four Trustees appointed by the Montgomery County Board of Education.
Group Two--four Trustees appointed by the Montgomery County Board of Commissioners.
Group Three--four Trustees appointed by the Governor of North Carolina.

According to 115D-12 (a), "the President of the student government or the chairman of the executive Board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the Board of Trustees of each said institution."

The specific duties and authority of the Board of Trustees are authorized in the General Statutes of North Carolina--Chapter 115D-20. Specific reference should be made to the Bylaws of the Board of Trustees.

130.02 Major Powers and Duties

The Board of Trustees shall:

1. Establish the basic qualifications for and appoint a President for such term and under such 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 personnel required for the operation of the institution upon nomination by the President, subject to standards established by the State Board of Community Colleges.

3. Purchase or receive all land required for the College site and 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 as to the amount of land to be taken and the necessity therefore 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 other charitable donations; 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 or discontinue programs of instruction within the College.

8. Require the execution of such studies and take steps as necessary to ensure that the functions of the College are always those that are most helpful and feasible in light of the resources available to the College.


10. 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 all reasonable rules, regulations, and by-laws for the government and operation of the College under the law and for the discipline of students.

130.03 Board Relations With External Entities

The governing board must not be subject to undue pressure from political, religious or other external bodies. Furthermore, the governing board should protect the administration from similar pressures.

130.04 Compensation of Trustees

In accordance with Chapter 115D-17 of the North Carolina General Statutes, Trustees are prohibited from receiving compensation for their services, but shall receive reimbursement for cost of travel, meals and lodging while performing official duties.

130.05 Conflict of Interest

The Board of Trustees of Montgomery Community College and its employees will abide by the “Conflict of Interest” statement and definitions listed below.
The General Statutes of North Carolina provide that, "All local Trustees and employees of community colleges covered" under the chapter pertaining to community colleges, "must adhere to the conflict of interest provisions found in G.S. Section 14-234."

G.S. Section 14-234 makes it unlawful for officers, agents, managers or employees of schools or institutions receiving state financial support to:

1. “derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law”
2. “derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.”
3. “may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.”

The General Statutes of North Carolina also make it unlawful for state employees or employees of the state's political subdivisions to benefit in a pecuniary manner or help another to so benefit by misuse of confidential information acquired in the employee's official capacity.

130.06 Removal of Trustees

In accordance with General Statute 115D-19, individual members of the Board of Trustees may be removed:

(a) 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 regulation, or is guilty of immoral or disreputable conduct, the State Board shall notify the chairman of such Board of Trustees, unless the chairman 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 that 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. 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.

(b) A Board of Trustees may declare vacant the office of a member who does not attend three consecutive, scheduled meetings without justifiable excuse. A Board of Trustees may also
declare vacant the office of a member who, without justifiable excuse, does not participate within six months of appointment in a Trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees. The Board of Trustees shall notify the appropriate appointing authority of any vacancy.

June 2013
Administration

Updated February 18, 2016
Instruction (Continuing Education)
Instruction (Public Services)

Dean of Public Services
   (Tracey Wynick)

Director of Nursing
   (Lynne Hancok)
   - Practical Nursing Instructor
     (Rami Raffael)
   - Practical Nursing Instructor
     (Carolyn Searle)
   - Practical Nursing Instructor
     (Wendy Vaughn)
   - Practical Nursing Instructor
     (Ashley Cooke)

Early Childhood Department Chair
   (Darlene Brown)

Medical Assisting Department Chair
   (Cyndi Caveness)
   - Phlebotomy Program Head and Medical Assisting Instructor
     (Amanda Beamang)

Human Services Department Chair
   (Amy Freery)

Criminal Justice/BLET Department Chair
   (Tracey Wynick)
   - Director
     (Pete Herron)

Dental Assisting Department Chair
   (Lori McAllister)

Business Administration Department Chair
   (Mike Collins)

Computer Info Tech Department Chair
   (Marsha Melny)

200.00 Administration
Instruction (Arts and Sciences)

Dean of Arts and Sciences (Robert Nelson)

Humanities and Social Sciences
- English Instructor (Sam Britt)
- English Instructor (Renee Jones)
- Religion Instructor (Glenn Hancock)

Science and Mathematics
- Biology Instructor (Rebekah Bunting)
- Biology Instructor (Mindy Joyner)
- Mathematics Instructor (Randall Zielsdorf)
- Mathematics Instructor (David Klass)
Instruction (Commercial Tech.)

Dean of Commercial Technologies (Russell Strong)

- Taxidermy Department Chair (Billy Adams)
  - Taxidermy Instructor (Andy Speer)
- Professional Crafts Clay Department Chair (Vacant)
- Electrical Systems Department Chair (Art Furr)
  - Electrical Systems Instructor (Ryan Cobb)
- Forestry Department Chair (Russell Strong*)
  - Forestry Instructor (Mike Thompson)
- HVAC Department Chair (Edwin Hinson)
206.00 Awards and Recognitions

206.01 Emeritus Status

Emeritus Status

In recognition of outstanding commitment and service to Montgomery Community College, the Board of Trustees may, at its discretion, grant emeritus status to one of its past members, a past member of the Montgomery Community College Foundation Board, or a past employee of the college. This award may be presented posthumously.

Procedure for Granting Former Trustee or Foundation Board Member Emeritus Status

A former Trustee or Foundation Board Member of Montgomery Community College may be granted Emeritus status if he/she is deemed qualified by a majority favorable vote by the current Trustees of Montgomery Community College.

The candidate must be nominated by a current member of the Trustees, routed through the Office of the President. Nomination must be made within three years of termination of service to the college. After ascertaining the candidate meets the qualifications set forth by the Board of Trustees, the Chair will present the letter of nomination to the Board along with his/her recommendation.

Procedure for Granting Former Employee Emeritus Status

A former employee of Montgomery Community College may be granted Emeritus status if he/she is deemed qualified by a majority favorable vote by the current Trustees of Montgomery Community College.

The candidate must be recommended by a current employee and nominated by the President of Montgomery Community College. Nomination must be made within three years of termination of service to the college. After ascertaining the candidate meets the qualifications set forth by the Board of Trustees, the Chair will present the letter of nomination to the Board along with his/her recommendation.

Qualifications for Nomination of Emeritus Status

1. The candidate has served as a Board Member or Employee of Montgomery Community College for at least 15 cumulative years.
2. The candidate demonstrated active involvement in College affairs.
3. The candidate provided outstanding and measurable support for the mission, programs, and constituents of Montgomery Community College.
4. The candidate is no longer serving Montgomery Community College in an official capacity and has no plans to return to active service.

**Privileges**

Individuals granted emeritus status may enjoy the following privileges

1. Listed in the College catalog
2. Their name on a plaque honoring individuals with emeritus status
3. Special invitations to college events
4. Other recognitions deemed appropriate by the Board of Trustees

Approved January 13, 2016
210.01 College President

- **REQUIRED QUALIFICATIONS**
  1. Master’s degree required from an accredited institution; Doctorate preferred
  2. Minimum of three years of senior level community college administrative experience or equivalent required; five years preferred
  3. Demonstration of innovative and effective post-secondary classroom instructional experience

- **JOB SUMMARY**
  The President is the chief executive officer of Montgomery Community College and is directly responsible to the Board of Trustees for its operations in accordance with policies and procedures adopted by the MCC Board of Trustees, the North Carolina State Board of Community Colleges, and the North Carolina Community College System, and Section 155.D of the North Carolina General Statutes.

  The President shall be qualified, by training, experience, habits, and philosophy, to develop and maintain a comprehensive community college of highest quality in accordance with the policies set forth by the North Carolina State Board of Community Colleges, the North Carolina Community College System, and the Montgomery Community College Board of Trustees.

- **JOB REQUIREMENTS**
  1. Maintain Board of Trustees relationship including, but not limited to:
     a. Attend and participate, without vote, in all meetings of the Board of Trustees, except where his/her absence is expressly desired such as Closed Session.
     b. 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 in the best interests of the College to do so.
     c. Recommend in the following broad fields, all educational programs and co-curricular programs which he/she deems to be in the best interest of the citizens of Montgomery County and 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.
        i. Organized curricula for the preparations of technicians.
        ii. Courses and curricula in vocational, trade and technical specialty areas.
        iii. Courses and programs in general adult education.
d. Advise the committees at the request of the Chairman of the Committee.
e. Advise the Board on the financial and budgetary needs of the College and recommend items to be included in the current expense budget and the capital outlay budget; and, participate in the development of sources of funding.
f. Serve as secretary to the Board of Trustees (if so designated).

2. Effectively staff the College and fulfill its mission.

3. Develop and provide educational programs in conformity with the philosophy and policies of the State Board of Community College, North Carolina Community College System, and the MCC Board of Trustees.

4. Participate in long-range and short-range planning processes.

5. Assess the building and equipment needs of the College; approve the acquisition of equipment and the efficient utilization of space; and review, update and implement the facility master plan.

6. Be responsible for all administrative and managerial aspects of the development and operation of the College.

7. Appoint lay-advisory committees for particular programs of the college where needed.

8. Promote and encourage support of the College from the private sector including nonprofit organizations.

9. Be the chief spokesman for the College in handling all information and in representing the College to external agencies. In this regard, the President will ensure that an effective program of public information is presented throughout the College’s service area on a regular basis.

10. Maintain liaison with boards of education, county commissioners, regional councils of government, businesses and industries, local agencies and groups, the North Carolina Community College System, and state and federal agencies; and serve on appropriate civic and service boards. Maintain positive visibility in the community.

11. Serve as secretary to the MCC Foundation Board of Directors.

12. Ensure that the College, through its private fund-raising efforts, maintains a margin of excellence in its ability to aid students and to contribute to institutional improvement.

13. Discharge any other functions which the Board may delegate to him/her.

EOE

Montgomery Community College shall offer equal opportunity to its employees, applicants for employment, and students without regard to handicap, race, color, religion, national origin, political affiliation, sex or age, or disability (except where age or sex is a bonafide occupational qualification). Applicants will be judged solely on the basis of meeting the requirements of the position.
210.02 Vice President of Instruction

- **MINIMUM QUALIFICATIONS**

  Master’s Degree in curriculum, administration or related area. Community College experience and demonstrated commitment to the mission of the North Carolina Community College System. A minimum of five (5) years successful college administrative experience including management of fiscal and human resources, curriculum development and evaluation, and strategic planning.

- **JOB REQUIREMENTS**

  The Vice President of Instruction serves as administrator for curriculum and continuing education programs, distance learning, and learning resources and ensures that all programs, services, and activities are supportive of the purpose and mission of the College. The position ensures that all curriculum and continuing education programs are in compliance with state standards and that all records and reports are kept in accordance with local, state, and federal guidelines.

  The Vice President will facilitate the development and implementation of planning strategies for all areas within the division, assuming overall responsibility for equipment, personnel, supplies, and materials requested through such planning. The Vice President will recommend budget line-item funding and will ensure, with input from division faculty and staff, that requisitions are within budget balances. The position is responsible for meeting all SACSCOC criteria for current programs.

  The Vice President will recommend to the President all full- and part-time personnel for the division and will ensure appropriate orientation is provided to all new employees. The Vice President will also ensure that policies, procedures, and regulations in the MCC Policy and Procedures Manual are carried out by employees in the division.

  The position is responsible for playing a pro-active role in determining programming needs, services, and activities based on service area input and identified needs. The position also oversees feasibility studies for new programs ensuring appropriate approval processes on the local and system office levels. It will also ensure that program evaluation and revitalization (including instructional enhancements) efforts occur in a timely fashion. The Vice President will ensure that distance learning opportunities are available to students.

  The Vice President will encourage and provide leadership for faculty and divisional staff members to participate in appropriate professional development activities. The position
will assure adequate participation by faculty in student advising and registration and will assure divisional participation in recruiting efforts for the College.

The Vice President will facilitate proper supervision and compliance with all laws, regulations, and policies that pertain to the division and its various programs and services. As part of this compliance, the position will monitor all reports, data, and other information of the division and facilitate the accuracy and timeliness in reporting.

The Vice President will recommend to the President individuals to serve on advisory committees for the division and ensure committees are representative of the demographics of the service area. Working in concert with the President, the Vice President will provide leadership for the college in setting a standard of excellence in all instructional and learning resources programs.

The Vice President will perform other duties related to the needs of the college as assigned by the President.

- **DIFFICULTY OF WORK**

  Work is not repetitive, but is constantly changing and related to new and innovative instructional models, emerging technologies, assessed needs, interests and expectations of the service area. The Vice President must have excellent leadership management, budgetary skills and must keep abreast of a wide variety of program guidelines and regulations.

- **RESPONSIBILITIES**

  The Vice President of Instruction is the Chief Academic Officer and reports directly to the President. The Vice President is responsible for providing leadership and vision to all academic programs, continuing education programs and learning resource services for the college.

  V. **PERSONAL RELATIONSHIPS**

  The Vice President must be thoroughly familiar with college areas, programs, services, personnel and students as well as external agencies involved in the college’s activities and operations. He/she must also understand service area, demographics and workforce development needs. He/she must be visionary, creative, energetic, outgoing and work well with people. He/she must communicate effectively internally and externally with personnel, divisions, agencies and organizations.

  VI. **POSITION EVALUATION**
This position is evaluated annually by the College President and Division Chairs/Directors according to the Montgomery Community College Personnel Evaluation Policy.

VII. PROCEDURE REQUIREMENTS FOR EMPLOYMENT

A. Montgomery Community College Application for employment
B. Official academic transcripts from all colleges attended
C. Resume including list of references
D. Prior state service form (if applicable) or appropriate documentation work record
E. I-9 Citizenship Verification Form
F. Federal and State Withholding Forms

EOE
Montgomery Community College shall offer equal opportunity to its employees, applicants for employment, and students without regard to handicap, race, color, religion, national origin, political affiliation, sex or age, or disability (expect where age or sex is a bonafide occupational qualification). Applicants will be judged solely on the basis of meeting the requirements of the position.
I. QUALIFICATIONS

Bachelor’s Degree in Business Administration, accounting, or related field, proven communication, organizational, leadership and budget management skills are required. Three years documented experience in higher education administration or comparable experience and fund accounting required. Master’s degree and facility management experience preferred.

II. JOB REQUIREMENTS

This senior executive reports directly to the President and has full responsibility for business related services including budgeting, business policies and procedures, payroll, general accounting and auditing, and cashiering. In addition the Vice President is responsible for facilities planning, physical plant, purchasing, security, safety, information technology and the college store. The Vice President serves as a member of the President’s Cabinet and the Foundation Board of Directors. He/she also participates in Board of Trustees meetings. Additionally, experience with strategic planning and continuous quality improvement is necessary. A general knowledge of the policies, laws, and general statues governing North Carolina Community Colleges is preferred but not required. Must possess the ability to interpret and apply state and federal laws and regulations governing financial procedures.

III. DIFFICULTY OF WORK

The Vice President must possess vision, energy and a rich combination of experience and personal qualities to support the development of a high-quality community college. He/She will ensure that business transactions and support services meet college short and long term goals and objectives. Additionally the Vice President is expected to participate in the college’s continuous planning process and improvement efforts.

IV. RESPONSIBILITY

The Vice President is responsible for the planning, supervision, evaluation and continuous improvement of financial and administrative services, facilities and the college store. In this role, the Vice President will:

- Work closely with and advise the President
- Serve as a member of the President’s Cabinet
- Supervise the accountant and other professional, clerical and maintenance staff
- Research and prepare policies and procedures necessary for the financial operation the college
- Prepare annual budget requests and financial reports required by the President, Board of Trustees, and state and federal authorities
V. PERSONAL RELATIONSHIPS

The Vice President must possess the ability to create a positive working environment within the division as well as service-oriented relationships with faculty, staff, and administration. He/she must also work with local, regional and state officials.

VI. POSITION EVALUATION

The college President evaluates this position annually according to the Montgomery Community College Personnel Evaluation Policy.

VII. ADDITIONAL PROCEDURAL REQUIREMENTS FOR EMPLOYMENT

Each applicant must complete or have forwarded:
A. Application for employment;
B. Academic transcripts;
C. Three letters of reference;
D. Contract for employment;
E. Salary authorization form;
F. Employee staff information form;
G. Health insurance application;
H. Employment eligibility verification form;
I. Work experience verifications.

EOE
Montgomery Community College shall offer equal opportunity to its employees, applicants for employment, and students without regard to handicap, race, color, religion, national origin, political affiliation, sex or age, or disability (except where age or sex is a bonafide occupational qualification). Applicants will be judged solely on the basis of meeting the requirements of the position.
210.04 Vice President of Student Services

The Vice President of Student Services is a senior-level administrative position under the direct supervision of the President.

I. MINIMUM QUALIFICATIONS
- Master’s degree in Business Administration or Student Services-related field from an accredited institution
- 3-5 years experience with Student Services-related activities to include recruiting, admissions, registration, financial aid, counseling, academic and career development, marketing, and advertising, and public relations activities.
- Experience and/or knowledge of the North Carolina Community College System, Planning and Institutional Effectiveness processes, and budgeting processes
- Computer skills: must be adept at data entry and retrieval, MS Office, and Word programs
- Excellent supervision, management, leadership and public relations skills

II. JOB REQUIREMENTS
- Supervising and monitoring information and reception services to ensure positive impressions of the college
- Maintaining convenient hours of operation for information and reception services for clients of the college
- Monitoring delivery of information to ensure execution in a prompt, client-sensitive manner
- Evaluating recruiting activities to suit a range of prospective target populations (adult, transfer, minority, and special needs students, etc.)
- Promoting interfacing and communication within Student Services, with other divisions at the College, and with clients of the College
- Gathering and sharing data with staff members; other divisions; administration; local, state, and federal agencies in useful or mandated formats
- Gathering and sharing information regarding numbers, quality and special needs of students so that the institution can deliver on its promises
- Cooperating with administration and designated marketing and advertising staff members to assist in evaluating and responding to trends that affect student enrollment
- Communicating identified needs of clients institution-wide for appropriate response
- Communicating identified institutional shortcomings and weaknesses to those responsible for improvement
- Assisting with development of collaborative partnerships with other educational institutions, agencies, and with businesses and industries
- Supervising the correspondence flow to prospective students, community groups, business and industry, counselors, parents and others served by the College
- Assisting with development of an annual *Recruiting Plan* designed to encourage and inspire prospective students to enroll at the College
- Assisting with development of general brochures, pamphlets, and publications for recruiting and information purposes
- Supervising and monitoring recruiting and retention activities
- Determining dominant buying motives (true decisive issues) for our students
- Conducting periodical environmental scans and evaluating internal and external factors that affect enrollment at the College
- Assisting with evaluation of assessment testing processes and instruments and other measures of student progress to ensure that student goals can be met

**Academic, Personal and Financial Aid Counseling:**
- Providing a well-rounded array of academic, personal, and financial aid counseling services
- Assisting administration in determining if institutional promises are being met
- Assisting in development of processes which gauge satisfaction levels of student clients with College services

**Internal Data Processing:**
- Providing opportunities for training and feedback of support staff in data gathering processes
- Evaluating annually the data collected for reporting purposes and methods used
- Ensuring that data and information are retrievable quickly by those in contact with prospects in person or by telephone
- Evaluating methods utilized in data gathering from clients to realize measurable gains relating to customer-sensitive issues

**Budget Development and Allocation:**
- Soliciting input from staff members concerning local and state budgetary needs
- Designing a realistic Local Budget and State Budget to adequately meet the needs of the Division
- Assisting Student Services staff members with development of Financial Aid, Career Center, Recruiting, and General Student Services budgets to adequately meet the needs of each of these areas ensuring that are designed to effectively attract and retain students.

**Institutional Quality:**
- Ensuring that staff in the division who deliver information and services share the College's definition of quality
- Ensuring that staff members communicate a focus on quality from the client point of view
- Researching, evaluating and monitoring enrollment trends
Developing a written long-range plan for the division which takes into account the North Carolina Community College System and College planning assumptions, as well as SACSCOC criteria and information from other appropriate sources, and which includes measurable goals, objectives, actions or activities to accomplish those objectives and a comprehensive evaluation which is indicative of both measures of results and how the results are being used to enhance the programs and services of the division

Directing and supervising activities and providing guidance and assistance to the Student Services Staff concerning information and reception services; recruiting activities; admissions activities, counseling services, financial assistance services, retention activities; job placement and career planning activities, reporting functions, enrollment and graduation functions and other job functions

**Miscellaneous Requirements:**
- Supervising the implementation of internal and external policies as they pertain to Student Services activities
- Coordinating arrangements for the annual curriculum graduation ceremony
- Promoting professional development and networking opportunities for Student Services staff members
- Participating in meetings, workshops, seminars, etc.
- Participating in community functions and events as a representative of the College
- Serving as liaison between Student Services staff members and administration
- Serving as a member of the President’s Administrative Cabinet and other teams as assigned by the President.

**III. DIFFICULTY OF WORK**

This position requires an individual who is able to serve the college and its constituents both as team player and as a coach to ensure that the college accomplishes its vision, mission, and goals. Additionally, the position requires a working knowledge of technology and the many avenues for which it provides for student success. The biggest challenge for this position lies in acquiring adequate resources and developing comprehensive programs that ensure the highest quality of student support services are offered to students.

**IV. RESPONSIBILITY**

The Vice President of Student Services is expected to be thoroughly familiar with all policies and procedures that govern the Student Services Division and with its many programs and services. Additionally, this position carries with it the responsibility of ensuring that all student support services are offered in a manner that is in compliance with local, state, and federal regulations and guidelines. The Vice President is also responsible for making certain that the division’s objectives are related to the college’s goals and that these objectives ensure student success and goal completion and that all student support services offered are of the highest quality.
V. PERSONAL RELATIONSHIPS

The scope of personal relationships associated with this position are very broad-based and include establishing and nurturing both internal and external relationships that benefit the students, staff and faculty, and the college community. The Vice President of Student Services must demonstrate the ability to work with a variety of personality styles displayed by constituents to ensure that college goals are met while attempting to maintain harmonious relationships within the Division, with the college environment, and within the community.

VI. POSITION EVALUATION

The President evaluates this position annually in accordance with the MCC Personnel Evaluation Policy.

VII. ADDITIONAL PROCEDURAL REQUIREMENTS FOR EMPLOYMENT

Application for employment
Academic transcripts from all schools attended
Three letters of reference
Prior State Service Form
I-9 Citizenship Verification Form
Federal and State Tax Withholding Forms

EOE

Montgomery Community College shall offer equal opportunity to its employees, applicants for employment and students without regard to handicap, race, color, religion, national origin, political affiliation, sex or age, or disability (except where age or sex is a bona fide occupational qualification). Applicants will be judged solely on the basis of meeting the requirements of the position.
220.00 College Committees

Each committee at Montgomery Community College is responsible for ensuring that its activities are in keeping with the College's goals and planning objectives. To that end, it is imperative that each committee review these items in the annual Institutional Effectiveness Plan and submit proposals and recommendations, etc. that correspond with the College's vision and mission to the President's Administrative Cabinet for approval.

Committee activities will be planned annually and funding for activities will be requested through the College's annual budget request process. Additionally, each committee is encouraged to investigate grant possibilities for funding of activities.

Committee membership: Appointments will be established on a rotating basis will be reviewed annually to include a review of minutes and member participation. It is expected that committee members will attend all meetings and in the event a member must be absent, a proxy will be sent in his or her absence. Should there be three or more unexcused absences without a proxy, the chairman of that committee will advise the College President for review.

220.02 Diversity & Cultural Activities Committee
The Diversity & Cultural Activities Committee role is to assess the diversity of the College's service area and to ensure that the administration, staff, faculty, and student populations recognize and welcome diversity as an integral part of life at Montgomery Community College. The Committee will also coordinate and schedule cultural activities to enhance cultural awareness and opportunities for staff, faculty, students and citizens of Montgomery County.

220.03 Faculty Senate
The Faculty Senate membership shall consist of all faculty. The Senate is recommended to meet at least monthly and represent the faculty on matters of faculty concern. It may make recommendations to the President's Administrative Cabinet. It shall also serve as a forum for discussion of any issue affecting the instructional program as well as a means of disseminating information among the faculty. Any member of the President's Administrative Cabinet will meet with the Faculty Senate upon request.

220.04 Financial Aid Committee
The purpose of the Financial Aid Committee is to recommend policies and procedures to the President’s Administrative Cabinet as they relate to financial aid. This committee is charged with:

1. Reviewing current accomplishments in meeting the needs of students
2. Projecting future funding needs
3. Hearing appeals of recipients with grievances
4. Approval and awarding of scholarships
220.06 Instructional & Student Services Committee
The purpose of the Instructional & Student Services Committee is to provide an opportunity for faculty and staff members to have input into the programs, procedures and services offered through the Curriculum and Continuing Education divisions at the College. The committee is charged with:

1. Providing direction in assuring quality instruction
2. Seeking ways to enhance educational programs
3. Assessing student needs and seeking ways to enhance services to include admissions, registration, career planning, counseling, financial aid, recruiting, placement, and follow-up
4. Evaluating procedures such as course delivery (through traditional and non-traditional delivery modes and scheduling,
5. Reviewing and recommending new courses/programs and program change
6. Assigning Ad Hoc Committees

220.07 Information Services Committee
The purpose of the Information Services Committee is to provide input for the planning and implementation of initiatives in the areas of distance learning, academic technology and library resources. To achieve the vision and mission of the college, committee members will provide recommendations on policies/procedures and assist in the evaluation and planning of technology in these areas. Specific tasks may include providing input on the peer review process, technology refresh plan, library materials/databases and researching viable instructional technologies.

220.09 Marketing Committee
The purpose of the Marketing Committee is to serve in a planning and advisory capacity to the public information officer to identify and recommend possible marketing opportunities and activities based on current research, marketing goals and budget. College marketing will include external as well as internal activities that can be implemented by all employees to positively promote the MCC brand.

220.10 Planning Committee
The purpose of the Planning Council is to facilitate, monitor, review and support institutional research, planning and assessment activities in collaboration with faculty and staff to advance the mission of MCC. Planning Council’s mission ensures that the College engages in ongoing, systematic and institution-wide evidence-based planning and assessment activities that result in continuous quality improvements and mission and goal accomplishment. All activities of the council are forwarded to the President for review and final approval. All meetings of the council are open to the college community and to the Board of Trustees. To ensure full participation in the process, one-fourth of the full-time membership is replaced with new participants each year; no member shall serve more than four consecutive years. After one year of separation, a member may be reappointed to the council.
220.11 President’s Administrative Cabinet
The cabinet is comprised of deans and direct reports to the President and serves as an advisory team to the president and may be called upon to assist in formulating policy and in making personnel decisions. Members serve as a forum for new information and proposals and act as a filtering agent for information and proposals going to the Board of Trustees. Members are charged with keeping the cabinet informed of events happening within their divisions, of their activities such as conferences, committee appointments and community involvement, and of any legislative and system office information that is received. Members are also charged with disseminating information from the cabinet meeting to their respective divisions.

220.12 Professional Development Committee
The purpose of the Professional Development Committee is to provide ongoing research, philosophical, procedural and technical support and feedback to ensure and promote a variety of professional development activities for all employees of the College. It is responsible for providing opportunities for growth with the ultimate goal of improvement of the educational process. This committee will make recommendations to the Cabinet for changes in the professional development arena.

220.13 QEP Implementation Committee
The purpose of the QEP Implementation Committee is to ensure the initiation, continuation, and completion of QEP activities as identified in the QEP plan. The committee will be responsible for monitoring outcomes of QEP activities and recommend necessary changes to ensure verifiable and documented outcomes data for QEP reporting requirements to SACSCOC.

220.14 Safety Committee
The purpose of the Safety Committee is to identify safety hazards, bring them to the attention of the appropriate administrator and to follow up to see that the hazard is corrected. The team will conduct periodic safety inspections, fire drills, and other safety checks.

220.15 Staff Senate
The Staff Senate membership shall consist of all non-teaching staff outside the President's Administrative Cabinet. The staff senate is recommended to meet monthly and represent the staff on any matters of general concern. Additionally, the staff senate will make suggestions and recommendations to the President's Administrative Cabinet or to the faculty senate. Any member of the President's Administrative Cabinet will meet with the staff senate upon request.

220.16 Hospitality and Wellness Committee
The Hospitality & Wellness Committee is responsible for planning and carrying out social and wellness functions for employees of the College and making recommendations to the President’s Administrative Cabinet. The committee includes employees from each of the different divisions so that input can be received from throughout the College.

Approved: October 12, 2016
Montgomery Community College is committed to pursuing aggressively an equal opportunity policy designed to ensure the employment of qualified men and women. The College is also firmly committed to day-by-day policies that ensure that students, faculty, and staff members of any race, sex, religion, national origin, or disability shall receive fair, courteous, and congenial treatment commensurate with the atmosphere of the College as a whole. Denial of such treatment to any individual on the campus shall not be tolerated.

In terms of hiring practices, the College has established policies and procedures that ensure that no person who is qualified shall be excluded from employment on the basis of race, sex, age, religion, national origin, or disability. The College is dedicated to the upward mobility and advancement of all people within its reach and seeks to comply with all federal, state, and local statutes, regulations, and orders, including those that promote equal protection and equal opportunity for students, employees, and applicants.
301.00 Employment, Dismissal and Transfer Policy

The President of Montgomery Community College is delegated the authority to initiate employment, dismissal, and transfer of all employees. The President may delegate as appropriate to hiring committees or supervisors the responsibility for the recruitment, selection, and recommendation of faculty, administrative, professional, and other employee appointments. Recommendations must be approved by the President. Notification of employment status among college employees is made to the Montgomery Community College Board of Trustees at the next regularly scheduled meeting. Any newly created position and/or organizational structure changes must have previous Board approval.

Approved February 10, 2016
302.00 Fair Hiring Policy

The College is committed to the following fair hiring process:

1. A meeting with the President and appropriate Vice President will be scheduled to review and update the job description for accuracy of responsibilities and minimum credentials, to determine the salary range and guidelines for advertising, and to determine the timetable for hiring. Additionally, an interview team shall be selected to include no more than two employees in the division with the vacancy and three other employees representing the internal College community. The supervisor for the vacant position or designee shall act as chair of the team.

2. The Vice President/supervisor will notify the Human Resources Coordinator of the vacancy. The Human Resources Coordinator will first advertise the position internally for a period of at least one week. Should the applicant pool be insufficient, the position will be advertised locally, regionally, and in some cases, statewide and nationally. The interview team will meet during the advertising period to draft candidate interview questions.

3. Advertising and receipt of applications shall be the responsibility of the Human Resources Coordinator. All applications will be given to the appropriate Vice President/supervisor. The Human Resources Coordinator will ensure that acknowledgement of receipt letters are sent to all applicants. The interview team shall then review the applications and select candidates for interviews.

4. The interview team will ensure that all candidates selected for interview meet the required qualifications, as advertised.

5. The chair shall schedule and arrange all meetings in the interview process including interviews for selected candidates. The Human Resources Coordinator shall assist with this process.

6. When appropriate, one or two finalists may be selected for a follow-up interview.

7. An investigation of professional references and a criminal background check may be conducted. The Human Resources Coordinator shall assist with this process.

8. Upon completion of the interview process, the Vice President/supervisor shall recommend to the President one (or two) finalist(s) for consideration for employment.

9. The President has the authority to approve recommendations from the Vice President/supervisor.
10. At the following Board of Trustees meeting the Board will receive notification of employee hires.

11. The President shall issue a new employee contract.

12. Notification letters will be mailed in a timely manner to all applicants not selected and shall be the responsibility of the Human Resources Coordinator.

Approved February 10, 2016
302.01 Foreign National Employment Policy

When hiring any non-US citizen, Montgomery Community College adheres to the policies set forth by the Office of State Controller (OSC).

MCC will track required information on Non-US citizens when hiring and/or making non-salary payments as established by the Office of State Controller. Non-US Citizens will complete the necessary paperwork to track and report payments to them in accordance with State/Federal guidelines as listed below.

POLICY:

Hiring Permanent/Temporary non-US Citizens:

1. In addition to the I-9 Form, require all non-US Citizens to fill out the Foreign National Information Data Gathering Form at the time they are hired.
2. The foreign national’s full name (first, middle, last), date of birth, and social security number will be emailed to the OSC Foreign National Team (Foreign.National.Team@ncosc.net).
3. The information from the data gathering form will be entered into the Tax Navigator by the HR representative and then placed in the employee’s file.
4. The original signed form is sent to the OSC Foreign National Team.

Non-Salary Payments to non-US Citizens:

1. Require all potential contractor(s) to complete an I-9 Form. When it is determined that the payee is not a US Citizen, have the contractor(s) complete a Foreign National Information Data Gathering Form.
2. A copy of the form is faxed to the OSC Foreign National Team (919-981-6651) for review.
3. The foreign national contractor will sign to approve the information. The form is then sent to the VP of Administrative Services for the authorized signature. A copy is made for distribution to Accounts Payable.
4. The original signed form is sent to the OSC Foreign National Team.
302.02 Employment Preference for Veterans, their spouses or surviving spouses

In accordance with State of North Carolina policy, it shall be the policy of Montgomery Community College that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, veterans shall be granted preference in employment with every State department, agency, and institution.

"Veteran" means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.

"Eligible veteran" means:

a. A veteran who served during a period of war; or
b. The spouse of a disabled veteran; or
c. The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as the result of such service; or
d. A veteran who suffered a disabling injury for service-related reasons during peacetime; or
e. The spouse of a veteran described in subdivision d. of this subsection; or
f. The surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

In all evaluations of applicants for positions with Montgomery Community College, a preference shall be awarded to all eligible veterans who are citizens of the State and who served the State or the United States honorably in either the army, navy, marine corps, nurses’ corps, air corps, air force, coast guard, or any of the armed services during a period of war. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.
303.00 Assignment of Positions

The President has the authority to assign duties of all personnel within the College. The President may determine the specific number of non-teaching and teaching personnel to be employed within funds available. Any of these employees may be dismissed or sustain a reduction in salary in the event that reorganization, decreased enrollment, or insufficiency of funds requires a forced attrition in the number of positions or reduction of salaries pursuant to state law. (Reference Section 313.00 Board Policy.)

The President shall give thirty-calendar (30) days notice in writing to any employee who is to be terminated or dismissed during the term of the employment contract. The President may suspend an employee for up to thirty-calendar (30) days with or without pay or for such time as legal action or internal appeal may be pending as provided in Section 312.00.
304.00 Types of Employment Status

DEFINITIONS

Full-Time Instructor

Full-time Instructor is defined as one who teaches a full load as defined in Section 511.00, and is entitled to benefits.

Permanent, Part-Time Instructor

Permanent, Part-Time Instructor is defined as one who teaches a load less than full-time as defined above but half-time or more, and is teaching this load for a nine, ten, eleven, or twelve month contract period, with benefits.

Part-Time, Temporary Instructor

Part-Time, Temporary Instructor is defined as one who teaches a load less than half time and is teaching this less than half-time load for a period less than nine consecutive months, without benefits.

Full-Time Staff

Full-Time Staff is one who works for a minimum of 40 hours per week at least nine consecutive months per year and is entitled to benefits. In addition the concept of full-time also includes the concept that the employment must be for a minimum of at least nine consecutive months.

Permanent, Part-Time Staff

Permanent, Part-Time Staff is one who works less than 40 hours per week but is contracted for a period of at least nine consecutive months, with benefits.

Full-Time, Temporary Staff

Full-Time, Temporary Staff is defined as one who works at least 40 hours per week, earns benefits and is contracted for a period less than nine consecutive months.

Part-Time, Temporary Staff

Part-Time, Temporary Staff is defined as one who works less than 40 hours per week, does not earn benefits and is contracted for a period less than nine consecutive months.
Probationary Employees

All employees hired will be subject to a one-year probationary period. Any employee promoted/transferred to a new position will be subject to a one-year probationary period. During the probationary period, said employee is considered an at-will employee.

Revised August 2012
NOTICE

Within the due process sections of this document, whenever the College is in the process of notifying an individual of an action taken by the College, such notice shall be given by certified mail, return receipt or the notice must be personally delivered.

Types of Employment Status

Appointment to a full-time position shall be for a one-year probationary period, whether newly hired or as the result of a promotion/transfer. A non-probationary status exists after an employee has served Montgomery Community College for a period exceeding one year of employment. This non-probationary employment status is further defined to mean that the person shall be disciplined or dismissed during the term of the contract only for the following reasons:

1. Inadequate or incompetent performance.
2. Participation in or incitement of disruption of College operations.
3. Insubordination or unprofessional conduct.
5. Habitual and excessive use of alcoholic beverages or nonmedical use of a controlled substance as defined in General Statutes, Chapter 90, Article 5.
6. Conviction of a felony or a crime involving moral turpitude. (An employee shall be suspended if charged with a felony or a crime involving moral turpitude.) If an employee is charged with a felony or misdemeanor other than a traffic violation, he or she shall notify the College President within 48 hours of the time he or she is charged with the offense. Failure to do so may result in the employee's immediate dismissal.
7. Advocating the overthrow of the Government of the United States or the State of North Carolina by force, violence, or other unlawful means.
8. Failure to comply with such reasonable requirements as the Board may prescribe.
9. Reorganization, financial exigency, or discontinuance of a program or position.
10. Violation of the terms or conditions of probation or other disciplinary action.

Probationary employees are at-will employees and are subject to discipline or dismissal for the reasons set forth in this section, but the above list is not inclusive of all reasons or rationale for which a probationary employee may be disciplined or dismissed during a contractual period. After the one-year probationary period expires, a person will be considered on non-probationary status. No distinction is made between instructional and non-instructional employees for purposes of this section.
305.00 Promotion/Transfer Policy

**Philosophy**
The College shall offer equal opportunity to its employees and applicants for employment without regard to race, color, religion, national origin, political affiliation, sex, age, disability (except where sex, age, or disability is a bona fide occupational qualification or where disability may require a reasonable accommodation), or disability status. This policy shall be followed in recruiting, hiring, transferring and promotion into all position classifications.

Employment requirements must be related to the duties required of an employee in a particular job. Promotion/transfer shall be made in accordance with the principles of equal opportunity and only valid job-related requirements for a promotion opportunity will be used. All promotions/transfers will be subject to a one-year probationary contractual period. It is the policy of the College to promote from within whenever possible.

**Priority for Promotion/Transfer for Non-Teaching Personnel Priority**
1. Job specifications including educational level attained
2. Performance evaluation with regard to present position
3. Longevity at Montgomery Community College
4. Former work experience

**Priority for Promotion/Transfer of FT Instructor to Administrative Priority**
1. Job specification including educational level attained
2. Administrative/management background (education, training, or former work experience)
3. Performance evaluation (with emphasis on administrative areas)
4. Longevity at Montgomery Community College

**Procedure for Promotion/Transfer for Full-Time Administration, Faculty, and Staff**
The supervisor may nominate an internal candidate to be promoted/transferred to an existing vacancy. All internal candidates must be permanent part-time or full-time employees of the College.

A recommendation to promote/transfer an internal candidate shall be made in a written statement to the appropriate member of the President's Cabinet with a copy to the Human Resources Coordinator. The cabinet member will be responsible for assuring that an internal applicant meets the basic requirements of the position or will be responsible for specifying those requirements upon which a conditional promotion may be made. If a conditional promotion is made, a contract must be executed between the College and the full-time employee specifying the conditions the employee must meet in order to retain the position and the time frames within which the conditions must be met.
The President, or authorized designee, shall maintain a personnel file for each employee. The personnel file shall include copies of records and documents regarding the employment history of the employee including, but not limited to criticisms or commendations of, and complaints about the employee, academic records and transcripts, application forms and recommendations, copies of contracts or letters of reappointment, notices of disciplinary actions, and all other records which refer to employment history of the individual.

Access to the personnel file may be permitted without the consent of the employee to the College President, the attorney to the Board to Trustees, to those school officials involved in the evaluation process of the individual, members of any hearing panel duly appointed or constituted by College officials or by the Board of Trustees in matters relating to due process hearings, or to law enforcement officials when the file is subpoenaed under court order. Access to the personnel file may be permitted to an individual to whom the employee has given a written consent for release of the records provided that the consent must be limited in time, must name a specific individual, and must bear both the typewritten and handwritten signature of the employee. The employee shall have access to his own personnel file at all reasonable times. Access to such a personnel file by any person, or by the employee, may be made only in the presence of the President, or authorized designee.

It is the responsibility of each employee to periodically review and inform as to the contents of his/her own personnel file. Each employee shall have the right to take exception or objection to any evaluation, condemnation, criticism, complaint, notice of disciplinary action, or other document that has been placed in his or her personnel file. The employee may have inserted within the file any written denial, objection, explanation or other statement regarding any item, record or document within the personnel file.

The employee may, at any time, make a written request to the President for review of his or her personnel file, and may request the President, at his/her discretion, to remove any document or item from the personnel file as long as such request does not violate the terms and conditions of 312.02. Such a request will be treated informally by the President, who may remove any item at his/her discretion, for any reason he/she deems sufficient. The written request to the President to remove an item shall not itself become a part of the personnel file. The decision of the President with respect to removal of any such item shall be final.

Certain personnel information is open to public inspection and considered public information: name, age, date of original employment or appointment, current position title, current salary, date and amount of most recent change in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and office or station to which the employee is currently assigned.
Upon written request to the College President, the requested item(s) shall be made available for inspection. Examination of copies may be accomplished by making an appointment with the College President. Said appointment and delivery of information will be scheduled within five working days of receipt of the written request. As a professional courtesy, Montgomery Community College’s routine practice is to promptly inform any and all employees whose information was requested of the request, its date and the requestor’s identity.
307.00 Contractual Relationships

All employees of Montgomery Community College are employed by contract. The term of employment does not exceed the length of the contract. Personnel to whom the College does not intend to issue a new contract shall be so notified by April 1st of the year of expiration of the existing contract. Since employees of the College are employed for the duration of their contracts only, failure to receive a new contract is not subject to the grievance procedures unless the employee alleges discrimination.
308.00 Periods of Employment

The length of employment is dictated by the needs of the College. Twelve-month, ten-month, nine-month employment, employment periods for less than 9 months will begin and end at the discretion of the President. Employees will be notified of the length of their employment at the time their contracts are negotiated.

Administrative officials of the College are responsible for the efficient operation of their divisions without regard to weather, sickness, holidays, or vacation. Proper care should be exercised to see that the College operates effectively at all times.

Full-time instructional personnel are expected to be present during assigned class and office hours, and at such times as may be necessary for student consultation, committee meetings, and any other work necessary for the effective performance of their duties. Staff members are generally expected to be present during normal office hours of the College.
309.00 Employee Orientation

All new employees should receive an employee orientation. The orientation process should familiarize each new employee with College policies and operating procedures, the functions of each division and how they interact, his/her division, and his/her specific duties and responsibilities. The new employee should be made aware of the physical layout of MCC.

All full-time and permanent part-time employees will participate in the following orientation process upon hire.

- The Business Office shall provide new employees with appropriate written information (benefit plan, booklets, etc.) and assist with payroll forms and explanation of benefits.
- The location of the Policy Manual shall be explained to employees by their respective supervisor.
- College-wide forms and procedures for procuring and completing forms shall be explained to the new employee by the supervisor.
- New employees shall be taken on a tour of MCC facilities and grounds by the immediate supervisor.
- The immediate supervisor shall explain forms and record keeping requirements of the particular job and division and show new employees location of forms.
- The supervisor and employee shall discuss job duties and responsibilities.
- Employees to be stationed at Southern Correctional Center shall be orientated with specific prison procedures prior to working at the prison.
- All completed new employee orientation forms shall be signed by the employee and immediate supervisor and copied to the employee’s personnel file.
310.00 Employee Workload

The normal workload for employees is 40 hours a week during the time the College is open. From time to time, however, staff members may be expected to work irregular hours or during the weekend. Non-exempt staff members are expected to arrange for any compensatory time off with the official to whom he/she is responsible and at the convenience of the College.
311.00 Resignation, Non-Renewal, Termination or Reduction in Force

311.01 Resignation

The Board of Trustees delegates to the President the authority to accept or reject all resignations, reporting such action to the Board as a matter of information. Any employee who has a reason to resign his/her position at Montgomery Community College must submit a written notice to the President thirty (30) days prior to the departure date. Instructors are expected to finish the semester's work before resignation. The President reserves the right to enforce terms of employee contracts as appropriate to meet the best interests of the College. The President will acknowledge receipt of the resignation letter within five (5) calendar days from time of receipt. Any employee who resigns may reapply for the resigned position if and when the position is posted for hiring. No special considerations will be granted a re-applying, former employee.

311.02 Non Renewal or Termination

The Board of Trustees delegates to the President the authority to terminate or not renew a contract for employees of the College, reporting such action to the board as a matter of information.

Employees will be given appropriate notice of non-renewal of termination of their contract. In instances where termination is immediate, employees will be given an opportunity to return to campus to gather belongings under supervision and at the discretion of the College.

311.03 Reduction in Force

The Board of Trustees delegates to the President the authority to determine financial exigency and implement a reduction in force, reporting such action to the Board as a matter of information.

When an employee's employment is to be terminated because of financial exigency, the individuals so affected shall be notified by the President as soon as college officials learn of the necessity to terminate a program or position.

Approved June 8, 2016
312.00 Due Process for Employees

312.01 Probationary Employees and Nonreappointment, Discipline or Dismissal

Employment of probationary and part-time employees is at will. The decision whether to reappoint, discipline, suspend or dismiss a college employee on probationary status may be based on any factor considered relevant to the total institutional interests. A decision may not be based upon: (1) the employee's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; or (2) discrimination based upon the staff member's race, sex, religion, age, political affiliation, handicap status, or national origin.

Within ten (10) days after receiving a written notice of nonreappointment, discipline, suspension, or dismissal in the case of a probationary employee, an employee may request in writing a hearing. Failure to make the request for hearing in writing or within ten (10) days shall constitute a waiver by the employee of any further review of the decision and shall render the decision final and binding. This review is limited solely to determining whether the decision was based upon any of the grounds stated to be impermissible in this section.

312.02 Non-Probationary Employee Discipline or Dismissal

The President shall give up to thirty (30) calendar days’ notice in writing to any non-probationary employee who is to be dismissed during the term of that employee’s employment contract. The President may suspend an employee for up to thirty (30) calendar days with or without pay or for such time as legal action or internal appeal may be pending.

Whenever there are grounds for disciplinary action against an employee, any one or more of the following disciplinary measures may be taken as shall be appropriate to the circumstances:

Level I: A verbal or written caution, warning or reprimand.
Level II: Temporary Probation, which shall be for a specified period of time. The terms of the probationary period may also include the imposition of specific conditions. Demotion Punitive or nonpunitive reassignment Suspension, which may be with or without pay.
Level III: Dismissal from employment. (Dismissal refers to termination from employment during the term of a contract for employment or during the term for which an employee has been reappointed by letter of reappointment. It is not the same and is to be distinguished from nonrenewal or nonreappointment of an employee after the term of employment under either a written contract or a letter of reappointment has expired.)
A Level III disciplinary measure may be imposed by the President of the College. A Level II disciplinary action may be imposed by anyone entitled to impose a Level III disciplinary action, or by the respective Vice President. A Level I disciplinary action may be imposed by anyone permitted to impose a Level III or a Level II disciplinary action, or by a division chairperson, head of the department or the employee's direct supervisor.

312.03 Due Process for all Part-Time Employees

Employees who work less than full-time have all rights and privileges of due process as specified in this section. Employees that fall into this category are set forth in Section 304.00.

All of the employees so defined shall have access to Section 312.00 regarding dismissal, nonreappointment, or other disciplinary action taken against employees, and shall have access to Section 314.00 regarding grievances. These employees shall not have access to Section 312.02 or to Section 313.00 regarding reduction in force.

The decision whether to reappoint a part-time employee (to include part-time instructional personnel) after a part-time contract of any nature expires may be based on any factor considered relevant to the total institutional interests and shall be vested solely in the administration. However, the decision not to reappoint a part-time employee may not be based upon the employee's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; or discrimination based upon the staff member's race, sex, age, religion, age, political affiliation, handicap status, or national origin.

The decision shall be made regardless of the length of service at the College recognizing the fact that employees in this category have no property right in a part-time position.

All part-time employment contracts of any nature shall include the following statement: The undersigned hereby understands and agrees that this contract does not imply, suggest, or offer continued or future employment beyond the limits of this specific contract.

Approved June 8, 2016
314.00 Employee Grievance Policy

If an employee has reason to believe that he/she has been discriminated against because of race, color, religion, sex, national origin, age, disability, political affiliation, or creed, or has been a victim of sexual harassment, the employee should express his/her grievance in writing to the employee's immediate supervisor with a copy to the College Human Resources Coordinator. Should the complaint involve the immediate supervisor in such a way that the employee feels he/she cannot take the complaint to the supervisor, then the initial written complaint may be made directly to the Human Resources Coordinator.

The supervisor and the Human Resources Coordinator shall review and investigate the complaint. Within ten (10) days after receipt of the written complaint, the supervisor and Human Resources Coordinator must designate in writing to the employee a meeting time with the employee to review the findings. Days refer to calendar days. When the final day falls on a weekend or holiday, the official day will be the following Monday or day following the respective holiday(s) if applicable. The meeting is to be held within five (5) days of this written notice. At the meeting, facts concerning the complaint are to be presented and a solution established if possible.

If the recommendations of the supervisor and the Human Resources Coordinator are not satisfactory to the employee, the employee may within ten (10) days appeal the decision in writing to a personnel action committee to be appointed by the Human Resources Coordinator and the President within five (5) days of receipt of complaint. A committee of five employees to review the complaint will be appointed. This committee will consist of at least three peers when possible and include at least one representative from the same category as the person filing the complaint. The employee will be notified in writing of a scheduled meeting of this committee within five (5) days after the committee is appointed. The Vice President of Administrative Services will preside at this and all following meetings in lieu of the Human Resources Coordinator unless the employee is supervised by that Vice President, in which case the President shall appoint a hearing officer. This personnel action committee shall meet with the employee within five (5) days after written notice of the meeting is presented.

If the recommendations of the committee are not satisfactory to the employee, the employee has ten (10) days to appeal in writing to the President of the College. The President will within five (5) days notify the employee in writing of a meeting date and time to review the complaint. This meeting shall be scheduled no later than ten (10) days following appeal to the President.

If a satisfactory solution is not agreed upon, the employee may within ten (10) days appeal in writing to the Personnel Committee of the Board of Trustees. The Personnel Committee will establish a meeting date and time and give the employee written notice of it within ten (10) days.
of receipt of the appeal. This meeting shall be held within ten (10) days of the written notice of said meeting.

If a satisfactory solution is not agreed upon, the employee may within ten (10) days appeal in writing to the Board of Trustees. The Board of Trustees will establish a meeting date and time and give the employee written notice of it within ten (10) days of receipt of the appeal. This meeting shall be held within ten (10) days of the written notice of said meeting.

At least five (5) days notice will be provided the employee prior to any review meeting.

Any further appeal from this action shall be made to:

The Office for Civil Rights
U.S. Dept. of Education
101 Marietta Tower
Suite 2700
Atlanta, GA 30323
315.00 Rates of Pay

The monthly and annual salaries or hourly rates of pay from state or county funds for full and part-time personnel shall be established by the President of the College within a line item budget and as set forth in the College Salary Manual. Updates to the Salary Plan will be presented to the Board of Trustees for approval. According to the policy of the State Board of Community Colleges, the state salary of the President will be established in accordance with the state salary schedule. The Board of Trustees has the responsibility of setting and adjusting the county salary of the President. Any adjustment to the line item covering the President's salary must, as is the case with all line items, meet the approval of the County Commissioners and the North Carolina Community College System.

Salary increases shall not be granted except on July 1 of the fiscal year unless a position change necessitates such action or unless the State authorizes such action. Basic salary increments will be provided all full-time employees based on guidelines established by the State Board of Community Colleges and the North Carolina General Assembly.

Basic salary increments may be provided all part-time employees each year based on premises similar to those outlined in paragraph 1; however, local autonomy shall be the procedure or philosophy under which such salaries are determined. Salary increments for part-time personnel will not necessarily match or follow those provided for full-time personnel.

Approved February 10, 2016
316.00 Longevity Pay

Permanent full-time employees are eligible for longevity pay if funded by the General Assembly. Permanent part-time employees who work more than half time should have their work included when computing aggregate services. Application for longevity pay must be completed during the calendar year prior to the fiscal year in which the employee shall reach ten (10) years of aggregate services.

An employee’s longevity pay is determined by multiplying his or her annual salary on the date of eligibility by the appropriate rate determined by the aggregate Services as shown on the table below.

**YEARS OF AGGREGATE SERVICES**
- 10 but fewer than 15 years 1.50%
- 15 but fewer than 20 years 2.25%
- 20 but fewer than 25 years 3.25%
- 25 or more years 4.50%

Under most circumstances, the longevity payment should be made in the month of the employee’s anniversary of employment with the state.

Only active employment with a qualified department, agency, or institution of North Carolina is included when counting aggregate services. The only exceptions are certain military leaves and workman’s compensation leave. Therefore, any other leave without pay may not be counted. This means periods which may have involved stipends, fellowships, scholarships, internships, maternity or other sick leave after paid sick leave and vacation leave have been exhausted may not be counted toward longevity pay requirements.
318.00 Secondary Employment

The employment responsibilities to Montgomery Community College are primary for any employee working full time; any other employment in which that person chooses to engage is secondary. An employee shall have prior approval from the College President before engaging in any secondary employment. The purpose of this approval procedure is twofold:

1. To determine that the secondary employment does not have an adverse effect on the primary employment with the College;
2. To determine that the secondary employment does not create a conflict of interest or other serious detriment to the institution.

In cases where the President may wish to engage in a form of secondary employment, prior approval must be given by the Board of Trustees.

318.01 Secondary Employment Procedure

Generally, secondary employment is said to be any type of employment, other than the employee’s primary employment with the College, for which the employee receives remuneration. Secondary employment includes, but is not limited to, self-employment, working as a consultant, selling goods or services, teaching at another college or university, and working for any other private or public entity.

The President must approve any and all instances of secondary employment being practiced by any full-time employee of the College. The President, or his designee, must review all instances of secondary employment as part of the employee’s evaluation. Secondary employment shall not be permitted when it would:
1. Create a conflict of interest with the primary employment.
2. Impair in any way the employee’s ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employee’s position.

Approval of secondary employment may be withdrawn at any time if it is determined that such secondary employment has an adverse impact on primary employment with the College. In such cases, the employee shall be asked to modify the terms of the secondary employment or to terminate such employment. Refusal of the employee to do so within a reasonable and stated period of time shall be deemed sufficient cause for dismissal.

It is the responsibility of the employee to complete a Secondary Employment Form for all employment outside the College, and to update the form as changes may occur.

Approved: November 9, 2016
SECONDARY EMPLOYMENT INFORMATION FORM

I, ________________________, request permission to work as ________________

Title of Position

with______________________________ for______________hours per week. My

Name of Business

working hours at ______________________are:

Name of Business

Days of Week (circle): M T W TH F S SU

Hours: From______________a.m./p.m.; to______________a.m./p.m.

My working hours at Montgomery Community College are from _______________a.m./p.m.
to______________a.m./p.m. I understand that permission to engage in secondary
employment may be withdrawn at any time if in the opinion of my supervisor such
employment hampers my job performance at Montgomery Community College.

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY
KNOWLEDGE.

REQUIRED SIGNATURES:

____________________________________   ________________________
Employee                                             Date

____________________________________     ______________________
Supervisors(s)                                        Date

____________________________________   ________________________
Vice President                                        Date

____________________________________     ______________________
President                                             Date
319.00 Tuition Exemption

Full-time employees of MCC may enroll in one curriculum or extension course per term at any institution in the community college system without paying tuition or registration fee charges provided the College is willing to pay costs per Session Law 2011-145 House Bill 200 Section 8.12.(b) Self-supporting classes are not tuition exempt. All other costs, such as books, activity fees, and lab fees are the responsibility of the employee.
320.00 Professional Growth for Employees

Employees will engage in professional development annually to support the mission of the college, as well as maintain and strengthen their skills and knowledge. Professional development is a component of the annual employee evaluation and other procedures adopted by the College.

Professional development activities are learning events such as: Continuing education offered by the College, membership and participation in appropriate professional organizations, annual College sponsored professional development scheduled each semester, Small Business Center seminars, Distance Learning training, and seminars and/or webinars as promoted by the Director of Learning Resources and Professional Development.

April 2016
It shall be the policy of Montgomery Community College to follow the State Board of Community Colleges Code with regard to the hiring and assignment of relatives. It is the policy of the State Board that present and prospective employees shall be evaluated on the basis of individual merit, without respect to race, sex, religion, national origin, or any other factors not involving professional qualifications and performance. In accordance with the policy principle, the following restrictions are adopted, to avoid the possibility of favoritism based on family relationships, for all employees in the System.

1. An institution shall not employ two or more persons concurrently who are closely related by blood or marriage in positions which would result in one person of such family relationship supervising another closely related person or having a substantial influence over employment, salary or wages, or other management or personnel actions pertaining to the close relative.


3. With respect to the concurrent service of closely related persons within the same academic department or other comparable institutional subdivision of employment, neither relative shall be permitted, either individually or as a member of a committee, to participate in the evaluation of the other relative.
322.00 Political Activities of the Employee

As an individual, each employee of Montgomery Community College retains all rights and obligations of citizenship provided in the Constitution and laws of North Carolina and the Constitution and laws of the United States. Therefore, Montgomery Community College encourages its employees to exercise their rights and obligations of citizenship.

All employees of Montgomery Community College are expected to comply with the following criteria drawn from the State Board of Community Colleges Code and adopted by MCC.

1. Any employee who decides to run for a public office shall notify the Board of Trustees through the President of his/her intentions to run and certify that he/she will not campaign or otherwise engage in political activities during his/her regular work hours or involve the College in his/her political activities.

2. Any employee who is elected to a part-time public office shall certify through the President to the Board of Trustees that his/her office will not interfere with his carrying out the duties of his/her position with the College, or request leave.

3. Any employee who is elected or appointed to a full-time public office or the General Assembly shall be required to take a leave of absence without pay upon assuming the office. The Board of Trustees on advice of the President shall determine the length of the leave of absence.

4. Any employee who becomes a candidate for public office shall be prohibited from soliciting support during his/her regular work hours. The employee in question is prohibited from soliciting support on college property unless otherwise authorized by the local Board of Trustees.

5. Definitions used in this rule.

   (a) Public office means any national, state, or local government position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by constitution, statute, or ordinance.

   (b) Membership in the General Assembly is a full-time public office under this rule.

The College encourages its employees to participate in the elective process, but must ensure that these activities do not interfere with their duties at the College, or with the College's ability to fulfill its commitment to provide quality education to its students and the community.
323.00 Evaluation of Administrators and Support Staff

All Montgomery Community College employees must be evaluated annually. Performance appraisals should be conducted in a congenial, non-threatening environment and are conducted for the purpose of providing feedback to individuals to facilitate their improvement and/or to recognize excellence. During January, the Board shall collect data directly from the President’s direct reports for the Board’s use in the annual performance review of the President. The evaluation process will begin once these reports have been submitted. The results of the individual performance appraisal will be shared with the respective individual in a meeting scheduled by the person conducting the evaluation no later than March 30th, and those results will be placed in the employee's personnel file held in the College Business Office.
All members of the College community are expected and instructed to conduct themselves so as to contribute to an atmosphere free of workplace harassment. Harassment of any student or employee by any other student or employee is a violation of the policy of this College and will not be tolerated. Any such person violating this policy will be disciplined in accordance with Board Policy 312.02 Non-Probationary Employee Discipline or Dismissal.

The President shall develop procedures that define workplace harassment and provide for disciplinary actions.

Procedures

324.01 Workplace Harassment

All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. No employee may engage in conduct that falls under the definition of unlawful workplace harassment indicated below.

1. Workplace harassment is defined as unwelcomed or unsolicited speech or conduct based upon race, color, religion, gender, national origin, age, disability or sexual orientation that creates a hostile work environment or circumstances involving quid pro quo.

2. Hostile work environment is defined as one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee’s work performance.

3. Quid pro quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

4. Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

5. Workplace harassment does not include personal compliments welcomed by the recipient, or social interaction or relationships freely entered into by employees or prospective employees, nor does it exclude claims where the grievant and the alleged harasser are of the same sex.

An employee who believes he or she has been subjected to workplace harassment should promptly report the circumstances to his supervisor, or when the supervisor is the alleged harasser, to the employee’s Vice President or the President. The employee should otherwise
follow the procedures for employee grievances listed in Board Policy 312.00 Due Process for Employees.

Any such person violating this policy will be disciplined in accordance Board Policy 312.02 Non-Probationary Employee Discipline or Dismissal.

324.02 Reporting Improper Activities

College employees shall be encouraged to report verbally or in writing to their supervisor, department head, Vice President, or the President, evidence of activity constituting of: a violation of federal or state law, rule, or regulation; fraud; misappropriation of College or State resources; substantial and specific danger to the public health and safety; or gross mismanagement, a gross waste of monies, or gross abuse of authority.

Subsequent to receiving such a report, the College, through its supervisory employees, shall not retaliate against the employee who reports in any manner including but not limited to discharge, intimidation, discrimination, or harassment.

Approved October 12, 2018
Title II of the Americans with Disabilities Act prohibits discrimination based on disability by any public entity, including public schools, colleges and universities. Section 504 of the Rehabilitation Act prohibits discrimination based on disability by recipients of federal financial assistance, while the Individuals with Disabilities Education Act (IDEA) entitles students with disabilities to a free appropriate public education.

Disability harassment is defined as "intimidation or abusive behavior toward a student based on disability," and includes "verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating." It is the policy of the College that prompt action will be taken if harassment of a student based on disability interferes with the student's ability to participate in or benefit from the school's program. Disability harassment in any form will not be tolerated at the institution or at any site or function controlled by the College. All persons found in violation of this policy shall be subject to disciplinary action up to and including suspension or expulsion from the College. All college employees found in violation of this policy shall be subject to disciplinary action up to and including termination.
Montgomery Community College and the Board of Trustees endeavor to create and maintain a quality educational environment that supports policies that promote a diverse faculty, staff, administration and student body that reflect the diversity of our service area.

It is the policy of the College to follow the approved Diversity Plan found in the College Institutional Effectiveness Plan.
327.00 Leave

327.01 Annual Leave

The primary purpose of paid vacation is to allow and encourage every employee to renew his/her physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year to achieve this purpose.

1. **Amount earned.** An employee who is working or is on paid leave for at least one-half of the regularly scheduled workdays in any month earns annual leave. The rate at which leave is earned is based on the length of aggregate service. Aggregate service shall include on a month-to-month basis all permanent employment with the state whether such service was or was not subject to the Personnel Act. Credit shall be given for:

   (a) Employment with other state governmental units,
   (b) Required and authorized military leave,
   (c) Employment with county agricultural service, North Carolina public schools, Community College System, or N.C. universities
   (d) Employment with a local public health, mental health, social service, or civil defense agency, or any agency participating in the N.C. retirement system.

<table>
<thead>
<tr>
<th>Years of Aggregate Service</th>
<th>Hours Granted Each Month</th>
<th>Hours Granted Each Year</th>
<th>Days Granted Each Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 years</td>
<td>7.83 hrs.</td>
<td>94</td>
<td>11.75</td>
</tr>
<tr>
<td>2 but less than 5</td>
<td>9.17 hrs.</td>
<td>110</td>
<td>13.75</td>
</tr>
<tr>
<td>5 but less than 10</td>
<td>11.17 hrs.</td>
<td>134</td>
<td>16.75</td>
</tr>
<tr>
<td>10 but less than 15</td>
<td>13.17 hrs.</td>
<td>158</td>
<td>19.75</td>
</tr>
<tr>
<td>15 but less than 20</td>
<td>15.17 hrs.</td>
<td>182</td>
<td>22.75</td>
</tr>
<tr>
<td>20 years or more</td>
<td>17.17 hr.</td>
<td>206</td>
<td>25.75</td>
</tr>
</tbody>
</table>

Calculation for aggregate service for earning annual leave shall be the same as for longevity pay. If the employee fails to produce evidence of prior service at the time of employment and later produces such evidence, credit will be allowed for the service and the earnings rate will be adjusted; however, retroactive adjustments will only be allowed for the previous 12 months. The Board of Trustees may grant permanent part-time
employees (20 or more hours per week, contract of nine months or more) annual leave on a pro rata basis for the number of hours worked per month. Part-time, hourly employees do not earn annual leave.

Montgomery Community College may accept up to 40 hours of accrued unused annual leave from another institution when a new employee joins the college. New employees will be credited for sick leave hours earned at another state institution. Transfer of annual leave hours is applicable for positions that earn annual leave by MCC Policy.

Instructional personnel do not accrue vacation leave. They are expected to be available for work whenever the college is in session and to utilize the breaks between academic semesters and established holidays for vacation. However, instructional employees must accept the requirement for a few days of preparatory work at the beginning of the academic year and before each semester and the need for limited administrative work after the close of each semester.

2. **Maximum Accumulation.** Annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any employee with more than 30 days (240 hours) of accumulated annual leave shall have the excess accumulation converted to sick leave so that only 30 days annual leave are carried forward to July 1. If the employee separates from service, payment for accumulated leave shall not exceed 240 hours. Employees will be notified at the end of the fiscal year of their annual leave status.

The President may advance annual leave not to exceed the amount an employee can earn in the time remaining in that fiscal year or contract period, whichever is less. If the employee terminates prior to earning leave advanced, the balance will be deducted from the employee’s termination check.

3. **Scheduling Annual Leave.** It is the employee’s responsibility to schedule and request annual leave time earned. Requests for more than one-half day periods must be made at least five (5) working days in advance (except in emergency situations.)

(a) All vacation requests for employees must be approved by the appropriate divisional Vice President. The President must approve all vacation requests for Cabinet members, and the Board Chair must approve all vacation requests for the President. Supervisors may approve up to ten (10) consecutive workdays for one vacation period. Every effort should be made to see that employees take vacation at times that will least interfere with regular duties. Due to institutional requirements, requests for more than ten (10) days of vacation at any one period normally will not be approved even though the individual concerned may have more than that amount of time accumulated. The MCC Personnel Leave Form will be submitted for all leave requests.
(b) Vacation is to be taken at the convenience of the institution.

(c) The minimum annual leave taken at any one time is one hour.

(d) Under emergency or extenuating circumstances, annual leave time may include classroom instructional time provided: (1) qualified substitutes are obtained; and/or (2) classes go on as scheduled.

(e) Some staff development days may be scheduled between terms or at other times during the year for which annual leave will not be approved.

4. **Leave transfer.** Up to 40 hours of unused Annual Leave may be transferred when an employee transfers between state agencies, provided certain conditions are met and, with certain limitations. Unused leave may also be transferred to a County Mental Health, Public Health, Social Services, Civil Defense Agency, or to other Montgomery County agencies, if the agency is willing to accept the leave; otherwise the employee leaving Montgomery Community College must use his/her accumulated leave, if possible, or be paid in a lump sum for accumulated leave, not to exceed 240 hours. If accumulated leave exceeds 240 hours, up to 96 hours will be transferred to sick leave. When a county employee transfers from one of the agencies listed above to Montgomery Community College, any portion of unused annual leave (up to the maximum amount allowed by the MCC annual leave policy) may be transferred to Montgomery Community College.

Employees subject to the Personnel Act may also transfer annual leave (or any portion) from a state agency or community college to Montgomery Community College; and a Montgomery Community College employee may transfer annual leave to a public school, community college, technical institute, or state agency, if employed in a position that is subject to the Personnel Act when such transfer is deemed acceptable by the head of the employing agency, community college, etc. Employment with one of the above agencies must be considered continuous to receive credit for accumulated annual leave at the time of transfer. Continuous employment of a public school, community college employee will mean that he/she accepts other employment with a state agency any time after the end of the academic year, but before the beginning of the next academic year.

5. **Presidential Incentive Leave.** In accordance with NCGS 115D-20(1) the duty of the Board of Trustees is to “elect a President or Chief Administrative Officer of the institution for such term and under such conditions as the trustees may fix.” As such, the MCC Board of Trustees will allow any candidate being hired as President to begin their term as President with a ten-year base for annual leave calculation.

For any instance where a candidate is being hired from within the North Carolina Community College System, the college will calculate annual leave based on their accumulated years of service or the ten-year base, whichever is larger.

(a) Lump sum payment for unused annual leave is made only at the time of separation. An employee may be paid in a lump sum for unused accumulative leave, not to exceed the maximum of 240 hours, when separated from Montgomery Community College due to resignation, dismissal, reduction in force, death, or retirement (terminal leave). Annual leave in excess of 240 hours, up to 96 hours, will be transferred to sick leave upon termination.

(b) All leave exceeding 336 hours at termination, will be lost, unless accepted by a transferring agency.

(c) If an employee separates and is overdrawn on leave, it will be necessary to make the appropriate deductions from the final salary check. Any deductions made will be in full hour units, i.e., a full hour for any part of an hour overdrawn.

(d) The retirement deduction shall be made from all terminal leave payments.

(e) In the case of a deceased employee, payment for unpaid salary, terminal leave, and travel must be made, upon establishment of a valid claim, to the deceased's employee's administrator or executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence.

(f) An employee ceases to accumulate annual leave during the period of any terminal leave. The employee will not be charged leave for any holidays occurring during that period.

March 2015

327.02 Sick Leave

1. Amount Earned

(a) A full-time or probationary employee who is working or on paid leave for one-half or more the regularly scheduled workdays in any month shall earn sick leave computed at the rate of eight (8) hours per month.

(b) A part-time or probationary employee, who is under annual contract and is employed on a continuing basis with a part-time appointment in a budgeted position and is working less than full time, shall earn sick leave on a pro rata basis if he/she works one half or more of the scheduled work days in as a month. The leave shall be computed on a percentage or total amount earned by a full-time employee.
(c) Temporary full-time or temporary part-time employees will not earn sick leave.

2. Accumulation. Sick leave is cumulative indefinitely.

3. Advancement. Montgomery Community College may advance sick leave not to exceed the amount an employee can earn during his/her current contract year.

4. Sick Leave may be granted for:
   (a) Illness or injury which prevents an employee from performing his/her usual duties.
   (b) Illness or injury of another member of his/her immediate family (confined to spouse, parents, children, and other dependents living in the household) for which the employee must provide care.
   (c) A maximum of three days in case of death in the employee's immediate family. (see Funeral Leave Policy)
   (d) Medical appointments.
   (e) Quarantine due to a contagious disease in the employee's immediate family to which the employee has been exposed.
   (f) The actual period of temporary disability connected with child bearing. (see Maternity Leave Policy)

5. Sick Leave is non-transferable to any other type of leave.

6. Leave Charges
   (a) Sick leave may not be taken in periods less than one-half hour increments.
   (b) Only scheduled work hours shall be charged in calculating the amount of leave taken. Saturdays, Sundays, and holidays are charged only if they are scheduled workdays.

7. Transfer of Leave.
   (a) Unused sick leave may be transferred when an employee transfers between state agencies. Sick leave may also be transferred to a County Mental Health, Public Health, Social Services, Civil Defense agency, other Montgomery County agencies, or a public school or other community colleges if the agency is willing
to accept the leave. When a county employee transfers from one of the agencies listed above to Montgomery Community College, any portion of unused sick leave (up to the amount allowed by the Montgomery Community College sick leave policy) may be transferred to Montgomery Community College.

Employees subject to the Personnel Act may also transfer sick leave (or any portion of sick leave) from a state agency to a public school, community college, technical college, or technical institute; and a public school, community college, or technical institute employee may transfer sick leave to a state agency if employed in a position that is subject to the Personnel Act when such transfer is deemed acceptable by the head of the employing agency or the local school administrative unit, community college, technical college, or technical institute. An employee who transferred from a public school, community college, technical college, technical institute, to a state agency or vice versa may be credited with any sick leave which he had at the termination of employment with the public school, community college, technical college, or technical institute or state agency provided that employment was continuous and the change of employment occurred on July 1, 1963 or after. Employment will be considered continuous if a public school, community college, technical college, or technical institute employee accepts other employment with a state agency any time after the end of the academic year but before the beginning of the next academic year.

(b) Exception. All personnel employed on or before January 1, 1987, shall receive credit for unused sick leave that would have accumulated during the entire period of their employment at Montgomery Community College had the new State Board sick leave policy been in effect since their first employment.

8. Separation

Employees will not receive payment for accrued sick leave upon termination. Should an employee be separated before he/she has earned all of the sick leave taken, it will be necessary to make deductions from his/her final salary check for overdrawn leave on a day-for-day basis.

9. Reinstatement of Sick Leave. Reinstatement of unused sick leave earned during previous appropriate employment will be granted when an employee returns to MCC employment from authorized leave without pay, or if the employee is separated for any other reason and is reinstated within three years from his/her last workday.

10. Retirement Credit

(a) All sick leave accumulated under this policy on or after July 1, 1976, shall be transferred to total service provided under the North Carolina Teachers' and State Employees' Retirement System. One month of credit is allowed for each twenty
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(20) days, or any portion thereof, of accumulated sick leave, subject to any maximum limit mandated by the Retirement System.

(b) Accumulated sick leave under MCC's Leave policy (which may not be retroactive) approved by the Board of Trustees, and in effect June 30, 1976, shall also be transferred to total service work credit provided under the North Carolina Teachers' and State Employees' Retirement System.

(c) Retroactive, accumulated sick leave provided under this policy, not covered by MCC's existing leave policy of June 30, 1976, may be used by employees of the institution, but cannot be used for transfer to total service at the time of retirement.

(d) It was never the intent of the Board of Trustees of Montgomery Community College to restrict the number of days of sick leave an employee could accumulate toward retirement (see Board minutes dated January 3, 1984).

(e) In order that Montgomery Community College employees receive the same benefits enjoyed by other State and County employees, this sick leave policy is to be in keeping with the Family Medical Leave Act of 1993 and is retroactive to July 1, 1983, for those Montgomery Community College employees under contract on and/or after January 1, 1987, which is the effective date of approval.

11. Sick Leave without Pay. Earned sick leave and/or vacation shall be exhausted before an employee can go on leave without pay because of extended illness. While an employee is exhausting earned leave, he/she earns all benefits to which entitled.

Employees can apply to the Board and to the state retirement system for short-term and if necessary for long-term disability, if the length of illness exceeds accumulated annual and sick leave.

Montgomery Community College may grant sick leave without pay for the remaining period of disability after both earned sick and vacation leaves have been exhausted. In the event the need for such leave without pay exceeds the term of the employee's contract, an extension may be requested in writing to the President of the College who will make a decision on the request.

327.03 Maternity Leave

1. The Equal Opportunity Act of 1972 and subsequent Acts made very significant amendments to the Civil Rights Act of 1964. In accordance with Title VII's policy on equal opportunity, female employees shall not be penalized in their condition of employment because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery. Disabilities resulting from
pregnancy shall be treated the same as any other temporary disability suffered by an employee.

2. Administrative Responsibility. Maternity leave, in accordance with the Family and Medical Leave Act of 1993 shall be granted to Montgomery Community College employees. Limitation of employment before childbirth is prohibited; therefore, based on the type and nature of work performed, the administration shall be responsible for determining, in consultation with the employee and upon advice she has received from her physician, how far into pregnancy she may continue to work before going on leave. Her return to work should be within a reasonable length of time, depending upon the advice of her physician. Leave may be extended based on medical certification. Reinstatement of employment to the same or similar position with like pay must be made upon the employee's return to work, unless the employee is dismissed or her contract is not renewed for reasons other than pregnancy.

3. Employee's Responsibility. The employee shall apply in writing to the President and appropriate Vice President for leave. She is obligated to return to duty within or at the end of the time determined appropriate. If she finds she will not return to work, she should notify Montgomery Community College's President or the appropriate Vice President immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, will be considered a resignation.

4. Use of Maternity Leave

   (a) Leave without Pay. An employee may desire to be on maternity leave from work prior to the time of actual disability and also after the time of actual disability. Normally this period of time would be no more than two (2) weeks before and/or after the actual disability. Leave without pay is to be provided for the time before the employee is disabled and the period of time after the disability ends, but before returning to work. Accumulated annual leave must be exhausted before leave without pay is taken.

   (b) Sick Leave. Accumulated sick leave is provided for the actual period of temporary disability caused by or contributed to by pregnancy or childbirth in the same manner for other temporary disabilities. Since there is no certainty to when disability actually begins and ends, it is necessary to determine the period of disability in order that the employee may realize the benefits of both leave with pay and leave without pay for the period of disability. Therefore, the employee is required to obtain from her attending physician, in writing, the period of temporary disability--revealing both the beginning and ending dates of disability and signed by the physician. In order to qualify for sick leave with pay for the actual period of temporary disability caused by or contributed to by pregnancy or childbirth, the temporary disability must occur during the work period of employment. In the event a portion of the temporary disability extends beyond
the contract period for which an employee is employed, that employee will be paid only that portion of temporary disability occurring within the contract period.

(c) An employee shall be re-credited with all sick leave that had been accumulated up to the time of separation, provided that employee starts back to work within twelve (12) calendar months from the date of separation.

(d) While exhausting sick and/or annual leave, the employee will continue to accumulate leave and is entitled and eligible for incremental salary increases, subject to the conditions. The same policy will apply while under short-term or long-term disability.

327.04 Civil Leave

Montgomery Community College recognizes jury duty as a civic responsibility. When an employee serves on jury duty, he/she is entitled to leave with pay for the period of absence required. He/she shall receive his/her normal compensation plus the fees received for jury service. As with any anticipated absence, the appropriate supervisor shall be advised in advance.

327.05 Funeral Leave

Montgomery Community College grants a maximum of three (3) days leave with pay for a death in the immediate family. "Immediate family" is defined mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, step-parents, step-children, step brother or sister, guardian, or ward.

The number of days funeral leave allowed depends on the circumstances and the judgment of the appropriate Vice President or the College President. Up to three (3) additional days funeral leave may be granted as sick leave or annual leave, subject to the guidelines under those policies.

Funeral leave may be granted in circumstances other than those listed above at the discretion of the appropriate Vice President and the College President.

327.06 Educational Leave

The granting of educational leave with pay will be contingent upon evidence that study or work is related to improving competencies of the instructor or administrator, seniority, number of requests, availability of a substitute (if necessary), and funds being available to pay the qualified substitute.

The employee is expected to complete a minimum of nine (9) semester hours during the period of educational leave. Any deviation from this schedule must have the President's approval.
Applications must be submitted in writing to the appropriate Vice President no later than sixty (60) calendar days prior to the proposed period of leave. For purposes of this policy, educational leave with pay refers to the release from college duties or time normally required of a full-time employee in carrying out his/her full load of responsibilities assigned. During the leave period, an employee may be released from part or all of the responsibilities assigned to his or her position.

State funds may be used to pay employee salaries while they are on educational leave if all the following conditions are met:

1. Request for educational leave must be approved by the President.

2. Approved requests must show how the studies or activities engaged in during the leave period are directly related to improving the competence of the employee in the position he or she occupies at Montgomery Community College, and shall be on a written contract basis with educational goals clearly delineated.

3. Educational leave will not be approved for an employee more often than every third year unless the College has compelling need to upgrade the qualifications of the employee.

4. To be eligible for educational leave, an employee must be employed full-time on a 9-10-11- or 12-month basis.

5. To be eligible for educational leave, an employee must be under contract for the next academic year. If contracts have not been issued, a statement of commitment will meet this requirement. The employee must agree to work sixty (60) workdays for each twenty (20) work days of educational leave.

6. Educational leave will not exceed one university semester per calendar year. Any deviation from this schedule must have the President’s approval.

7. An employee who fails to honor the contract stipulated in (5) above shall be required to repay the amount expended for the educational leave. If the employee fulfills a portion of the contract before failing to honor the contract, repayment shall be based on a prorated portion, e.g., if an employee works four (4) months of a twelve (12) month contract, a repayment of 66.7% of the educational leave funds would be required. There shall only be three classes of exceptions regarding refunds:
   a. If the individual terminates for medical reasons based on a written certification by a license physician, funds will not have to be repaid;
   b. If the individual terminates for emergency reasons such as a financial hardship created by a total home loss, funds will not have to be repaid. The College President must approve the emergency reason. Appeal of a decision denying waiver of repayment may be made through the College grievance procedure.
c. If the individual terminates in compliance with a request by his immediate superior or other person in the chain of command, funds will not have to be repaid.

An employee shall not be eligible for educational leave with pay until he or she has been employed at Montgomery Community College for two consecutive full-time contract years. Moreover, an employee shall not be eligible for unpaid educational leave until he or she has been employed at Montgomery Community College for one full-time contract year. Applications approved by the supervisor(s) concerned will be forwarded to the President for his/her approval no later than one week after the supervisor receives the employee's request. Application forms are available in the Business Office.

327.07 Emergency/Administrative Leave

Emergency or other situations may arise which require the College to close and personnel to be dismissed during normal operating hours (i.e., loss of electric or water service, inclement weather, or other damage). The President may at his/her discretion grant emergency leave with pay and not require the time to be made up. Factors such as time lost, class schedules, and student needs will be among the considerations.

Other situations may arise when the President deems it appropriate to grant administrative leave to employee(s). This leave may be with pay or without pay depending on the circumstances and reasons for the leave. Administrative leave will be at the discretion of the President.

327.08 Compensatory Leave and Overtime Pay

Custodial, clerical, and certain technical employees, who work more than forty (40) hours per week, shall be compensated by wages at a rate of one and one-half times the regular rate of pay for all hours worked in excess of forty (40) hours within a week (or) shall be compensated by time off at a rate of one and one-half hours for all hours worked-in excess of forty (40) hours within a week depending solely upon the desires of the employee. An employee who has accumulated overtime may request comp time, and such comp time leave must be given within a reasonable amount of time so long as it does not unduly disrupt the employer's operations.

No provision shall be made in a full-time instructional or non-instructional employment contract for overtime instructional work. A full-time instructional or non-instructional employee may enter into a part-time instructional contract for additional work on a voluntary basis. Payment on the part-time instructional contract shall be based on the Montgomery Community College part-time hourly faculty salary plan.

Any employee in the above categories must receive approval from his/her supervisor prior to incurring overtime/compensatory.

Approved September 14, 2005
327.09 Military Leave

Montgomery Community College shall grant leave with pay to members of reserve components of the U.S. Armed Forces for certain periods of active duty training and for state military duty. Reserve components of the U.S. Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, and the Coast Guard Reserve. The Civil Air Patrol is not a reserve component; it is an Air Force Auxiliary, and its members are not subject to obligatory service. The National Guard is unique among the reserve components in that it has a dual role, serving both as a federal reserve component and the State Militia. In its role as the State Militia, the North Carolina Army National Guard and the North Carolina Air National Guard respond to the Governor, who is their Commander-in-Chief, and serve as the military arm of the state government. Therefore, the National Guard is subject to active state duty upon order of the Governor.

1. Periods of entitlement for all reserve components. Military leave with pay shall be granted to full-time or part-time permanent (prorated for part-time employees), provisional trainee and probationary employees for 120 working hours annually for any type of active military duty of a member not on extended active duty defined below. On rare occasions due to annual training (summer camp) being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year.

2. Additional periods of entitlement for National Guard members:
   (a) Infrequent special activities in the interest of the state, usually not exceeding one day, when so ordered by the governor or his authorized representative;
   (b) Active state duty (domestic disturbances, disasters, search and rescue, etc.) for periods not exceeding thirty (30) consecutive calendar days; for period in excess of thirty (30) days, employees shall be entitled to military leave with differential pay between their military pay and regular pay if military pay is the lesser. Military leave for active state duty is to be considered separate from and in addition to military leave that may be granted for other purposes.

3. Periods of entitlement for Civil Air Patrol. When performing missions or encampments authorized and requested by the U.S. Air Force or emergency missions for the State at the request of the Governor or the Secretary of Crime Control and Public Safety, a member of the Civil Air Patrol is entitled to military leave not to exceed a combined total of 120 hours (prorated for part-time employees) in any calendar year unless otherwise authorized by the Governor. The College may request verification by the Secretary of Crime Control and Public Safety.

4. Unacceptable periods. Employees shall not be entitled to military leave for the following periods:
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(a) Regularly scheduled unit assemblies usually occurring on weekends and referred to "drills." Although these periods are unacceptable for military leave with pay, Montgomery Community College, as required by federal law, shall excuse an employee for regularly scheduled military training duty. If necessary, the employee's work schedule shall be appropriately rearranged to enable the employee to attend these assemblies. To determine the dates of these regularly scheduled unit assemblies, Montgomery Community College requires that the employee provide a unit training schedule that lists training dates for a month or more in advance. Montgomery Community College does not excuse an employee for military service performed under the circumstances defined in (b), (c), and (d) of this item.

(b) Duties resulting from disciplinary actions imposed by military authorities.

(c) For unscheduled or incidental military activities, such as volunteer work at military facilities, unofficial military activities, etc.

(d) For inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split-unit assemblies, make-up drills, etc.

5. Administrative responsibilities. The employee shall submit a copy of his/her orders or other appropriate documentation evidencing performance of required military duty to the appropriate Vice President or the President of the College.

6. Retention and continuation of benefits. During the period of military leave with pay, no employee shall incur any loss of service or suffer any adverse service rating. The employee shall continue to earn and accumulate sick and annual leave, aggregate service credit, and receive any promotion or salary increase for which otherwise eligible.

7. Leave for physical examination for military service. An employee shall be granted necessary time off when required to undergo a physical examination relating to military service.

8. Military leave with differential pay. Military leave with differential pay between military pay and regular pay, if military pay is the lesser, shall be granted for active state duty for periods in excess of thirty consecutive days.

9. Military leave without pay. Military leave without pay shall be granted for certain periods of active duty or for attendance at service schools. Except for extended active duty, all or any portion of an employee's 96 hours annual military leave (pro-rated for part-time employees) with pay or regular annual (vacation) leave may be used in lieu of or in conjunction with military leave without pay.

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Military leave policy is addressed in the State Board of Community Colleges Code.

327.10 Family and Medical Leave

The Family and Medical Leave Act of 1993 (FMLA) became effective August 5, 1993. This act has an ultimate goal of promoting the stability and economic security of families and also promoting national interests in preserving family integrity. In essence, the act guarantees an employee a right to leave with or without pay for up to twelve (12) weeks per year (from the date of initiation) during any twelve-month period for family and medical purposes, for one or more of the reasons below:

(1) The birth of a child and to care for the child after birth, provided the leave is taken within a twelve-month period following birth;

(2) To care for a child placed with the employee for adoption, provided the leave is taken within a twelve-month period following adoption;

(3) To care for the employee's child, spouse, or parent, where that child, spouse or parent has a serious health condition as certified by a physician; or

(4) Because the employee has a serious health condition as certified by a physician that makes the employee unable to perform the functions of the employee's position.

Other provisions of this act include reinstatement to the same position held when the leave began or one of like pay, and other conditions of employment; reinstatement without loss of benefits accrued when the leave began; accrual of benefits during any period of leave with pay; and the maintenance of health insurance coverage for the employee for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment.

Montgomery Community College endorses FMLA as part of the College’s attempt to assist employees as they balance the demands of work, family, and personal well-being. By directive of the N.C. Department of Community Colleges, employees who have worked with the state at least twelve months and have been on the payroll for at least 1,040 hours during the past twelve (12) months are eligible for up to twelve (12) workweeks of FMLA. This leave is concurrent with sick leave and/or vacation leave.

During the twelve-week period approved for FMLA, employees who are using sick or vacation leave shall continue to receive regular benefits. For those not using sick or vacation leave, the state shall continue to pay health insurance premiums, but the employees shall be responsible for paying for dependent coverage each month. (These payments should go to the College payroll office.) At the end of the twelve-week approved leave from work, the employee shall be assured of returning to his or her same position or another position earning the same pay and benefits. In
other words, the FMLA ensures that the employee may return to the same or equivalent job at the College at the same pay scale and with the same benefits.

FMLA goes into effect after twelve (12) consecutive business days of sick leave for self or family, the employee shall be placed on FMLA by the College. FMLA shall be initiated by the Human Resources Coordinator upon notification by the employee’s supervisor that the employee has exhausted twelve (12) consecutive days of sick leave. Should the employee not make such notification to the supervisor, the College shall initiate action.

327.11 Voluntary Shared Leave

**Purpose:** The purpose is to provide an opportunity for employees to assist another employee affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

In cases of a prolonged medical condition, a College employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee within the College or from the sick leave or vacation account of an immediate family member within the College or an external state agency. Immediate family member, for purposes of transferring vacation leave, is defined as spouse, parents, children, brother, sister, grandparents, grandchildren, and step, half, and in-law relationships. Immediate family member, for purpose of transferring sick leave, is defined as spouse, parents, children (including step relationships) or other dependents living in the employee's household. For purposes of this policy, medical condition means medical condition of an employee or a family member (spouse; parents; children, including step children; or other dependents living in the employee's household) of such employee that is likely to require an employee's absence from duty for a prolonged period, generally considered to be at least twenty (20) consecutive work days.

**General Guidelines**

1. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.

2. An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

**Eligibility**

1. The employee must be a full-time permanent or probationary employee (as defined in Section 400.0 of the Board Policy Manual) or a permanent part-time employee (as defined in Section 400.0 of the Board Policy Manual) with a minimum of one year service, have
exhausted all vacation and sick leave balances and must be working or on paid leave for one-half or more of the regularly scheduled workdays in any month.

2. An employee who has a medical condition and who receives benefits from the Disability Income Plan of North Carolina is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

3. The policy will not ordinarily apply to short-term or sporadic conditions or illnesses.

**Application Procedure**

1. By letter of application to the President, a recipient shall apply or be nominated by a fellow employee.

2. The application shall consist of the following: name, description of the medical condition, and estimated length of time needed to participate in the program. The Privacy Act makes medical information confidential; therefore, prior to making the employee's status public for the purpose of receiving shared leave, the employee must sign a release to allow the status to be known.

3. Approval for shared leave shall be made by the President's Cabinet.

**Recipient Guidelines**

1. A prospective recipient may make application for voluntary shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.

2. Participation in the program is limited to 1,040 hours, prorated for part-time employees, either continuously or, if for the same condition, on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of 2,080 hours, if the administration would have otherwise granted leave without pay.

3. Subject to the maximum of 1,040 hours, the number of hours of leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined vacation and sick leave balance as of the beginning of the recovery or treatment period. The employee must exhaust all available leave before using donated leave.

4. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.

5. At the expiration of the medical condition, as determined by reports from a physician to the College administrative council, any unused leave in the recipient's donated leave account shall be returned to the donor(s) on a pro-rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

6. If a recipient separates from the College, participation in the program ends. Donated leave shall be returned to donor(s) on a pro-rata basis.

**Donor Guidelines**

1. The minimum amount to be donated is eight hours.
2. **Sick Leave Transfer for Immediate Family**: An employee family member donating sick leave to a qualified family member under this program may donate up to a maximum of 1,040 hours, but may not reduce his/her own sick leave account below 40 hours.

3. **Maximum Annual Leave Transfer**: The maximum amount of vacation leave allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate.

**Leave Accounting Procedures**

1. The College Shared Annual Leave Form shall be used to account for the transfer of leave to and from the various accounts.

2. Leave transferred under this program will be available for use on a current basis or may be retroactive for up to thirty (30) calendar days to substitute for leave without pay or advanced vacation or sick leave already granted to the leave recipient.

3. Each approved medical condition shall stand alone and donated leave not used for each approved incident shall be returned to the donor(s).

4. Employees who donate "excess" leave (any amount above the 240 maximum allowable carryover) at the end of July may have it returned, but credited to their sick leave balance.

**327.12 Legal Holidays**

This institution shall observe the following legal holidays:

New Year’s (2 days), Martin Luther King Day (1 day), Easter (1 day), Memorial Day (1 day), July 4, (1 day), Labor Day (1day), Thanksgiving (2 days), and Christmas (3 days).

**327.13 Leave without Pay**

Leave without pay may be granted under limited circumstances:

- For illness when sick and vacation leaves have been exhausted;
- For extended study; or
- Military leave beyond fifteen (15) calendar days per year provided that the request is made in writing in advance to the appropriate Vice President for his/her recommendation and for approval by the College President.
- The appropriate Vice President must approve other circumstances warranting leave without pay.

**327.14 Personal Leave**

Infrequent paid personal leave for two hours shall be granted a full-time employee to meet personal engagements that cannot be dealt with any other way. Paid personal leave for a
maximum of three days annually may be granted to full-time employees in the following situations:

- Death of a member of the employee’s immediate family spouse, parent, sibling, child, in-law, grandparent, grandchild, or stepparent;
- Non-medical professional appointments or other extraordinary or pressing personal engagements if approved in advance.

The immediate supervisor and the appropriate Vice President must approve these privileges. Employees requesting such leave should make appropriate arrangements for covering classes and/or workstations during their absence. Exception may be made to this maximum in the case of unusual circumstances if approved by the appropriate Vice President or the College President.
328.00 Other Benefits

328.01 Worker’s Compensation

Montgomery Community College employees are covered under the North Carolina Workers’ Compensation laws. These laws provide payment for lost time and medical attention at state expense for a job-related injury or occupational illness.

It is the employee’s responsibility to file claims for workers’ compensation. Employees should report an accident or occupational disease to their supervisor as soon as possible. Supervisors will report the information to the Business Office Colleges Workers’ Compensation Administrator on the appropriate forms. A claim file is established to record claims activity. The Workers’ Compensation Administrator will report it to the North Carolina Industrial Commission if it meets their reporting criteria.

If the job-related injury results in time lost from work, the employee will be placed on workers’ compensation leave after the required waiting period, and the employee will receive weekly compensation benefits. The current waiting period is seven (7) calendar days during which time the employee may use vacation or sick leave or go on leave without pay.

The weekly benefit under workers’ compensation is equal to two-thirds of the employee’s average weekly wages and is subject to the maximum amount established annually by the North Carolina Industrial Commission.

Weekly benefits under workers’ compensation may be supplemented by using sick or vacation leave earned prior to the injury. The North Carolina Office of State Personnel maintains a schedule for use of such leave. Providing the use of this type leave allows the employee’s take-home pay to be approximately the same as it was prior to the incident.

The State Government Workers’ Compensation Program publishes a Workers’ Compensation Employee Handbook providing a general explanation of benefits is published. It is available through the College Business Office.

328.02 Insurance and Annuity Program

All non-temporary, full-time employees join the State group plan for hospitalization and medical care. Under the provisions of the contract, the state or the institution shall pay the premium cost for each employee. After one year’s employment, permanent employees are eligible to receive the benefits of the Disability Salary Continuation (DSC) Plan for Teachers and State Employees of North Carolina. The entire cost of this benefit is borne by the state or the institution. Group Term Life Insurance is also available to permanent employees at a favorable rate. Disability
insurance plans are also available. Tax sheltered annuity plans are available. Monthly costs may be deducted from salary and paid to the company by the business office. All full-time employees are eligible for participation in the State Employee’s Credit Union. There are many benefits for employees under the terms of the North Carolina State Retirement Program. All full-time employees must enroll in, and contribute to, this retirement plan. The College is covered by Workers Compensation insurance against injuries that occur while employees are at work. For details concerning benefits, contact the Human Resources Coordinator. Dental and Cancer insurance is also available for all full-time employees.

328.03 Retirement

Application for retirement must be made through the College Business Office. An application must be filed with the Retirement System at least one day but not more than ninety (90) days before the effective date of retirement. The effective date of retirement is always the first day of a month. It is recommended that retirement applications be made at least sixty (60) days prior to the planned retirement date in order to ensure timely payment of the first retirement check.

328.04 Wellness

Montgomery Community College supports the physical health and well-being of its employees. Employees may use up to thirty (30) minutes of each working day to participate in wellness activities on campus as approved by their supervisor. Activities may include walking for fitness, participation in exercise class, and use of the campus weight room.

Use of the weight room located in Building 500 will be limited to full-time and permanent part-time Montgomery Community College employees, Basic Law Enforcement Training (BLET) instructors and students, and students enrolled in curriculum or continuing education courses of which physical education is a required component.

BLET students may utilize the facility during classroom instruction related to physical training and at other times as deemed appropriate by the BLET Director.

Students enrolled in curriculum or continuing education courses, other than BLET, must be under the direct supervision of a certified instructor.

Employees may utilize the facility at times when it is not being used for instructional purposes. A signed risk and release form must be on file in the personnel office prior to any employee using the facility.

No equipment shall be removed from the facility without permission of the BLET Director.

Approved January 13, 2016
329.00 Professional Dress and Grooming

Employees of Montgomery Community College will maintain professional dress and grooming at all times. Guidelines for professional dress and grooming are outlined in the Dress Code Procedure. Questions regarding dress and grooming should be directed to the Coordinator of Human Resources.
401.01 Budget Development and Planning

The budget process at Montgomery Community College is a relatively simple one. This is because many important elements of the budget, its overall size, the annual rate of employee compensation, and the nature of the employee benefit package are determined externally. In large part, the Montgomery budget process is a procedural reaction to the budgets allocated for the College by the North Carolina State Legislature and the Montgomery County Commissioners.

In its budgetary process, the College has at its discretion the allocation of equipment money; funds for supplies, marketing, printing, travel, etc.; and new positions in times of institutional growth. To make allocations in those three areas, the College utilizes a bottom-up process in which requests are generated by faculty members, staff members, divisions, and offices. Those requests are forwarded to chairs and directors. The chairs and directors discuss these requests at length with the Vice Presidents or supervisors, who must prioritize them into final recommendations that are presented to the President.

This determines how allocations shall be made campus wide, keeping in mind the College's mission statement and the goal statements that support the mission. The Vice Presidents/Directors then make recommendations to the College President. The President responds to those recommendations, makes appropriate decisions, and makes them part of the College's official budget, which is then presented to the College's Board of Trustees for approval at its August meeting (or at the first Board meeting following the budget action of the North Carolina Legislature).

The development of the College's budget is a cyclical and ongoing process. In order to develop budgets, it is important that all faculty and staff have input into the process.

1. A form for listing budget requests shall be distributed to all faculty and staff. Upon completion of this form shall be submitted to the respective Vice President who shall be responsible for developing the division's budget.

2. In conjunction with Institutional Effectiveness Plan the division budget is submitted to the Vice President of Administrative Services, who coordinates the budgeting process and is responsible for developing the preliminary institutional budget and submitting it for review to the Cabinet.
3. The preliminary budget is reevaluated by the Cabinet upon receipt of the allocations from the county and the state for the upcoming fiscal year.

4. The completed budget is presented to the Board of Trustees Finance Committee for approval and recommendation to the full Board of Trustees no later than the September Board meeting unless the College from the North Carolina Community College System has not received the budget allocations.

5. Copies of the approved budget document are sent to the County Commissioners, the County Manager and the North Carolina Community College System.

6. Over the course of the year the budget is revised in keeping with state regulations to meet changes dictated by the needs of the College in the ongoing operation. All budget transfers are approved by the President and submitted by the Vice President of Administrative Services.

7. The budget process of Montgomery Community College shall be evaluated annually by the Vice President of Administrative Services. The results of the evaluation of the process shall be provided to the Board of Trustees and the President's Cabinet.
402.02 Emergency Budget

An Emergency Budget exists when the present level of services and the present level of salaries cannot be funded without adjusting salaries, responsibilities, and services. Actions necessary to continue services within an emergency budget may include:

1. Non-salary monies shall be reallocated to salaries

2. Reassignment of services formerly performed by part-time employees to full-time employees without a corresponding increase in salary

3. Release part-time personnel as necessary

403.03 Investment Policy

Scope

This investment policy applies to all funds of Montgomery Community College. These funds are accounted for in the annual financial report and include all current funds, and any other funds that may be created from time to time. All transactions involving the funds and related activity of any funds shall be administered in accordance with the provisions of this policy. North Carolina Statutes will take precedence except where this policy is more restrictive wherein this policy will take precedence.

Objectives

1. Safety of Principal - Investments shall be undertaken in a manner that seeks to ensure preservation of principal in the overall portfolio. To attain this objective only appropriate investment instruments will be purchased.

2. Liquidity - The investment portfolio shall be structured in such a manner as to provide sufficient liquidity to pay obligations as they come due.

3. Return on Investments - The investment portfolio shall be designed to attain a market-average rate of return, taking into account the risk constraints, and the cash flow characteristics of the portfolio.

4. Maintaining the Public's Trust - The Vice President of Administrative Services shall act responsibly as custodian of the public trust and shall avoid any transaction that might impair public confidence in Montgomery Community College or the Board of Trustees.

Investments Instruments

The College may invest in any type of security allowed by the State of North Carolina.

Diversification

Investments shall be diversified to eliminate the risk of loss resulting in over concentration in a specific maturity, issuer or class of securities. Diversification strategies shall be determined and revised periodically by the Vice President of Administrative Services.
**Qualified Financial Institutions and Intermediaries**

Any financial institution selected shall provide normal banking services, including, but not limited to checking accounts, wire transfers and safekeeping services.

**Management of the Program**

1. The Vice President of Administrative Services is authorized to purchase and sell investments, authorize wire transfers, and to execute any documents required under this procedure:

2. Management responsibility for the investment program is delegated to the Vice President of Administrative Services, who shall establish a system of internal controls designed to prevent loss of funds that might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees of the College. Such procedures shall include delegation of authority to persons responsible for investment transactions; check reconcilement, deposits, bond payments, report preparation and wire transfers. No person may engage in any investment transaction except as provided for under the terms of this policy.

**Performance**

The Vice President of Administrative Services will seek to earn a rate of return appropriate for the type of investments being managed.

**Ethics and Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**Indemnification**

Investment officers and employees of the College acting in accordance with this investment policy and operational procedures and exercising due diligence shall be relieved of personal liability for market changes.

**Reporting**

The Vice President of Administrative Services shall submit to the Board of Trustees an annual investment statement that includes information regarding securities in the portfolio by type, book value, income earned and market value as of the report date. Generally accepted accounting principles shall be used for valuation purposes.
404.04 Credit Card Policy

In order to use the College credit card, a request must be made on a request form, with an attached requisition signed by the appropriate Vice President and submitted to the Vice President of Administrative Services. The credit card shall be used for the following kinds of items.

1. Purchases of supplies or travel registration that cannot be bought with purchase order.

2. Travel advances approved by the College President.

3. Emergency situations (broken equipment, etc.) that require immediate purchase.

The credit card is not intended to circumvent the purchasing process.

A log will be kept, with requests recording all credit card use. Any person using the card without authorization will be personally responsible for reimbursing the College within twenty-four hours the amount of the purchase.
405.05 Not Sufficient Funds Checks

The following procedure shall be observed regarding all non sufficient funds (NSF) checks or drafts submitted as payment to Montgomery Community College.

1. Upon receipt of a (NSF) check, Montgomery Community College shall charge a $25.00 fee to the writer of the check.

2. Montgomery Community College shall hold the check and notify the writer by Certified mail of the returned check, requesting full payment, including fee, within ten (10) business days.

3. If a response to the request for full payment is not received within ten (10) business days, Montgomery Community College's Vice President of Administrative Services shall turn the check over to the County Magistrate's office for collection.
406.06 Tuition Refund

(Reference: SBCCC Title I Chapter E. Student Tuition and Fees (Subchapter 900. Refunds))

1. A tuition refund shall not be made using State funds except under the following circumstances:

(a) On-Cycle Course Sections:
   i. The College shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the College prior to the first day of the academic period as noted on the College calendar.
   ii. The College shall provide a 100 percent refund to the student if the College cancels the course section in which the student is registered.
   iii. After an on-cycle course section begins, the College shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the College from the course section prior to or on either of the following, as determined by local College policy and noted on the College calendar:
      i. The 10 percent point of the academic period, or
      ii. The 10 percent point of the course section.

(b) Off-Cycle Course Sections:
   i. The College shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the College prior to the first day of the off-cycle course section.
   ii. The College shall provide a 100 percent refund to the student if the College cancels the course section in which the student is registered.
   iii. After an off-cycle course section begins, the College shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the College from the course section prior to or on the 10 percent point of the course section.

(c) Non-Regularly Scheduled Course Sections:
   i. The College shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the College prior to the first day of the non-regularly scheduled course section.
   ii. The College shall provide a 100 percent refund to the student if the College cancels the course section in which the student is registered.
   iii. After a non-regularly scheduled course section begins, the College shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the College from the non-regularly scheduled course section prior to or on the 10th calendar day after the start of the course section.
2. To comply with applicable federal regulations regarding refunds, federal regulations shall supersede the state refund regulations stated in this rule.

3. Refund due to death of student. Where a student, having paid the required tuition for a term, dies during that term (prior to or on the last day of examinations of the College the student was attending), all tuition and fees for that term may be refunded to the estate of the deceased upon the College becoming aware of the student’s death.

4. Refund due to military service. Upon the request of the student, the College shall:
   (a) Grant a full refund of tuition and registration fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations that make it impossible for them to complete their course requirements; and
   (b) Buy back textbooks through the Colleges' bookstore operations to the extent allowable under the College’s buy back procedures.

   Colleges shall use distance learning technologies and other educational methodologies, to the extent possible as determined by the College, to help active duty military students, under the guidance of faculty and administrative staff, complete their course requirements.

5. The College shall follow the described in Item (1) above for self-supporting classes.

6. All local fees (lab fee, activity fee, technology fee or other fees as approved by the MCC Board of Trustees) will be refunded only in the event of 100% withdrawal by the student prior to the beginning of the semester/term or in the event that a class is cancelled due to insufficient enrollment.

7. All student refunds shall be disbursed within two weeks from receipt in the Business Office.

**Continuing Education**

(Reference: 1E SBCCC 900.2 Continuing Education Registration Fee Refunds)

A refund shall not be made using State funds except under the following circumstances:

1. For a student is eligible for 100% refund upon request prior to the first class meeting. A 100% refund shall be made if the College cancels the class. After the respective class begins, a 75% refund may be granted upon request if the student officially withdraws from the class prior to or on the 10% point of the scheduled hours of the class. For Contact Hour classes, 10 calendar days from the first day of the class is the determination point.
2. At the time of official withdrawal under this policy, the College shall notify the student of the right to receive a refund.

3. There shall be no refund of fees for self-supporting classes except in accordance with Item (5) of this policy except in extenuating circumstances and with presidential approval.

Lab and/or Activity fees collected at registration shall only be refunded in the event of 100% withdrawal by the student prior to the beginning of the respective class. All Lab and/or Activity fees are non-refundable under any other circumstances unless students withdraw from college prior to the first day of classes.

All student refunds shall be disbursed within two weeks from receipt in the Business Office.

January 2015
407.07 Vending Revenue Policy

All vending revenues and other concession profits will be held in our institutional fund account. These revenues will be spent for:

1. Supporting cost of operation of vending machines and other concessions, as needed.
2. Other institution-related expenditures authorized by the President.

Vending revenues and other concession profits will not be used for salaries.
407.08 Bookstore Revenue Policy

The bookstore is organized as a service to students which enables them to purchase books, supplies, and materials essential for the attainment of their educational goals.

Mark-up of textbooks shall be reasonable and consistent with the mark-up prevailing among other North Carolina Community Colleges. The amount of mark-up to be charged shall be reviewed periodically by the Board of Trustees.

The profits generated by the bookstore may be used as follows:

- Support of bookstore operating expenses including, but not limited to, operating resources and equipment associated with the operation, support and enhancement of the bookstore
- Student aid and/or scholarships
- Other expenditures of direct benefit to students (e.g., funding of positions for financial aid; support of the Student Government Association)
- Other similar expenses authorized by the Board of Trustees (e.g., new faculty positions for start-up of new programs, counselors, and instructional equipment)
- The Student Center (operations of student associations and activities, and the construction and renovation of the Bookstore itself.)

Profits may not be used for:

- Supplemental salaries or bonuses of any personnel
- Administrative support of the College other than that allowed above
- College entertainment expense (Educational activities for non-college personnel or college personnel to enhance student success is permissible. Functions in which the primary purpose is lobbying or soliciting donations would be considered entertainment and are not permissible.)
- Construction of anything other than the Student Center.

The use of profits shall be reviewed periodically by the Board of Trustees. All expenditures shall be consistent with the mission and purpose of the community college system.
The College will write off uncollectible accounts in the following manner:

- For accounts less than $50.00, and over one (1) year old, accounts will be written off once a year.
- For accounts over $50.00 and over three (3) years old, (which is the statute of limitations on most account receivables), the College will abide by the Uncollectible Accounts Policy by the Attorney General’s Office which states, “accounts should be written off any agency’s financial accounting records when all collection procedures have been conducted without results and management deems the accounts uncollectible. After write off, these accounts shall continue to be submitted to the Department of Revenue for debt setoff proceedings.”
409.10 Deferred Payment

The College will permit short-term deferred payments or payment in installments (pursuant to NCAC Chapter 2D Section .0201 page 10) for tuition, registration fees and required academic fees; provided, however, that no student shall be permitted to graduate or to register for a new semester unless payment of such outstanding balance has satisfied. The College will withhold transcripts of grades pending resolution of the outstanding obligations.
Facilities and Equipment

410.00 Special Events Facilities Usage

Special events are non-curricular activities that require space and logistical support of special equipment. Examples include but are not limited to conferences with visiting educational or civic groups, dinners, visiting lecturers, faculty and student dances, musical presentations, picnics, and art shows.

Arrangements for special events on campus should be made through the President’s Office. Permission may be granted for the use of college facilities and grounds by community groups and organizations when the requested use is for activities of an educational, cultural, or services nature and when space is available.

Procedure

Definitions

Sponsorship - the act of the College assuming responsibility, in conjunction with the agency or organization requesting facilities use, for an activity that takes place on the College campus. See Section 3 of this policy for further detail.

Advance Payment - the total sum payable to the College for facilities usage, including supervision fees or equipment operator charges.

Non-Profit Organization - any organization that has written IRS designation as a 501 (c) 3 or similar entity.

Profit Organization - any organization that does not qualify as a non-profit organization as set forth in the previous definition.

Deposit - a sum equal to the advance payment for facilities usage, less any supervision or equipment operator charges or the standard sum of $250 as a deposit for the use of the multi-purpose room/kitchen.

Individual Use - use of the facilities by an individual for his/her own personal reasons or use of facilities by an individual in order to hold a function involving others. Unless the College sponsors such use, the contracting individual shall be treated as a profit-making entity.

Weekend - is defined as that period of time beginning at 3:00 p.m. on Friday and terminating at 8:00 a.m. the following Monday morning.
1. **Staffing.** Facilities of the College shall not be used when the College is not staffed by at least one staff member unless a monitor is available. Parking lots and grounds (outside area) may be used without administrative supervision unless a facility is to be open so that the public may use MCC restroom facilities and such use is at a time other than during a normal operational day. MCC reserves the right to designate the specific restrooms to be used.

2. **College Priority.** No group, organization, or individual shall be allowed to use any facilities at any time such usage would conflict with the use of the facilities by College students or staff. This applies to any pre or post contract situation. The College reserves the right to void the contract with a minimum of 60 days’ notice. For example, if a contract is written for specific dates and later the College needs the space, the College may utilize the space, giving 60 days’ notice, without recourse by the lessee. This, however, is highly unlikely, and the College shall work diligently with the lessee to prevent such occurrence.

3. **College Sponsored Meetings.** When Montgomery Community College sponsors facilities usage, a sponsored entity contracting for space shall be allowed to forego any deposit and usage fee. The President of Montgomery Community College or his/her designee shall determine sponsorship. Such sponsorship shall be evidenced by notation on the contract with the sponsored entity. Without such notation, the agency, organization, or individual shall be classified as a non-sponsored entity and all provisions of the policy applicable to non-sponsored entities shall apply. Sponsorship shall include, but shall not be limited to:

   (a) Meetings of organizations connected with the NC Community College System.
   (b) Meetings of groups connected with the Montgomery County Public School System who has official written endorsement from the Superintendent of the Montgomery County Public School System.
   (c) Meetings of federal, state, and Montgomery County governmental agencies.
   (d) Meetings that because of their nature and purposes the College President deems worthy of sponsorship.

4. **Usage Request.** If a group, organization, or individual wishes to use the facilities, ten (10) workdays (weekdays) should be allowed to notify the College concerning desired facilities use. For example, if a group wishes to use the facility on a Friday, the College should receive notification no later than the Friday that is two weeks before the proposed usage date. Usage requests should be in writing, but may be made verbally in case there is inadequate time to make a written request. Requests shall be made directly to the Assistant to the Vice President of Instruction. The Assistant to the Vice President of Instruction shall maintain the use schedule based on bookings made by him/her. All written requests shall be “stamped in” the day of receipt; likewise all verbal requests shall be logged in a special logbook the day of receipt. A form indicating the disposition of the request shall be mailed the same day it is received or the next business day if the request is received on a weekend or holiday. The event shall be scheduled once the College receives the request; however, a function or event shall not be booked or guaranteed until a usage contract has been executed (see Section 5), and the College,
if applicable, receives all appropriate fees and deposits. Confirmation of booking shall be done by phone.

5. **Contract.** Each group, organization, or individual desiring to use the facilities shall sign a Facility Usage Contract containing conditions stipulated in this policy prior to usage. The contract (in the case of college-sponsored groups) shall provide for any special equipment, conditions, or assistance necessary in connection with facilities use. It shall be the responsibility of the potential facility use or lessee to stipulate such in writing at the time the contract is signed. This contract must be available at the time of facility use and presented to the appropriate College contact.

6. **Deposit.** When a written request is made to use the facilities, both profit-making organizations or individuals and nonprofit organizations (those not sponsored by the College) must deposit with the College Business Office an amount that is equal to the total advance payment less any supervision fee. In the case of the multi-purpose room use, a deposit of two hundred fifty dollars ($250) is required of all users regardless of sponsorship. The deposit shall be returned within 30 calendar days of the last day of usage if the College property is in proper order. If an organization or agency wishes to use the facility on an ongoing but periodic basis, the initial deposit left on account at the College shall suffice for future usage. The deposit shall be forfeited if regulations concerning the use of the facility are violated.

7. **Cancellation.** If an organization, agency, or individual cancels a booking, this must be done five (5) workdays (weekdays) before the date of requested facilities usage. Failure to do this shall result in an administrative charge equal to one-third of the deposit amount not including usage fee. For sponsored agencies, noncompliance shall result in an agency being considered as a profit category for future usage request.

8. **Damages – Non-Sponsored Organizational/Individual.** In the event that College property is damaged by an amount that exceeds the deposit amount, the organization or entity booking usage shall be liable for any damage that exceeds the deposit amount.

9. **Damages – College Sponsored Organizational/Individual.** In the case of college-sponsored events, the agent (undersigned) of the agency or organization or individual shall be responsible for executing a binder letter stipulating that the agency, organization, or individual shall bear the cost of repairing the facility as a result of damages incident to its use by said agency, organization, or individual. This binder letter shall be signed at the time a contract for usage is executed and shall be attached to the College copy of the contract.

10. **Equipment.** Montgomery Community College shall not be responsible for providing equipment in connection with facilities usage unless the College as per Item 3 of this policy sponsors the meeting. If equipment is provided to sponsored groups or individuals using College facilities, the individual representing the lessee or facility user (the individual signing the contract) shall be held personally responsible for the equipment and shall arrange for its placement in the desired location. The individual must personally arrange to acquire the
equipment or material from designated College officials and must sign for the equipment unless a supervisor or operator is being paid. Return of equipment is the responsibility of the person signing the usage contract unless a supervisor or operator is being paid. Equipment used must be returned immediately after the last day of usage. Montgomery Community College shall not be responsible for any personal items left in the facility by any group, organization, or individual.

11. **Parking.** Montgomery Community College shall not provide special parking areas or rights to groups or individuals using the facilities. Students of Montgomery Community College shall be given priority, and parking is to be handled on a “first come, first served” basis.

12. **Signage.** It is the policy of the Board that no signs of any nature shall be placed in the highway right-of-way of the College’s property.

13. **Controlled Substances.** Controlled substances including but not limited to, tobacco, alcohol and illicit drugs is prohibited on college property. Eating and drinking in any classroom or laboratory are strictly prohibited. Violation of this regulation as it impacts facility users shall result in forfeiture of the deposit, placement in the profit category for future use, and may result in the group not being allowed to use the facility in the future.

Eating or drinking in a shop area is permitted unless future conditions preclude these activities in the shop areas. Eating or drinking in the halls, stairwells or other areas outside the lounge areas is discouraged. The various College lounge areas are the designated and preferred areas for eating and drinking.

14. **Supervision Fees.** Any group, organization, or individual desiring to use the facilities at times other than during normal College operational hours shall pay, in addition to other applicable fees, a charge of $20 per hour or any partial hour for administrative supervision of the facility. The charge shall commence one-half hour before the proposed meeting and terminate one-half hour after the meeting has ended. This supervision charge continues to run, once the building is opened, until one-half hour after the function is over. For example, if a group rents the auditorium from 8 a.m. until 10 p.m. but is out of the building for two hours at lunch, the charge runs from 7:30 a.m. until 10:30 p.m. Clients who are allowed to use the facilities without being charged the usage fee must pay any required supervisor fees in advance. (See special regulations pertaining to facility supervision involving parking lot and grounds.) Any individual or group desiring the use of College equipment must pay the supervision fee during those hours the facility is opened to obtain or replace the equipment if during other than normal operational hours. The charge shall commence one-half hour before the proposed function opens and terminate one-half hour after the function is ended. The minimum fee for this service shall be $20.

Where supervision or operator fees are being paid, the client shall not have to arrange personally to acquire the equipment nor shall the client have to arrange to return it. If supervisor fees are paid, the College shall maintain responsibility for transporting the equipment, but the client is
still responsible for damage to equipment stemming from its use unless College personnel operates the equipment.

15. **Set-Up Fee.** *The College provides two options for set up. The agency, organization, or individual desiring to use the facility may set up, break down, and clean up at no extra charge.* Should the group, organization, or individual wish the college staff to set-up and/or break down the facility for their meeting use, the fee will be $20.00 per person, per hour. College staff must be used to move the walls in the multipurpose room if *absolutely* necessary for the contracted event. In that case, it will be necessary to charge $20.00 per person, per hour.

16. **Equipment Operation Fee.** College personnel shall not be used to operate equipment unless said requested equipment includes the following: Information Highway equipment; multi-media projectors and other computerized equipment. If such equipment is needed and approved as a part of the facility usage agreement, the equipment operator fee shall be $20 per hour or any partial hour. College personnel shall not be used during regular work hours without authorization of the College President or his/her designee. The use of College personnel time to operate the equipment shall be kept at a minimum and, at any rate, shall not impede College operations. If the time involved is during other than normal College operational hours, the charge shall commence one-half hour before the function starts and shall terminate one-half hour after the function ends. Non-sponsored groups shall not be allowed to use or rent College equipment.

17. **Special Regulations:**

**Multi-Purpose Room and Blair Auditorium**

a. No group or organization having less than 50 people in expected attendance shall be allowed to use the multi-purpose room or auditorium unless special permission is obtained from the President.

b. A non-sponsored, profit-making group, organization, or individual may be allowed use of the multi-purpose room for a minimum of two hundred fifty dollars ($250) per day plus any setup charges. A non-sponsored, nonprofit group, organization, or individual may be allowed usage of the auditorium for a minimum of one hundred fifty dollars ($150) per day, plus any setup charges. The fee for all usage must be paid in advance and in full before usage. In the event there is any question as to whether a group or organization is nonprofit or not, the burden of written proof shall fall on the organization wishing to use the multi-purpose room/auditorium. The fee pertains to use of the multi-purpose room/auditorium for the entire day or any part thereof. Any profit making group, organization, or individual desiring to have a nonprofit public services activity in the facility shall be treated, for purposes of that activity, as a nonprofit organization. In the event that there are funds available from this activity at the end of the fiscal year, they are to be used for general upkeep of the building and grounds or to provide student facilities pertaining to buildings and grounds.
c. No equipment, furniture, fixtures, or other appurtenances shall be moved or removed without the written consent of the Vice President of Administrative Services.

d. Use of loaned or donated instructional Equipment. General Statute 66-58c authorizes limited use of community college facilities by private business enterprises that loan, or donate instructional equipment to the College. Such use will be limited to instructional equipment only during an established time period for the use of facilities in exchange for the loaned or donated equipment. Demonstrations shall be accomplished during normal working hours, shall not interrupt normal instruction and advance notification for demonstration shall be made. A college staff representative shall be present at all times and the College will accept responsibility for insuring against loss of equipment by fire, theft, or natural disasters and for maintenance of the donated equipment. Any such use of donated or loaned equipment by private business enterprises must be reported annually to the North Carolina Community College System and State Board of Community Colleges.

Other Facilities

a. Fees for use of classrooms, parking lots, and grounds by the College: A nonprofit group or organization shall be allowed usage of facilities at no cost if the function is sponsored by the College. If a non-profit group or organization contracts for use of college facilities and the group is not sponsored by the College, or a profit-making group contracts to use the facilities, the group or organization shall be charged a standard fee. The fee for the use of a classroom is $50 per day or any part of a day. The fee for the use of parking lots or grounds is $200 per day or any part of a day. The fee for all usage must be paid in advance and in full before usage. In the event there is any question as to whether a group or organization is non-profit or not, the burden of written proof shall fall on the organization wishing to use the facilities. Any profit-making group or organization desiring to have a non-profit public services activity in the facilities shall be treated, for purposes of that activity, as a non-profit organization. In the event that there are funds available from this activity at the end of the fiscal year, they are to be used for general upkeep of the building and grounds or to provide student facilities pertaining to buildings and grounds.

b. Supervision Fees: Any group or organization desiring to use the parking lots or grounds which involves the opening of buildings for the use of restrooms at times other than during normal college operation shall pay, in addition to other applicable fees, a charge of $20 per hour or any partial hour for administrative supervision of the facilities. The charge shall commence one-half hour before the proposed meeting and terminate one-half hour after the function is over. For example, if a group rents the facilities from 8:00 a.m. until 10:00 p.m., the charges run throughout the day from 7:30 a.m. until 10:30 p.m.

c. Use of shops, lounges, etc: Shops, lounges, and other areas (excluding the areas previously addressed) are not to be used for meetings by outside groups or individuals unless the College sponsors such groups or individuals. Such sponsorship shall likely not be
forthcoming unless such meetings directly involve college personnel or are held in connection with a regular curriculum or continuing education course. Permission for such sponsorship must be obtained from the President of the College. Such sponsorship shall be limited to the four groups referred to in Item 3 (College Sponsored Meetings) of this policy.

d. Booking: The parking lots or grounds shall not be used for any purpose in which the end result might cause excessive deterioration to the campus. For example, the facilities shall not be used for races, fairs, circuses, or carnivals without authorization by the full Board of Trustees or the Board Buildings and Grounds Committee.

19. Appeals. Montgomery Community College reserves the right to deny requests for use of the College’s facilities. Appeals on the College’s policy to deny a request are to be directed to the College’s Board of Trustees.

Approved: October 12, 2016
410.11 Unrestricted Overhead Receipts (25%) Policy

All amounts earned by the College as overhead receipts, indirect cost allowances subject to OMB circulars, reporting fees or other similar items shall be divided into two parts: Restricted and Unrestricted. Seventy-five percent (75%) of the total amount received each year will be considered the restricted portion and must follow specific state guidelines. Twenty-five percent (25%) of the total amount received each year will be considered the unrestricted portion and may be used for purposes directly benefiting the students, and for the costs associated with the “Single Audit Act”, as billed by the State Auditor. In the absence of sufficient unrestricted receipts, the College may use state funds to pay audit costs billed by the State Auditor.

The twenty-five percent (25%) unrestricted portion may be used for the following:

- Publications containing financial aid or other student services information.
- College Work-Study matching or continuation of the College Work-Study Program after regular funds has been exhausted.
- Salaries and related fringe benefits in financial aid, business office, grant administration or student services, which are necessitated by grants earning overhead receipts.
- Supplies and materials for use in either the financial aid office, business office, grant administration or student services which are related to the grants providing the overhead receipts.
- Travel of persons in the financial aid office, student services or others who are responsible for administration of grants providing overhead receipts.
- Membership dues or fees paid to financial aid and student services associations.
- Service fees paid to billing and collection services.
- Costs associated with the financial audit required under the “Single Audit Act”, as billed by the State Auditor. In the absence of unrestricted receipts, the College may use state funds to pay audit costs billed by the State Auditor.
- If equipment purchase was allowed under the terms and uses of the grant generating the receipts, equipment may be purchased using this same fund source.

Funds may not be used for:

- Supplements to regular salaries.
- Any purpose under Plant Funds including renovation, construction, and equipment (except as stated above).

Funds should be transferred out of the Overhead Receipts Fund to other appropriate funds to be expended.
411.00 Travel Regulations

411.01 College-Related Travel and Subsistence

The College follows all state guidelines in reimbursing employees for College-related travel. In accordance with state policy, the College requires that all travel reimbursement requests be filed for approval and payment within thirty (30) days after the travel period has ended. Travel period is defined as the calendar month during which the travel occurred.

Reimbursement may not be made for commuting between an employee’s home and his or her duty station except for temporary or part-time continuing education instructors. Mileage will be reimbursed at the amount established by the College administration not to exceed the rate set by the IRS.

Reimbursement for personal vehicle when no college car is available will be set at the federal rate. Reimbursement for personal vehicle when a college car is available will be set at 54% of the federal rate. If the destination is closer from the employee’s home and a personal vehicle is being used the employee will be reimbursed at the federal rate.

The College requires that all over-night, college-related, reimbursable travel be approved at least two weeks in advance by the employee’s Vice President or supervisor and authorized by the appropriate Vice President.

Students who travel on official institutional business must be paid from funds supporting the particular organization or activity in which their participation requires travel.

Temporary or part-time continuing education instructors who travel more than 15 miles to or from a duty station for the purpose of teaching continuing education courses may be paid mileage expense if such expense is approved in advance and in writing by the President or the Vice President of Instruction.

411.02 College Vehicle Use

College vehicles are provided for use by faculty and staff for conducting college business. To prevent scheduling conflicts employees wishing to use the College vehicles should submit a Vehicle Use Authorization Request form to the Vice President of Administrative Services via their respective Vice President. Cars may not be reserved more than one month in advance of actual travel. The use of private cars is desirable if it is known that the vehicle shall be parked in an airport parking lot or other location for as much as two (2) days.

Students may use college cars only with the permission of the Vice President of Administrative Services. Normally, student use of college cars is limited to the SGA President. Other students
may operate buses and vans when permission is granted by the Vice President of Administrative Services upon the request of a faculty or staff member and when the student user has turned in a completed Field Trip Authorization Form and has undergone a driving record check.

Spouses and children of institution employees may accompany them in institution cars if space is available and all travel is strictly for official institution business. Spouses may not operate college vehicles.

Approved June 8, 2016
412.00 Campus Parking and Vehicle Operation

Provisions of Chapter 20 of the General Statutes relating to the use of highways of the state of North Carolina and the operation of motor vehicles thereon shall apply to the campus of Montgomery Community College.

412.01 Rules and Regulations

In addition to any of the provisions of Chapter 20 of the General Statutes, the following rules and regulations are applicable to the parking lots on the Montgomery Community College campus.

1. Parking. Park only in lined parking spaces. Handicapped spaces are marked by sign and are reserved only for handicapped individuals displaying a handicapped tag on their vehicle. Visitor parking spaces and project vehicle spaces are marked and are not to be used by faculty, staff, or students for parking their personal vehicles.

2. Speed limit. The speed limit on the campus is 10 miles per hour.

3. Signs. All traffic signs must be obeyed.

The rules and regulations of the policy may be enforced by the College in the following manner: the College may issue a warning notice for any reasonable period deemed necessary to properly orient students and staff regarding parking regulations. Vehicles may be towed if parked in unauthorized area at owner's expense.

412.02 General Provisions

Montgomery Community College is not responsible for theft or damage to any vehicle parked or being operated on the campus or for any contents within such vehicles.

The registered owner is responsible for non-moving violations regardless of who was operating the vehicle at the time of the violation.

These regulations apply to any person operating and/or parking a vehicle on Montgomery Community College's campus.

412.03 Vehicle Assistance

Montgomery Community College personnel are not allowed to unlock any vehicle. The vehicle operator will need to call a locksmith.
Montgomery Community College personnel can offer assistance with a jump-start of a dead battery. **Please note:** Montgomery Community College will not be held liable for any damage to any vehicle that may occur while jump starting the vehicle. The vehicle operator will be required to sign a release form stating this fact.

Approved June 11, 2008.
413.00 College Equipment or Property

Private Use of College Equipment or Property

College equipment, property, services, or supplies should not be used for conducting any personal business or for any purpose not directly related to college work. This prohibition includes use of workroom equipment, supplies and secretarial services.

State policy does not permit individuals to move equipment from the campus for personal use. If a requirement for use of equipment develops which is school associated, each request shall be handled on an individual basis by the Vice President of Administrative Services.

Unauthorized Use of Public Purchase or Contract Procedures for Private Benefit (GS 143.58.1)

It shall be unlawful for any person, by the use of the powers, policies or procedures described in General Statutes 143.58.1 to purchase, attempt to purchase, procure or attempt to procure any property or services for private use or benefit.

This prohibition shall not apply if:

- The department, institution or agency through which the property or services are procured had theretofore established policies and procedures permitting such purchases or procurement by a class or classes of persons in order to provide for the mutual benefit of such persons and the department, institution or agency involved, or the public benefit or convenience; and

- Such policies and procedures, including any reimbursement policies, are complied with by the person permitted thereunder to use the purchasing or procurement procedures described in the above referenced statute.

A violation of this policy and statute is a Class 1 misdemeanor.
413.01 Naming of Montgomery Community College Facilities

The Montgomery Community College Board of Trustees has the legal responsibility and authority for officially naming, when appropriate, all properties and facilities under the jurisdiction of the College. The naming of a facility, part of a facility, or other property in honor of an individual or organization is considered to be one of the highest recognitions the College can bestow.

Purpose

The purpose of this policy is to provide a standard at Montgomery Community College for naming buildings, facilities, sites, interior and exterior spaces, and other auxiliary facilities under the jurisdiction of the College. Naming opportunities may be granted in recognition of service distinction and/or in recognition of financial support.

Policy Criteria

The Board of Trustees may choose to name a facility in honor of living or deceased persons or organizations who meet one or more of the following criteria:

1. A former or current member of the Board of Trustees or Foundation Board who has given outstanding service and/or made a substantial monetary contribution to the institution.
2. A former employee who has made an outstanding personal service and/or substantial monetary contribution to the institution.
3. A citizen who has made an outstanding personal service and/or substantial monetary contribution to the institution.
4. An organization that has made a substantial in-kind or monetary contribution to the institution.
5. “Substantial” is deemed to mean that the contribution would not have been available from another source or is in some way integral to project completion.
6. If the request is to honor a deceased individual, the request should not be submitted for at least one year after the death of that person.
7. Montgomery Community College Board of Trustees reserves the right to change a building's name or to remove the naming right due to significant changes in circumstances.

Procedures

1. Anyone who proposes that Montgomery Community College adopt a person’s name or an organization’s name for a facility must submit a written nomination to the College President for consideration.
2. The President will forward appropriate nominations to the Building and Grounds Committee of the Board of Trustees for review.
3. The Building and Grounds Committee will forward its recommendation to the Montgomery Community College Board of Trustees for action/approval.

General Regulations

1. All new campus buildings will be named by function at the time they are planned or until the Board designates an appropriate name. The Board of Trustees recognizes that from time to time it will be appropriate that College buildings or specific portions of facilities be named for individuals or organizations who have provided distinguished service or significant contributions in the form of time, talent, financial assets, or some other combination of human and fiscal resources. The Board of Trustees reserves the right to consider the contributions and approve or disapprove naming facilities based on any type of contribution.

2. The Montgomery Community College Foundation has been designated by the Board of Trustees as the agency through which voluntary, philanthropic contributions on behalf of the College are received. The Board of Trustees, therefore, solicits through this policy the recommendations and counsel of the Board of Directors of the Montgomery Community College Foundation for the naming of College facilities in honor of persons or organizations who have made outstanding contributions to the institution. Moreover, the Board of Trustees encourages the Foundation Board and Foundation staff to initiate, where appropriate, recommendations for naming facilities and will seek the Foundation Board’s advice and counsel in responding to requests from whatever source to name facilities in honor of individuals.

3. The President and Building and Grounds Committee of the Board of Trustees will periodically review campus facilities for naming opportunities. This includes buildings, classrooms, laboratories, auditoriums, grounds, and other auxiliary facilities under the jurisdiction of the College.

4. The President and Building and Grounds Committee of the Board of Trustees will periodically index and list facilities and associated spaces and grounds within the facilities and assign appropriate contribution levels, fiscal or service, appropriate for each building space or grounds. The purpose of this index is to facilitate institutional advancement.

March 2011
Montgomery Community College will reimburse college employees for work related travel in accordance with NC State Guidelines. Individuals wishing reimbursement for their travel associated with work must follow college procedure for submitting such requests.

**413.00.03 College-Related Travel and Subsistence Procedure**

The College follows all state guidelines in reimbursing employees for College-related travel. In accordance with state policy, the College requires that all travel reimbursement requests be filed for approval and payment within thirty (30) days after the travel period has ended. Travel period is defined as the calendar month during which the travel occurred.

Reimbursement may not be made for commuting between an employee’s home and his or her duty station except for temporary or part-time continuing education instructors. Mileage will be reimbursed at the amount established by the College administration not to exceed the rate set by the IRS and the Office of State Budget and Management (OSBM).

**When round trip mileage does not exceed 100 miles:**

- Reimbursement for personal vehicle when no college car is available will be set at the federal rate. Reimbursement for personal vehicle when a college car is available will be set at the Office of State Budget and Management (OSBM) convenience rate. If the destination is closer from the employee’s home and a personal vehicle is being used the employee will be reimbursed at the federal rate.

- When a college car is available and round trip mileage does not exceed 100 miles, reimbursement rate will be set at the Office of State Budget and Management (OSBM) rate.

**When round trip mileage does exceed 100 miles:**

- When a college car is available and round trip mileage exceeds 100 miles, reimbursement rate will be set at the Office of State Budget and Management (OSBM) convenience rate.

- When a college car is not available and round trip mileage exceeds 100 miles the reimbursement rate will be set at the Office and State Budget and Management (OSBM) convenience rate.

The College requires that all over-night, college-related, reimbursable travel be approved at least two weeks in advance by the employee’s Vice President or supervisor and authorized by the appropriate Vice President.
Students who travel on official institutional business must be paid from funds supporting the particular organization or activity in which their participation requires travel.

Temporary or part-time continuing education instructors who travel more than 15 miles to or from a duty station for the purpose of teaching continuing education courses may be paid mileage expense if such expense is approved in advance and in writing by the President or the Vice President of Instruction.

413.04 College Vehicle Use

College vehicles are provided for use by faculty and staff for conducting college business. To prevent scheduling conflicts employees wishing to use the College vehicles should submit a Vehicle Use Authorization Request form to the Vice President of Administrative Services via their respective Vice President. Cars may not be reserved more than one month in advance of actual travel. The use of private cars is desirable if it is known that the vehicle shall be parked in an airport parking lot or other location for as much as two (2) days.

Students may use college cars only with the permission of the Vice President of Administrative Services. Normally, student use of college cars is limited to the SGA President. Other students may operate buses and vans when permission is granted by the Vice President of Administrative Services upon the request of a faculty or staff member and when the student user has turned in a completed Field Trip Authorization Form and has undergone a driving record check.

Spouses and children of institution employees may accompany them in institution cars if space is available and all travel is strictly for official institution business. Spouses may not operate college vehicles.

Approved April 11, 2018
Montgomery Community College is committed to providing its employees and students with a safe and healthy working and learning environment.

Montgomery Community College recognizes that the use of tobacco products on campus grounds is detrimental to the health and safety of students, staff, faculty, and visitors.

Montgomery Community College also recognizes that it has the legal authority to prohibit tobacco use pursuant G.S. 115D-20.1 and G.S. 143-599.

Therefore, beginning August 1, 2012 Montgomery Community College will implement the following policy:

1. Smoking and use of other tobacco products is prohibited by students, staff, faculty, or visitors:
   a) In all campus buildings, facilities or property owned, leased or operated by Montgomery Community College, including outside areas;
   b) On campus grounds, facilities or vehicles that are the property of the Community College.
   c) At lectures, conferences, meetings, and social/cultural events held on college property or campus grounds.

2. For the purposes of this policy, tobacco is defined as any type of tobacco product including, but not limited to: any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cutting and sweepings of tobacco, e-cigarettes; hookah; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. The sale or free distribution of tobacco products, including merchandise, is prohibited on campus or at school events.

3. Student organizations are prohibited from accepting money or gifts from tobacco companies, including:
a) Events sponsored by tobacco companies or allowing tobacco companies to distribute free, reduced-price, or fully-priced tobacco products (t-shirts, hats, etc.) on campus.
b) All tobacco advertising, such as billboards and signs owned and used by Montgomery Community College.

4. Tobacco advertisements are prohibited in college-run publications and on grounds or facilities, including athletic facilities, owned or used by Montgomery Community College.

5. Smoking and the use of tobacco products are prohibited on the grounds of the Montgomery Community College being used for and public and private events.

6. Through existing health plans, Employee Assistance Program and community sponsors, Montgomery Community College will consult with appropriate health organizations to provide students and employees with information and access to support systems, programs and services to encourage abstinence from the use of tobacco products, including publicizing free, accessible tobacco cessation classes, seminars, and support groups on or off campus.

   a) Promotional materials for cessation classes, seminars, and support groups shall appear regularly in student and staff publications. They shall be posted in buildings, through Student Services and through other appropriate means.

7. Consequences for students engaging in the prohibited behavior will be subject to the disciplinary actions described in the Student Code of Conduct. Consequences for employees engaging in the prohibited behavior will be subject to the disciplinary actions describe in the MCC Board Policy 312.00, Due Process for Employees.

It is the responsibility of each faculty and staff member to promote compliance with the tobacco-free policy. Instructors should use tact and good judgment in dealing with possible violations.

Each employee is asked to do his/her part to keep the college facilities neat, clean, and in a presentable condition. Food and drink will be allowed only in designated areas.

January 2012
Campus Health and Safety

Purpose

Montgomery Community College is committed to maintaining a safe, healthy, and positive work and learning environment that promotes the College mission and goals while maintaining the dignity of all members of the college community. Toward this end, this section addresses the policies and provisions the College has made to ensure the health and safety of students, employees, and visitors to the campus.
In accordance with the Student Right-to-Know Act, the Campus Security Act of 1990, the Clery Act of 1998, the Higher Education Opportunity Act of 2008, and the Violence Against Women Reauthorization Act of 2013, MCC has zero tolerance toward violence on campus, including sexual assault, aggravated assault, physical confrontations of any kind, verbal threats of intent to cause harm, harassment designed to intimidate another, hate crimes, robbery, burglary, and property crimes such as destruction, theft, and sabotage. No distinction shall be made between violence caused by students, employees, or that precipitated by visitors to campus.

A Campus Crime Statistics Report shall be generated from data for the most recent calendar year, as well as the two preceding calendar years. The following criminal offenses are to be reported: murder, negligent, and non-negligent manslaughter; sex offenses, rape, forcible fondling, statutory rape, and incest; robbery; aggravated assault; burglary; motor vehicle theft; arson; domestic violence; dating violence; stalking; arrests or persons referred for campus disciplinary actions for liquor law violations, drug abuse violations, and weapons law violations; and hate crimes, commission of all crimes previously listed as well as larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias of race, gender, religion, sexual orientation, ethnicity/national origin, or disability. This report is updated annually and reported to the U.S. Department of Education, in accordance with the law, in October of each year.

**415.01 Daily Crime Log**

Montgomery Community College maintains a Daily Crime Log that records all crimes and other serious incidents.

The Daily Crime Log is available for public inspection at the Administrative Services Division.

The Daily Crime Log includes the nature, date, time, and general location of each crime reported, as well as the disposition of the complaint, if this information is known at the time the log is created.

The Safety Director posts specific incidents in the Daily Crime Log immediately after receiving the incident report and reserves the right to exclude reports from the log in certain circumstances.
415.02 Timely Warning Policy

The Montgomery Community College President or his/her designee is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. § 1092(f) et seq.

Anyone with information warranting a timely warning should report the circumstances to the switchboard operator at the Information Desk in Building 100, MCC Security, or Campus Security Authority. In the event that a situation arises that requires issuance of a warning, the proper timely warning procedure should be followed. These warnings are provided in order to keep the campus community informed about safety and security matters on an ongoing basis and in an effort to prevent similar crimes from occurring.

The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Act and considering all available facts surrounding the campus community, whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts.

The campus community is to be immediately notified upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors on or off campus, unless issuing a notification will compromise efforts to contain the emergency.

Timely warnings are issued for the following classifications:

- arson
- burglary
- robbery
- aggravated assault
- murder/manslaughter
- motor vehicle theft
- sex offenses
- any other crimes as deemed necessary

Procedure

When a determination has been made that a timely warning should be issued, the College President or his/her designee will inform the campus community by immediately posting the announcement using the Blackboard Connect 5 Communication Service (to registered recipients), Emergency Siren Mass Notification Tower, face to face communication, campus-wide e-mail, and have the announcement posted on the campus website (www.montgomery.edu). The warning may include, but is not limited to, the following information: type of crime, location of occurrence, and available suspect information. Adequate follow-up information will be provided upon availability, as well as an “All Clear” announcement when appropriate.

June 2014
416.00 Emergency and Security Policy

Securities and Access to Campus Facilities

The College strives to provide an educational and working environment that is safe for all through its reliance on existing policies, emergency procedures, internal vigilance, local and county law enforcement agencies, and the 911 system.

A full-time school resource officer (SRO), provided by the Montgomery County Sheriff’s Department, is stationed on campus to patrol campus and is empowered to protect the college community by enforcing federal, state, and municipal laws, and college rules and regulations. Off-duty, armed deputies with the Montgomery County Sheriff’s Department are employed on a part-time basis to perform the same duties as the SRO. In situations where an officer is not on campus and law enforcement authority is required, the Montgomery County Sheriff's Department will be contacted.

The college campus is closed from 11 pm until 7 am, Monday through Saturday. Additionally, the college campus is closed from 6 pm Saturday until 7 am Monday and on holidays. Electronic security systems are located throughout the campus. Students are not permitted to use classrooms and laboratories after scheduled class hours unless supervised by the appropriate faculty/staff member.

Emergency Plan

Montgomery Community College maintains the MCC Emergency Action Plan for instances of injury or illness, fire, weather disturbances, bomb threats, and violence. The plan is evaluated and updated annually. Information and training sessions relating to the procedures in the emergency plan are scheduled at least annually. Copies of the MCC Emergency Action Plan may be obtained by contacting the Administrative Services Division. Additionally, copies of the MCC Emergency Procedures flipchart are posted throughout the campus, which is updated on an as needed basis.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors on or off campus, the campus community will be immediately notified unless issuing a notification will compromise efforts to contain the emergency.

When a determination has been made confirming a significant emergency or dangerous situation, the College President or his/her designee will inform the campus community by immediately posting the announcement using the *Blackboard Connect 5 Communication Service (to registered recipients), Emergency Siren Mass Notification Tower, face-to-face communication,
campus-wide e-mail, and have the announcement posted on the campus website (www.montgomery.edu). The announcement may include, but is not limited to, the following information: type of situation, location of occurrence, and any available information. Adequate follow-up information will be provided upon availability, as well as an “All Clear” announcement when appropriate.

The decision to issue an emergency response or dangerous situation announcement shall be decided on a case-by-case basis considering all available facts surrounding the campus community, whether the situation is considered a serious or continuing threat to students or employees and the possible risk of compromising local emergency management efforts. Emergency response and evacuation procedures are tested at least annually and documented by the Safety Director.

* Students and employees may register (opt-in) for the Blackboard Connect 5 Communication Service via cellular communication and SMS text messaging by going to www.montgomery.edu, click on the Blackboard Connect 5 quick link, and complete the form.

Safety Policies

The following safety policies are adopted at Montgomery Community College:

1. Combustible materials (such as gasoline) shall be stored in safety cans and/or safety cabinets.
2. No open flames are permitted inside any building except in laboratories, maintenance shops, and heating systems designed for this purpose except as specified in Board Policy 421 Open Flame Policy.
3. Tobacco use is prohibited on campus with the exception of inside personal vehicles.
4. Excessive speed and reckless driving are prohibited on campus.
5. Traffic rules and regulations are strictly enforced.
6. No firearms are permitted on campus, except for those persons involved in programs who are duly authorized to carry and use firearms.
7. No fireworks or other explosives shall be used or stored on campus, except by duly authorized permit.
8. No alcoholic beverages or controlled substances may be brought, sold, or consumed on campus. Persons under the influence of alcohol and/or controlled substances are not permitted on campus.

Note: Educational programs/courses that require the use of alcohol or display of controlled substances as part of course content are exempt from the Drug and Alcohol Policy. However, this exclusion does not apply to minors who could not otherwise consume alcoholic beverages.

Adverse Weather
Severe weather may include snow, sleet, freezing rain, severe thunderstorms, flooding, tornadoes, and hurricanes. In the event that severe weather necessitates closing Montgomery Community College, college administrators will notify the radio and television stations listed in the college catalog.

A message about revised operating hours will be recorded on the MCC telephone system, along with telephone calls and text messages through the Blackboard Connect 5 Communication Service (to registered recipients).

In the event that severe weather (i.e. tornado warning, severe thunderstorm warning, etc.) presents an immediate threat to individuals on campus, the following plan will be activated.

1. If outside, seek shelter inside of the nearest campus building.
2. If inside, all individuals should immediately move to the designated “take cover” areas of the campus buildings as indicated on the “Severe Weather” maps. Close the windows and doors as you leave the room. Close blinds and/or curtains to protect from flying glass.
3. If time permits, disconnect all computer equipment before leaving the work area.
4. Avoid the Multipurpose Room, Library, or any other area with wider roof spans.
5. Use “head tuck” positions when appropriate to protect from flying objects.
6. Do not leave the designated “take cover” areas until told to do so by authorized personnel. You will be notified when it is safe to return to your work area or classroom.
7. It is very likely that phone service and electricity will be cut off during the storm. Do not rely on the phones for receipt of information. Follow the verbal directions of designated Montgomery Community College personnel.

Notification will be broadcasted on campus through the Blackboard Connect 5 Communication Service (to registered recipients) and/or the Emergency Siren Mass Notification Tower.

June 2014
Montgomery Community College has developed and will maintain a comprehensive Business Continuity Plan in order to ensure that critical business practices can continue in the event of any level of disaster. The Plan is administered by the Assistant to the President, and each unit of the College is responsible for its individual plan.

The disaster recovery plan is tested annually in a simulated environment to ensure that it can be implemented in emergency situations so that the management and staff understand how it is to be executed. As part of annual testing of the BCP by the Assistant to the President, a review of the formal risk assessment and recovery procedures is undertaken.

The Business Continuity Plan covers all essential and critical business activities.

All staff are made aware of the disaster recovery plan and their own roles within.

Approved November 2007
418.00 Campus Crime Reporting

During the hours of operation (Monday – Thursday 7:30 am – 9:00 pm, Friday 7:30 am – 3:00 pm), individuals may voluntarily report a crime/emergency by notifying the switchboard operator at the Information Desk in Building 100, who shall immediately contact MCC Security, or a Campus Security Authority and begin following the appropriate procedures outlined in the **MCC Emergency Procedures** flipchart. After hours, individuals may call "911." College officials encourage accurate and prompt reporting of incidents.

Individuals in classes or college sponsored activities located off-campus should follow the same after-hour procedure outlined above for reporting criminal actions. College administrators are to be notified of the details of the incident as soon as possible. (Note: Immured students are encouraged to review and follow emergency procedures specific to their institution of residence.)

Revised October 2009
419.00 Investigations

All reasonable efforts shall be made to maintain confidentiality. Upon receiving a report, an investigation into an incident will begin. In consultation with the President, it shall be determined if local law enforcement authorities should be involved and if a campus and/or community alert should be issued in the interest of public safety.

The College shall take whatever legal steps are necessary in the investigation to resolve the issue and reach restitution. Employees involved in campus violence shall be subject to disciplinary action up to and including dismissal.

Students who participate in campus violence shall be subject to disciplinary actions up to and including expulsion. Visitors who engage in disruptive activities or crime shall be removed from the scene and may be denied admission, readmission, or entry onto college property. Any person found guilty of criminal acts shall be prosecuted.
420.00 Accident/Injury Reporting

All injuries incurred on campus are to be reported to the employee or student’s immediate supervisor. Employee accidents should be reported to the Human Resources Coordinator, curriculum student accidents should be reported to the Vice President of Student Services, and continuing education student accidents should be reported to the Dean of Continuing Education/Occupational Extension. It is the responsibility of these positions to report the accident to the Business Office within twenty-four (24) hours.

September 2009
421.00 Open Flame Policy

Pursuant to N.C. Fire Prevention Code 502.5.1 and the jurisdiction of the Troy Fire/Rescue authority, the high probability of injury in the event of a fire emergency, and concerns for safety on campus, the College has instituted the Open Flame Policy. The use of open flame (candles, incense sticks, potpourri burners heated with candles, etc.) in any situation other than the exceptions listed below shall be prohibited on the campus of Montgomery Community College.

Open flame shall be allowed in places of assembly on the campus of Montgomery Community College only with the prior, written permission from the Vice President of Administrative Services.

Approved and inspected open flame used to meet course requirements for classes such as chemistry, biology, etc., shall be allowed in the science laboratories with appropriate supervision from faculty responsible for these classrooms.
Persons infected with a communicable disease will not be excluded from enrollment or employment or restricted in their access to college services or facilities unless medically-based judgments in individual cases establish that exclusion or restriction is advised for the health and safety of the individual or for the health and safety of other members of the college community.

Any student, college employee (either full-time or part-time), and any employee of contractors or contracted services who knows or has reasonable basis for believing that he/she or his/her child is infected with a communicable disease has the responsibility for reporting this fact, on a confidential basis, to the appropriate Vice President or supervisor.

Persons who know or have reasonable basis for believing that they are infected with a communicable disease are expected to seek expert advice about their health circumstances and are obligated ethically and legally to conduct themselves responsibly in accordance with such knowledge for the protection of other members of the community.

The determination of whether an infected college employee, student, or employee of contractors or contracted services shall be permitted to continue employment, enrollment, or participation in his/her present capacity with the College shall be made on a case-by-case basis after consultation with a team composed of the employee, student and his/her parents/guardians (when applicable), or the employee and his/her employer of contractors or contracted services, and appropriate health officials including the infected person's physician. The final decision will be made by the college administration with particular attention being paid to minimizing the exposure of others to blood or body fluids or to behavior, which may warrant a more restrictive environment.

The College will widely publicize and carefully observe the safety guidelines established by the U.S. Public Health Service and the Center for Disease Control for the handling of blood and other body fluids and secretions in all areas of the College where such fluids or secretions may be encountered.

A comprehensive MCC Exposure Control Plan is in place at the College. Copies may be obtained from the Vice President of Administrative Services, Director of Evening Operations/Purchasing, or the shared Google Drive.

**MCC Exposure Control Plan**

**Scope and Application**

It will be the policy of Montgomery Community College to cover and protect all employees with the proper personal protective equipment who could be "reasonably anticipated," while
performing their job responsibilities, to face contact with blood and other potentially infectious materials. "Good Samaritan" acts such as assisting co-workers with nosebleed, lacerations, and abrasions would not be considered occupational exposure.

The purpose of the MCC Exposure Control Plan is to significantly reduce the risk of infection for employees with potential to be exposed to blood or body fluids. The targeted diseases include Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

All full-time and part-time employees of the College whose job classifications put them at risk for exposure to bloodborne pathogens are required to comply with this plan and with the requirements of the 29 CFR 1910.1030, U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) Standard. Any failure to comply may be cause for disciplinary action.

Departments or programs utilizing on-campus sites for instruction in which there is a high risk of exposure to bloodborne pathogens will assure that all employees affected are trained in the Standard, Universal Precautions, and this Exposure Control Plan.

College employees involved in the instruction of students at off-campus clinical sites will comply with the plan established by that facility as well as this Exposure Control Plan.

September 2009
In accordance with the Drug Free Workplace Act of 1998 and the Drug Free Schools and Communities’ Act of 1989 (Public Law 101–226) as well as Underage Drinking Laws and the laws of the state of North Carolina, the College has endorsed the following drug and alcohol policy: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on college premises, or as part of any college-sponsored activity.

A person shall not knowingly distribute, dispense, possess, use, or be under the influence of alcohol, any illegal drug, or narcotic or marijuana or any other controlled substance on the campus or off the campus at an institutional activity, function, or event.

Any student who violates the terms of this policy may be suspended or expelled from the College in accordance with the Student Code or may be required to or requested to participate in a drug abuse assistance and rehabilitation program approved by the Board of Trustees. If the student fails to satisfactorily participate in such a program, the student shall be suspended or expelled from the College in accordance with the Student Code. If an employee fails to participate in such a program, termination may be the end result.

The use of a drug authorized by a medical prescription from a registered physician shall not be considered a violation of this rule. Any violation of this policy may result in suspension or expulsion from the College on the first offense.

1. Montgomery Community College does not differentiate between drug users, drug pushers, or sellers. Any employee or student who possesses, uses, sells, gives, or in any way transfers a controlled substance to another person, or manufactures a controlled substance while in the workplace, on college premises, or as part of any college sponsored activity, will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.

2. The term "controlled substance" means any drug listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack." They also include "legal drugs" which are not prescribed by a licensed physician.

3. If any employee or student is convicted of violating any criminal drug statute while in the workplace, on college premises, or as part of any college sponsored activity, he or she will be subject to disciplinary action up to and including termination or expulsion. Alternatively, the College may require the convicted person to successfully finish a drug abuse program sponsored by an approved private or governmental institution as a precondition for continued or re-enrollment or continued employment at the College.

4. Each employee or student is required to inform the College, in writing, within five (5) days after he or she is convicted for violation of any federal, state, or local criminal drug statute where such violation occurred while in the workplace, on college premises, or as part of any
college sponsored activity. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

5. Any employee or student who unlawfully possesses, uses, sells, or transfers alcoholic beverages to another person while in the workplace, on college premises, or as part of any college sponsored activity, will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.

6. If any employee or student is convicted of violating any alcoholic beverage control statute while in the workplace, on college premises, or as part of any college sponsored activity, he or she will be subject to disciplinary action up to and including termination or expulsion. Alternatively, the College may require the convicted person to successfully finish an alcoholic rehabilitation program, sponsored by an approved private or governmental institution as a precondition for continued enrollment or employment at the College.

7. The term alcoholic beverage includes beer, wine, whiskey, and any other beverage listed in Chapter 188 of the General Statutes of North Carolina.

8. Each employee or student is required to inform the College, in writing, within five (5) days after he or she is convicted of any alcoholic beverage control statute where such violation occurred while in the workplace, on college premises, or as part of any college sponsored activity.

Note: Educational programs/courses that require the use of alcohol or display of controlled substances as part of course content are exempt from the Drug and Alcohol Policy. However, this exclusion does not apply to minors who could not otherwise consume alcoholic beverages.

September 2009
424.00 Occupational Safety and Health Policy Statement

The College shall engage in a program of voluntary compliance with the Occupational Safety and Health Act of North Carolina and all other applicable federal, state, and local codes and regulations. A standing Safety Committee is appointed to review ongoing practices and procedures from a safety standpoint.
426.00 Civil Disturbance

Should a person or group of persons interfere with orderly educational processes or prevent a college staff member from carrying out his/her assigned duties, the person or group of persons will be asked to state any grievances and will have an opportunity for constructive and meaningful discussion with appropriate college authorities.

Should disruption persist and should meaningful dialogue be unacceptable or ineffective, administrative officials of the College will ask the person or persons to clear the campus in the presence of an MCC Security Officer, if available, because they are in violation of the laws of North Carolina and are subject to arrest.

Should disruption continue or the person or persons not leave the campus as ordered, administrative officials of the College or MCC Security, if available, will call the Montgomery County Sheriff’s Department for assistance and request that additional law enforcement officials come to the campus for the purpose of preserving public order.

Upon arrival on campus of law enforcement officials and after determination of the then-existing situation, responsibility for public order will be in the hands of law enforcement officials.

September 2009
Approved use of the range is limited to Montgomery Community College instructional use, functions sponsored by Montgomery Community College, or classes conducted through Montgomery Community College. Usage of the firing range is declined to outside schools, companies, and individuals.

Use of the firing range will be under the direct supervision of an authorized Montgomery Community College instructor, a qualified Montgomery Community College Range Instructor, State Certified Fire Arms Instructor, or an Armed Forces Fire Arms Instructor. The supervisor will be responsible for all safety rules, regulations, and maintenance of the firing range while on the range.

All users will observe the following regulations:

- All firearms will be cleared upon entrance to and exit from the firing range;
- No random shooting is permitted;
- No bottles, cans, or other objects may be used as targets;
- No vehicles will be permitted off pavement except for handicapped users or in-service law enforcement vehicles when used as a class requirement;
- Range flag must be displayed when the range is in use;
- Weapons may be displayed and transported only for the purpose of entering and leaving the firing range;
- A “Firing Range Use Form & Waiver Of Liability” must be completed and kept on file by the school administrative personnel;
- The firing range is available for use from 6:00 am until 10:00 pm upon request.

Requirements for certification as a qualified Montgomery Community College Range Instructor will be the successful completion of the Range Instructor’s Certification Class offered through the Continuing Education Division at MCC and proof of certification must be on file with the Continuing Education Division; Basic Law Enforcement Training Director; Director of Gunsmithing; and office of the Evening Administrator. In addition, qualifications for authorized Montgomery Community College instructors, State Certified Fire Arms Instructors, or Armed Forces Fire Arms instructors must be on file before a “Firing Range Use Form & Waiver Of Liability” is issued.

Scheduling of the range and the issuance of the “Firing Range Use Form & Waiver Of Liability” will be the responsibility of the Continuing Education Division; Basic Law Enforcement Training Director; Director of Gunsmithing; and/or office of the Evening Administrator and must bear the issuer’s signature.
The Continuing Education Division; Basic Law Enforcement Training Director; Director of Gunsmithing; and/or office of the Evening Administrator will investigate any complaints against approved users and disciplinary action will be taken as appropriate. Appeals to disciplinary action will be to the President of the College.

September 2009
**MCC adheres to the N.C.G.S. § 14-269.2** regarding weapons on campus or other educational property. The law reads:

It shall be Class I felony for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school with the *limited exception of S.L. 2013-369, sec. 2; HB 937; N.C.G.S. § 14-269.2(k). Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on educational property is guilty of a Class F felony. However, this does not apply to a BB gun, stun gun, air rifle, or air pistol.

It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by a school. This shall not apply to fireworks.

It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property. For the purpose of this section, a self-opening or switchblade knife is defined as a knife containing a blade or blades that open automatically by the release of a spring or a similar contrivance.

It shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property or to a curricular or extracurricular activity sponsored by a school if: the person is not a student attending school on the educational property or an employee employed by the school working on the educational property; and the person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is employed; and the firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack with the *limited exception of S.L. 2013-369, sec. 2; HB 937; N.C.G.S. § 14-269.2(k).

This section shall not apply to any of the following: A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

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This section shall not apply to the following persons: gunsmithing instructors and gunsmithing students under direct instruction; officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons; civil officers of the United States while in the discharge of their official duties; officers and soldiers of the militia and the national guard when called into actual service; officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; any pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; any private police employed by the administration or Board of Trustees of any public or private institution of higher education when acting in the discharge of their official duties; sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body; firefighters, emergency service personnel, and North Carolina Forest Service personnel, when acting in the discharge of their official duties.

Any person violating any provision of this statute shall be charged with the appropriate above-mentioned criminal violation and upon conviction shall be punished in the discretion of the court by fine or imprisonment or by both such fine and imprisonment.

*Limited exception of S.L. 2013-369, sec. 2; HB 937; N.C.G.S. § 14-269.2(k):
A firearm is permissible on a community college campus only under the following limited circumstances:

1. The firearm is a handgun; AND
2. The individual has a valid concealed handgun permit or is exempt from the law requiring a permit; AND
3. The handgun remains in either: a closed compartment or container within the individual with the permits locked vehicle; or a locked container securely affixed to the individual with the permits locked vehicle; AND
4. The vehicle is only unlocked when the individual with the permit is entering or exiting the vehicle; AND
5. The firearm remains in the closed compartment at all times.

June 2014
430.00 Ammunition

The only permissible way to bring firearms on campus is unloaded and in a locked container.

Only certified law enforcement officers, gunsmithing faculty and students, and law enforcement instructors may bring ammunition into college buildings. In the event ammunition needs to be examined, evaluated, or used for test firing, the student shall immediately give the ammunition to the instructor and the instructor will lock the ammunition up in the office/safe. Under no circumstances will these shells be chambered in any firearms.

Ammunition components may be brought into the building for reloading instruction and the complete ammunition will remain with instructors until the end of class. Under no circumstances will these shells be chambered in any firearms. No powder or other explosives are to be stored on campus.

Violation of either the firearms or ammunition rules is a serious offense and may result in suspension or expulsion from the program.
440.00 Equipment

440.01 Loan of Equipment

State policy does not permit individuals to move equipment from the campus for personal use. If a requirement for use of equipment develops which is school associated, each request will be handled on an individual basis by the Vice President of Administrative Services.

440.02 Relocation of Equipment

All property is assigned an inventory number, which is attached to the item and carried on the inventory printout. Movement of property from one location to another requires permission of the Equipment Coordinator. The inventory number is not to be removed.
445.01 Purpose

1. To foster and promote the growth, progress and general welfare of Montgomery Community College, an educational institution organized and existing under the provisions of Chapter 115D of the General Statutes of North Carolina.

2. To solicit, acquire, receive, administer, and hold property, both real and personal, for the benefit of Montgomery Community College.

3. To supplement, advance, enrich, operate, and encourage the educational, research, social, cultural, recreational activities and Services provided for the students, community, alumni, faculty and staff of Montgomery Community College or its successors, in any manner consistent with the Laws and General Statutes applicable thereto and these Articles of Incorporation.

4. To conduct and carry on the work and general purposes of Montgomery Community College and its financial matters and obligations as the same may relate to any phase of college work of student program, not for profit, but exclusively in respect to academic, educational, cultural, and financial, any other phase of the general operation and programs of Montgomery Community College or in connection therewith, in such manner that no part of its income or property shall inure to the private benefit of any donor, member, director, officer, individual, firm, corporation, or their business entity having a personal or private interest in the activities of the Corporation, unless so voted by a majority of the executive committee and the full Board of Directors.

5. To cooperate with, advise and extend financial aid to persons desiring to attend Montgomery Community College, to render financial aid and assistance out of its net income, assets, or both, in such manner and in such amount as the Director of the Foundation may deem advisable and for the purpose of assisting in the promotion of any and all activities which in their discretion shall be in the furtherance of the interest, activities, growth, community fulfillment, academic excellence and other objects of Montgomery Community College.

The salary and expenses of the Foundation Director may in whole or in part be paid from the Corporation's funds if so voted by a majority of the Corporation's Officers and with the majority vote of the Board of Directors of the Foundations.
The Foundation Director, under the supervision of the President, shall exercise primary responsibility for coordinating and controlling efforts to secure gifts for the Montgomery Community College Foundation, Incorporated. Other faculty, staff and administrators are encouraged to assist in these activities as appropriate.

445.03 Gifts

445.031 Sources

The College shall routinely seek gifts from a wide variety of donors to include business, industry, foundations, civic organizations, college employees, alumni, and other individuals. Prospective donors may be approached individually to solicit major gifts or as part of a group identified to participate in a directed fund raising campaign. The major directed campaigns may include the following:

1. Annual Business and Industry Drive
2. Annual Alumni Fund Drive
3. Annual Golf Tournament
4. Annual Fishing Tournament
5. Annual Campus Drive
6. Periodic special campaigns mounted for specific purposes

All gifts shall be solicited for and accepted by the MCC Foundation, Inc., a non-profit organization established for the sole purpose of acting in partnership with the College to serve the purposes of the institution. The Foundation Director shall be responsible for planning, coordinating, and conducting all fund raising activities of the Foundation. Other faculty and staff members shall work in cooperation and coordination with the Foundation Director when applying their talents to fund rising for the College. A "task force" of volunteers may be organized by the Foundation Director to conduct solicitation efforts or otherwise provide assistance during major directed campaigns.

445.032 Gift Forms

Gifts to the Foundation may take one or more of the following forms:

1. Cash
2. Stocks, bonds, or other negotiable instruments
3. Real property
4. Gifts-in-kind, such as equipment, supplies, professional services, furniture, books, art, etc.
5. Annuities and life insurance
Donors may designate how a gift is to be used by the Foundation. The Foundation Director shall be responsible for receiving, managing, accounting for, and using gifts in accordance with the purpose designated by the donor.

445.033 Categories

The major categories of funds generated through gifts are as follows:

1. Unrestricted/Undesignated. These gifts may be applied by the Foundation in any manner deemed best for the College.
2. Preferred Use (Designated). These are gifts for which the donor has indicated a preferred use but does not hold the College legally responsible for using the funds exclusively to further the preferred purpose.
3. Restricted/Legally Binding. These are gifts that must be used only for the designated purpose, such as to provide student scholarships, an endowed faculty chair, library books, etc.
4. Deferred/Planned. These are gifts that provide the College benefits in the future through such forms as annuities or life insurance. Proceeds from deferred or planning giving may be unrestricted, designated, or restricted as the donor may stipulate.

445.034 Approvals and Audit

The complexity of laws governing gifts makes it imperative that the President or the Foundation Director approves all solicitation and acceptance of gifts. Faculty and staff members who are approached by prospective donors who wish to make unsolicited gifts to the College should refer all such donors to the President or the Foundation Director.

Annual audits shall be conducted annually by Certified Public Accountant.

Student sponsored clubs, fraternities and sororities stand mutually exclusive of the Foundation and may sponsor fund drives specifically for their activities.

445.035 Donation Procedures

1. All donations shall be processed through the MCC Foundation.

2. Receipt of donations shall be acknowledged in writing. The Administrative Assistant to the Foundation Director is responsible for preparation and dissemination of donation acknowledgement letters. A copy of the donation letter shall be filed in the College President’s office in the College business office. The historical file of donation acknowledgement letters shall be maintained for a period of three (3) years.

3. **Cash donations:** The amount of the cash donation shall be stated in the donation acknowledgement letter. Cash donations shall be acknowledged and accepted by the MCC
Foundation Board of Directors. Cash transfers from the Foundation to MCC shall be acknowledged and accepted by the College Board of Trustees.

4. **Non-Cash donations**: The donation Fair Market Value (FMV) shall not be specified in the donation acknowledgement letter. Non-cash donations shall be acknowledged and accepted by the Foundation Board of Directors. The Foundation Board of Directors shall approve transfer of non-cash donations intended for the College. Donations shall be acknowledged and accepted by the College Board of Trustees. All non-cash donations shall be entered into the Foundation financial records.

   a. Expendable property donations: (End item FMV less than $1000) shall be capitalized into the Foundation using an internally established FMV and shall be expensed off from Foundation records at the end of the fiscal year. Expendable property shall not be entered onto MCC property records.

   b. Fixed asset donations: (Principle end items with FMV equal to or greater than $1000). Real property such as land, buildings, etc. shall require a deed and a professional appraisal to establish an accurate FMV. Fixed assets transferred to the College shall be capitalized to the College property account records.

5. The donation recipient will ensure that the Administrative Assistant to the President and the Business Office are informed of the donor name, donor address, donation description, date of receipt and the estimated FMV.

6. Year-end contribution receipts shall be prepared by the Business Office and mailed to donors.

**445.036 Scholarships**

1. Scholarship awards are transferred to the College Business Office for administration, usually at the beginning of each fall semester.

2. In the event a scholarship, which does not pay a remainder to the student to cover transportation or other related educational expenses, is posted to a student account and a portion of the scholarship is unused, it will remain as a credit on the student’s account for use in subsequent, consecutive semesters until the student has completed his or her educational objectives at Montgomery Community College. If the amount remains a credit balance on the student account for more than two (2) consecutive semesters, and the student has not enrolled during those semesters, the scholarship credit will be returned to the MCC Foundation to be credited to the originating scholarship fund.

**445.037 Evaluation**

An annual evaluation of the fund raising efforts of the MCC Foundation shall be based upon the annual fundraising plan and completed by the members of the Executive Committee of the MCC Foundation.
445.038 Annual Plan

The fundraising plan of the MCC Foundation, Inc. shall be part of the annual Institutional Effectiveness Plan.

Approved September 13, 2006
445.04 Code of Ethics

Code of Ethics for Board Members

**Goal:** To establish a set of principles and practices of the Montgomery Community College Foundation, Inc. Board of Directors that will set parameters and provide guidance and direction for board conduct and decision-making.

**Code:** Members of the Board of Directors of the Montgomery Community College Foundation, Inc. are committed to observing and promoting the highest standards of ethical conduct in the performance of their responsibilities on the board of Montgomery Community College Foundation, Inc. Board members pledge to accept this code as a minimum guideline for ethical conduct and shall:

**Accountability**

1. Faithfully abide by the Articles of Incorporation, by-laws and policies of Montgomery Community College Foundation, Inc.
2. Exercise reasonable care, good faith and due diligence in organizational affairs.
3. Fully disclose, at the earliest opportunity, information that may result in a perceived or actual conflict of interest.
4. Fully disclose, at the earliest opportunity, information of fact that would have significance in board decision-making.
5. Remain accountable for prudent fiscal management to association members, the Board, and nonprofit sector, and where applicable, to government and funding bodies.

**Professional Excellence**

6. Maintain a professional level of courtesy, respect, and objectivity in all Montgomery Community College Foundation, Inc. activities
7. Strive to uphold those practices and assist other Montgomery Community College Foundation, Inc. Board members in upholding the highest standards of conduct

**Personal Gain**

8. Exercise the powers invested for the good of all members of the organization rather than for his or her personal benefit, or that of the nonprofit they represent.
Equal Opportunity

9. Ensure the right of all association members to appropriate and effective services without discrimination on the basis of geography, political, religious, or socio-economical characteristics of the state or region represented.

10. Ensure the right of all association members to appropriate and effective services without discrimination on the basis of the organization’s volunteer or staff make-up in respect to gender, sexual orientation, national origin, race, religion, age, political affiliation or disability, in accordance with all applicable legal and regulatory requirements.

Confidential Information

11. Respect the confidentiality of sensitive information known due to Board service.

Collaboration and Cooperation

12. Respect the diversity of opinions as expressed or acted upon by the Montgomery Community College Foundation, Inc. Board, committees and membership, and formally register dissent as appropriate.

13. Promote collaboration, cooperation, and partnership among association members.

Approved September 14, 2005
445.05 Whistleblower

Purpose

This policy governs both the reporting and investigation of allegations of suspected improper or illegal activities and the protection of whistleblowers from retaliation.

Definitions

**Whistleblower:** A person or entity making a protected disclosure is commonly referred to as a whistleblower. Whistleblowers may be employees, students, Board members, and applicants for employment, vendors, contractors, or the general public. The whistleblower’s role is as a reporting party. They are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

**Illegal Order:** Illegal order means any directive to violate or assist in violating an applicable federal, state, or local law, rule, or regulation or any order to work or cause others to work in conditions outside of their line of duty that would unreasonably threaten the health or safety of employees or the public.

**Interference:** Direct or indirect use of authority to obstruct an individual’s right to make a protected disclosure.

**Protected Disclosure:** A protected disclosure is any good faith communication that discloses or demonstrates an intention to disclose information that may evidence an improper activity or any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

**Retaliation Complaint:** Any written complaint by an employee or an applicant for employment which alleges retaliation for having made a protected disclosure or for having refused an illegal order or interference with an attempt to make a protected disclosure, together with a sworn statement, made under penalty of perjury, that the contents of the complaint are true or are believed by the complainant to be true.

**Reporting Responsibility:** It is the responsibility of all directors, officers and employees to comply with the Code of Ethics and to report violations or suspected violations in accordance with this whistleblower policy.

**Acting in Good Faith:** Anyone filing a complaint concerning an improper or illegal activity must be acting in good faith and have reasonable grounds for believing the information disclosed
is true and accurate. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**Reporting Violations:** Employees are encouraged to share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee’s supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor’s response, you are encouraged to speak with someone in the Human Resources Department or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected improper or illegal activities to the Student Resources Officer, who has specific and exclusive responsibility to investigate all reported violations.

**Confidentiality:** Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

**No Retaliation:** The Montgomery Community College Foundation, Inc. is committed to protecting employees and applicants for employment from interference with making a protected disclosure or retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

A Foundation employee may not:
- retaliate against anyone who has made a protected disclosure or who has refused to obey an illegal order, nor
- directly or indirectly use or attempt to use the official authority or influence of his or her position or office for the purpose of interfering with the right of anyone to make a protected disclosure to the Foundation auditor, a supervisor or other appropriate administrator, or a designated Foundation official

It is the intention of the Foundation to take whatever action may be needed to prevent and correct activities that violate this policy.

Approved September 14, 2005
445.06 Records Retention & Disposition

Purpose

This policy describes the general guidelines for retention and disposition of official Foundation records.

Policy

It is the policy of the Foundation to accommodate the timely storage, retrieval, and disposition of records created, utilized, and maintained by the Foundation. The period of time that records are maintained is based on the minimum requirements set forth in the records retention and disposition schedule.

Records Retention and Disposition Schedule

<table>
<thead>
<tr>
<th>Type of Document</th>
<th>Minimum Time to Keep It</th>
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<tbody>
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<td>Accounts payable ledgers and schedules</td>
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<tr>
<td>Audit reports</td>
<td>Permanently</td>
</tr>
<tr>
<td>Bank reconciliations</td>
<td>2 years</td>
</tr>
<tr>
<td>Bank statements</td>
<td>3 years</td>
</tr>
<tr>
<td>Checks (for important payments and purchases)</td>
<td>Permanently</td>
</tr>
<tr>
<td>Contracts, mortgages, notes, and leases (expired)</td>
<td>7 years</td>
</tr>
<tr>
<td>Contracts still in effect</td>
<td>Permanently</td>
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<tr>
<td>Correspondence (general)</td>
<td>2 years</td>
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<tr>
<td>Correspondence (legal and important in nature)</td>
<td>Permanently</td>
</tr>
<tr>
<td>Correspondence (with customers and vendors)</td>
<td>2 years</td>
</tr>
<tr>
<td>Deeds, mortgages, and bill of sale</td>
<td>Permanently</td>
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<tr>
<td>Depreciation schedules</td>
<td>Permanently</td>
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<tr>
<td>Duplicate deposit slips</td>
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<td>Employment applications</td>
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<td>Expense analyses/expense distribution schedules</td>
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<tr>
<td>Year-end financial statements</td>
<td>Permanently</td>
</tr>
<tr>
<td>Insurance policies (expired)</td>
<td>3 years</td>
</tr>
<tr>
<td>Insurance records, current accident reports,</td>
<td>Permanently</td>
</tr>
<tr>
<td>records retention and disposition schedule has been approved for a series of records, the Foundation may dispose of records by any convenient and economical means, preferably by recycling. However, confidential records must be completely destroyed by burning, shredding, or pulping under appropriate supervision.</td>
<td></td>
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Approved September 14, 2005
The operating agreement between Montgomery Community College and the Montgomery Community College Foundation.

This agreement is made by and between Montgomery Community College and the Montgomery Community College Foundation.

RECITALS

Whereas, Montgomery Community College is an institution of higher education created pursuant to Chapter 115D of the General Statutes of North Carolina; and

Whereas, Montgomery Community College Foundation, Inc., is an independent 501(c)(3) nonprofit corporation established pursuant to Chapter 55A of the General Statutes of North Carolina, entitled “Non-Profit Corporation Act”; and

Whereas, Montgomery Community College has the authority to enter into contracts as are necessary for the efficient management of the College; and

Whereas, the Montgomery Community College Foundation is organized and operated exclusively to generate, receive, hold, invest, manage, and allocate funds for the advancement, achievement, and support of the educational and cultural programs and services of the College; and

Whereas, the parties desire to formalize their relationship to achieve an efficient coordination between them to foster the educational and cultural programs and services of the College;

Now, therefore, in consideration of the mutual covenants, promises and conditions herein contained, Montgomery Community College (College) and the Montgomery Community College Foundation, Inc. (Foundation) agree as follows:

1.0 Responsibilities of the College

1.1 The College shall share annually with the Foundation its strategic plan, institutional priorities and projects, and resource requirements, so that the Foundation may represent the direction and needs of the College to donor prospects and align its programs and campaigns consistent with the strategic objectives of the College.
1.2 The College shall promptly alert the Foundation to prospective gifts, so that each opportunity for enhancing gift potential and donor relations is fully utilized.

1.3 The College agrees to cooperate with the Foundation in making available office space and equipment and in making available certain of its employees to engage in administrative and support activities for the Foundation. These employees shall remain for all purposes employees of the College and subject to all rights and responsibilities of other college employees.

1.4 The College shall cooperate with the Foundation in the development of the Foundation’s fundraising programs and campaigns as may reasonably be necessary for the successful conduct of fundraising programs and campaigns.

1.5 The College Board of Trustees Chairman and Vice Chairman are automatic members of the Foundation Board of Directors. The Vice Chairman will regularly report the actions of those meetings to the Board of Trustees.

1.6 The College’s authorized agent for purposes of administration of this agreement is the College President.

2.0 Responsibilities of the Foundation

2.1 The Foundation shall raise, invest, and endow funds for specific college purposes in accordance with the laws of the State of North Carolina and any applicable federal laws. Such funds collected shall be used for educational and cultural projects as provided by the College President and Board of Trustees and agreed upon by the Foundation Board of Directors. The College shall receive the benefit of all funds raised or generated by the Foundation.

2.2 The Foundation shall solicit gifts, where appropriate, in the name of the Foundation, on behalf of the College. Correspondence, solicitations, activities and advertisements concerning the Foundation shall be clearly discernible as being from the Foundation.

2.3 The Foundation shall conduct its activities in such a manner to maintain its status as a tax exempt, charitable organization under state and federal tax laws.

2.4 The Foundation shall plan all fundraising activities and the promotion and sponsoring of programs in support of college activities in a manner consistent with the mission and purpose of the College and in close cooperation with the President of the College.

2.4 The Foundation will assume responsibility for the cost of its variable expenses, including the cost of the audit, and will share the costs of fundraising campaigns and projects.
2.5 The Foundation agrees to notify, coordinate with, and solicit the comments of the College President regarding all significant disbursements and expenditures planned by the Foundation on behalf of the College.

2.6 The Foundation shall obtain prior approval from the College before accepting any gift for the benefit of the College that contains restrictive terms or conditions or involves real estate. The Foundation will advise prospective donors that any such gifts are subject to the approval of the College under this Agreement.

2.7 The Foundation shall hold, invest, manage and allocate funds and property received in the name of the Foundation, and such endowments received in the name of the College and transferred to the Foundation to be managed on its behalf and for its benefit, according to their terms. Such endowments shall be separately accounted for and the income reported annually.

2.8 The Foundation Board of Directors retains its right to refuse any contribution, donation, or gift which comes from a source which, in the Foundation Board’s determination, is not in concert with the Foundation’s mission or its inherent legal, moral, and ethical standard.

2.9 The Foundation shall have an accounting system in place to ensure financial activities are carried out and reported in accordance with generally accepted business and accounting practices.

2.10 The Foundation shall have an annual audit of its financial activities by a certified public accountant.

2.11 The books, records, documents, and procedures and practices of the Foundation relevant to or affecting this agreement shall be subject to inspection by the College President or his/her designee at reasonable times.

2.12 The Foundation shall provide an annual report to the College President, including but not limited to, the activities, programs, holdings, investments, income, and fiscal operations of the Foundation.

2.13 The Foundation will consult with the College before any changes in the nature, scope or purpose of the Foundation are made. The Foundation shall provide the College President with an advance copy of any amendments, additions, or deletions to the Foundation’s Bylaws.

3.0 RELATIONSHIP BETWEEN THE COLLEGE AND THE FOUNDATION

3.1 The College acknowledges and accepts the separate and independent nature of the Foundation, and the Foundation acknowledges and accepts the separate and independent nature
of the College. Each agrees to cooperate with the other in the advancement, achievement, and support of the educational and cultural programs and services of the College.

3.2 The Foundation shall be solely responsible for the satisfaction of its own obligations, debts, liabilities, and judgments. The Foundation shall not use funds belonging to the College, and managed by the Foundation on its behalf, for the satisfaction of any such obligation, debt, liability or judgment.

3.3 The Foundation shall indemnify the College, its governing board, officers, employees, agents, and students in their official and personal capacities, from and against any and all claims, damages, liabilities, injuries, expenses, demands, and judgments, including court costs and attorney’s fees, arising out of the Foundation’s performance of this Agreement or arising out of service by any such person or persons at the Foundation’s request or on its behalf.

3.4 The College shall maintain, at all times, a policy or policies of insurance for the benefit of the Foundation Board of Directors. This paragraph (3.4) shall survive the termination of this agreement.

4.0 TERM

This agreement shall remain in effect until canceled, in writing, by either party. In the event that either party desires to terminate this agreement, written notice shall be given to the other parties no less than six months before the desired termination date.

5.0 GOVERNING LAW

This agreement shall be construed under and governed by the laws of the State of North Carolina.

6.0 MISCELLANEOUS PROVISIONS

This Agreement constitutes the entire agreement between the parties. Modifications, amendments or additions to this agreement, in order to be effective, must be in writing and signed by both parties. Inaction or failure to demand strict performance of the terms hereof shall not be deemed a waiver of any provision of this agreement. The contracting parties represent that each has the authority to execute this agreement, to enter into the transactions contemplated by this Agreement and to perform its obligations under this agreement.
IN WITNESS WHEREOF, the undersigned parties through their authorized representative have executed this agreement.

Montgomery Community College

By ____________________________
(Signature)

Claudia B. Bulthuis
Chairman, MCC Board of Trustees

______________________________
(Date)

Montgomery Community College Foundation, Inc.

By ____________________________
(Signature)

Sherrill L. Bumgarner
President, Board of Directors

______________________________
(Date)

Approved September 14, 2005
451.00 Fund Raising/Solicitation Policy

All fund-raising projects conducted by student organizations must be pre-approved by the Vice President of Student Services and the President of the College. Projects must be presented in a one-page (typed) abstract describing the activities to be conducted, when, by whom and for what purpose. Abstracts must be presented at least ten (10) working days prior to the anticipated starting date. Fund-raising activities will not conflict with Foundation activities.
452.00 External Grants and Contracts

All external grants and contracts must conform to the stated mission and objectives of Montgomery Community College, balance grant activities and instruction, and include institutional controls of all grant projects. The Vice President of Administrative Services shall review proposed projects that require funding through external grants/contracts to be entered into or accepted by the College along with the Foundation Director/Grants Writer, Director of Assessment and Institutional Effectiveness and the divisional Vice President involved in the grant/contract. The President shall be responsible for making the final decision to accept or reject the terms and conditions of externally funded grants and contracts.

All personnel involved in the review of external grants/contracts must ensure that external grants/contracts do not endanger continuing financial support for general institutional activities, nor become an integral or necessary part of the regular operating budget. The continuity of Montgomery Community College's educational program must not be allowed to become dependent on indirect cost allowances from grants and contracts.

Institutional priorities must take precedence over grant activities (including research), and the balance between the two activities should not be allowed to become disproportionate. External grant activities must not interfere with, nor detract from, MCC’s regular instructional programs.

Since MCC is a two-year community college, it rarely participates in externally funded research. Even so, before a staff or faculty member develops grant or contract proposals, he/she must discuss the proposal with the appropriate departmental Vice President(s), the Foundation Director/Grants Writer, Director of Assessment and Institutional Effectiveness and the Vice President of Administrative Services to ensure that the requirements of this policy are met. Relevant factors (see copy of Grants Application Request form) shall be considered and completed during these discussions. The form is available in the office of the Foundation Director/Grants Writer.

Montgomery Community College shall provide an environment conducive to the success of each grant project, and staff and faculty shall be free to formulate and publish their findings. MCC's policy with regard to academic freedom and responsibility shall apply to external grant/contract activities.

All major contracts with outside agencies and which involve significant sums of money shall require an attorney's review for proper legal form and proper protection of the College's interests prior to application. The legal review may be made by the College's attorney, an attorney at the Institute of Government, the State Attorney General's Office, the NCCCS’s legal Division, or any other selected by the College.
Faculty summer salaries shall not become dependent on externally funded grants/contracts nor provide faculty salary supplements during the regular academic year. All salaries shall be determined and paid according to the MCC salary plan outlined in this manual.

The College makes a strict commitment to account for all externally funded grants/contracts, or other sponsored programs accepted and/or agreed to. The College recognizes that funds are awarded to the College and not to individuals. The Business Office exercises fiscal control of all externally funded grants; funded grants/contracts shall be performed according to generally accepted accounting theory and are in conformity with MCC’s current practices and North Carolina guidelines and procedures.

Revised October 25, 2005
To guard against the disruption of Montgomery Community College’s educational environment:

- Children of students should not be brought to campus while the student is attending classes, labs, seminars, workshops, testing/orientation sessions, and computer or library labs/sessions.

- Children of employees should not be brought to campus during the employee’s regular working hours.

- Children of visitors must be supervised by the parent or guardian while on the campus of Montgomery Community College or at any approved off-campus class site.

The College assumes no responsibility for children, or for any accidents or injury incurred by children in an unsupervised situation not approved by the College administration.
454.00 Sales Representatives and Visitors

Visitors are always welcome at Montgomery Community College and should register at the Information Desk in Building 100 upon their arrival on campus. However, persons who do not have legitimate reasons for being on the campus are not allowed to use the campus facilities. Loitering is strictly prohibited.

Under no circumstances will visitors be allowed in classrooms, laboratories, or off-campus sites without appropriate approval. Faculty members are not to be interrupted during class by sales representatives and visitors. Sales representatives and visitors must obtain clearance from the appropriate Vice President prior to visiting instructors. The faculty member in charge of a shop, lab, or class is responsible for keeping unauthorized persons out of his/her department during class hours.

Individuals who are loitering or who have not registered at the Information Desk will be asked to leave the campus. Should a visitor refuse to leave, law enforcement will be called.

September 2008
455.00 Mail Services

For same day pick-up, outgoing mail should be delivered to the mailroom by 10:00 am Monday through Friday. Incoming mail is normally delivered by 1:00 pm weekdays. The College’s address may not be used for personal mail.
The telephone at Montgomery Community College is intended for business usage. Personal calls should be made only when necessary.
457.00 Reproduction and Use of Copyrighted Materials – Print/Non-Print

The Montgomery Community College Board of Trustees hereby states its intent to enforce and abide by the Copyright Law (Copyright Revision Act of 1976) as applicable to the College and its employees. Printed copyright materials will not be duplicated unless such use meets “fair use” standards or unless written permission from the copyright holder has been received. Non-printed copyright materials, including videotapes, audiovisual works, and computer software, will not be duplicated, unless written permission has been received from the copyright holder.

The Board does not sanction illegal duplication in any form. Employees who willfully disregard the College's copyright position are in violation of Board policy and the law and assume all liability and responsibility related thereto.

The statutory fair use criteria allow for single and multiple copying of copyrighted works under specific conditions.

Single copies may be made if for scholarly research or for use in teaching or preparation to teach a class. Examples of material for which single copies may be made include the following: a chapter from a book, an article from a periodical or newspaper, a short story, an essay, a poem, or a chart, graph, cartoon, etc.

Multiple copies may be made if:

1. The number of copies does not exceed one per each pupil in the class.

2. Each copy includes a notice of copyright.

3. Does not exceed word limits, i.e., poems limit of 250 words, 2 pages prose; 2,500 words if entire work does not exceed that or 1,000 words or 10% of the work, whichever is less, if work is over 2,500 words. Special works (children's books under 2,500 words which combine language and illustrations) may never be copied entirely. Only 2 pages containing less than 10% of the words may be copied.

4. Instructor makes decision and there is too little time after decision to request and receive permission from copyright owner to use material timely.

5. The material copied is used in only one course and one instructor does not have more than nine instances of multiple copying per class term, with a limit on the number of works copied from one author, and the same item is not copied by the same instructor term after term.
6. Copies are not produced to substitute for purchase of books and periodicals.

7. No copies are made of "consumable" items, i.e., workbooks, standardized tests, etc. not to create, replace, or substitute for collective works.

8. The publisher's permission to make multiple copies is on file.

The Copyright Law also applies to and provides specific guidelines as to copying works of music, videotapes, audiovisual works, computer programs, and performances. Information pertaining to copyright law and guidelines is available in the Library and should be consulted whenever there is a question about reproducing copyrighted material.
458.00 Animals on Campus

To guard against the disruption of Montgomery Community College’s education environment, animals are restricted from college buildings and instructional areas, unless they are part of a sanctioned event. Animals may not be left in vehicles on campus property.

The exception to this policy is a service animal on campus. Please see policy 459.00 Service Animals.
1. **OVERVIEW**

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other applicable federal and state law, the College may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. This Policy addresses the use of Service Animals on campus by qualified individuals with disabilities or individuals authorized to provide training.

2. **DEFINITIONS**

   a. **Emotional Support Animal** – an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process (e.g., in alleviating the symptoms of that individual's disability). An emotional support animal does not assist a person with a disability with activities of daily living and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal".

   b. **Service Animal** – an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a Service Animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service Animals may or may not have been licensed by a state or local government or a private agency.

3. **PROCEDURES**

   a. **Responsibilities of the Person with a Disability**
The care and supervision of a Service Animal is the responsibility of the person with a disability who is using the animal’s services. This individual must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of proving licensure and inoculation on the person with a disability. Dogs must wear a rabies tab at all times.

The Service Animal must be under the control of the person with a disability at all times. A Service Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length or otherwise be under the control of the person with a disability if the leash or tether will interfere with the ability of the Service Animal to perform required tasks.

Persons with a disability are encouraged, but not required, to contact the Students Services to register their Service Animal.

Domestic animals and/or Emotional Support Animals are restricted on campus. Please see Policy 458.00 Animals on Campus.

b. Responsibilities of the College Community

If the need for a Service Animal is clear, individuals may not question the presence of the animal on campus. If the need for a Service Animal is not apparent, members of the campus community are permitted to ask the individual two questions:

i. Is the animal required because of a disability?

ii. What work or task(s) has the animal been individually trained to perform?

At no point may campus community members require a Service Animal to demonstrate the tasks for which they have been trained nor may they inquire as to the nature of the individual’s disability.

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals and that person has contact with a Service Animal, a request for accommodation should be made by the individual to the Human Resources Coordinator (if an employee) or the Student Services Counselor (if a student). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

c. Removal of Service Animals

The College has the authority to remove a Service Animal from its facilities or properties if the Service Animal becomes unruly or disruptive, unclean and/or
unhealthy to the extent that the animal’s behavior or condition poses a direct threat to the health or safety of others or otherwise causes a fundamental alteration in the College’s services, programs, or activities. The person with a disability is responsible for the costs of repair to any damage to College property caused by the service animal.

It is a Class 3 misdemeanor “to disguise an animal as a service animal or service animal in training”. N.C.G.S. § 168-4.5. In other words, it is a crime under North Carolina law to attempt to obtain access for an animal under the false pretense that it is a Service Animal.

Additionally, any employee or student who violates any portion of this procedure is subject to disciplinary action.
500.00 FACULTY AND INSTRUCTION

501.00 Tenure and Academic Rank

It is the policy of Montgomery Community College that tenure will not be granted to any instructor and that no academic rank system is in effect.
502.00 Faculty Evaluation - Curriculum

All full-time and permanent part-time instructors will be observed by the Vice President of Instruction or designee each academic year. All part-time curriculum instructors will be observed at least one (1) time during the semester by the appropriate supervisor. All instructors will be evaluated by the students they teach at the end of each semester (summer excluded). Observations and evaluations of full-time and permanent part-time instructors will be included in an annual performance evaluation conducted in March by the appropriate supervisor. Student evaluations of part-time curriculum instructors will be reviewed with the instructor by the appropriate supervisor.

A copy of each instructor’s annual performance evaluation will be placed in his/her personnel file in the Business Office.

November 2013
503.00 Instructor Evaluation – Continuing Education

All full-time and permanent part-time instructors will be observed in the classroom setting annually by the Dean of Continuing Education or appropriate program supervisor.

Class visits will be made on a regular basis under Policy 504.00 Internal Audit Plan, which may include instructor evaluation.

New part-time instructors in Adult Basic Skills and Occupational Extension classes will be observed at least once during the contract period.

Observations and evaluations of full-time and permanent part-time instructors will be included in an annual performance review conducted in March by the Dean of Continuing Education or immediate supervisor.

Proper documentation of instructor evaluations will be maintained and filed by the Dean of Continuing Education. A copy of each evaluation will be placed in the personnel file in the Business Office.
504.00 Internal Audit Plan – Continuing Education

In accordance with North Carolina State Board of Community College Code 400.98 and 300.4, Montgomery Community College has developed an Accountability and Integrity Plan Workforce Continuing Education. The plan reviews the programs provided to ensure that occupational training is relevant to the workforce, responsive to training needs and is responsible for state funds.

The plan is monitored and reviewed at least once per year and as needed by the Continuing Education Accountability and Integrity Team. Results of the annual review will be shared with the Montgomery Community College Board of Trustees at the January Board Meeting. The Montgomery Community College Board of Trustees will review and approve the Continuing Education Accountability and Integrity Plan every three (3) years, or sooner if revisions are made to the currently approved plan. The Continuing Education Division will share class visitation reports with the Montgomery Community College Board of Trustees each semester (Fall, Spring and Summer).

Approved: January 10, 2018
1. Class Size

Montgomery Community College will endeavor to offer programs that meet the needs of the local community. When possible, all courses will enroll numbers of students adequate to maintain overall fiscally sound program support. This statement does not imply that all classes will have break-even numbers but that the average of all occupational programs at MCC will be sufficient to maintain the prevailing fiscal stability of the College. When the inability to maintain sound funding is caused by lack of enrollment, program adjustments will be made.

2. Course Repetition Policy

A student may repeat courses in which he/she has earned a grade below a "C" in an effort to earn a higher grade or raise the overall grade point average. The higher of the grades will be used as the grade of record in computing the cumulative grade point average. All grades received will remain on the student's transcript.

A student may repeat for credit or audit a course in which he/she has made a "C" or higher or has previously audited only one time in a five-year period. A course may not be taken twice during the same term on either a credit or at audit basis. However, a student may add to his/her mastery of course content by enrolling for the class upon recommendation of the instructor and approval by the Vice President of Instruction. Regular tuition charges apply for students repeating the class excessively and the College may not report membership hours.

Any student who has completed a course with a grade of "C" or better may not displace a new student for the course.
As a matter of policy, Continuing Education classes will be divided into five (5) categories:

1. Occupational Training Programs
2. Community Services/Self-Supporting Programs
3. Adult Basic Skills Programs
4. Human Resources Development
5. Business and Industry Services

1. Occupational Training Programs

Occupational Training classes will be offered in cooperation with business and industry, professional groups, and other interested groups for the expressed purpose of updating and upgrading skills. The areas of instruction include, but not limited to, Allied Health and Emergency Services, Fire and Rescue Service, Law Enforcement, Certified Nursing Assistant, Phlebotomy Technician, computer skills, welding, etc.

a. Class Size. As a general policy, classes of less than ten (10) students will not be operated. In courses of an essential nature, classes as small as six (6) students may be operated when it is deemed appropriate by the College. The right is reserved by the College to run classes of less than ten (10) students when such classes are in the best interest of the College and its constituents.

b. Repetition. Courses of an essential nature would likely require certification of a state, county, or federal agency. Repetition would be in order until the student has reached a level of proficiency required by law, policy, or other regulating criteria. Students may repeat occupational courses once at the regular registration fee. Registration fees for additional repeats will be assessed for the full amount of the per student cost for the class.

Registration fee refunds will be governed in accordance with the North Carolina Administrative Code.

2. Community Service/Self Supporting.

Community Service/Self-Supporting classes are short, personal enrichment courses that are varied in content and are based on the interests of the group. Classes offered under this classification include, but are not limited to, art, basket weaving, music, etc.

a. Class Size. As a general policy, classes of less than ten (10) students will not be operated. The right is reserved by the administration of Montgomery Community
College to run classes of less than ten (10) students when such classes are in the best interest of the College and its constituents.

b. Repetition. Repetition is not a factor in these courses. Although titled and coded in accordance with the State Board of Community Colleges Code and the North Carolina Community College System Extension Class Code from semester to semester in the same manner, the content changes. Adult students have input into what, how, and when these courses are taught. It is usual, reasonable, and customary to find significant difference from class to class because of student demands, difference, and interests. Course outlines rather than course title or code will determine course content. Students may enroll in these courses so long as they feel they are benefiting from the course.

Registration fee refunds will be governed in accordance with the State Board of Community Colleges Code. There are no fee waivers for Self-Supporting classes. Some classes may be operated as Community Service for which North Carolina Citizens may be fee exempt.

3. Adult Basic Skills

Adult Basic Skills at Montgomery Community College includes the following components:

- Adult Basic Education (ABE) Grades 0 through 8
- Adult High School (AHS) Grades 9 through 12
- General Educational Development (GED) Grades 9 through 12 leading to the successful completion of the GED Test
- Compensatory Education Studies designed to aid adult developmentally disabled students
- English as a Second Language (ESL) Instruction in English for students whose native language is other than English

a. Class Size. In all Adult Basic Skills classes, a student enrollment of six (6) students will be the minimum size sufficient to start and operate a class. Should attendance drop below 50% over a four (4) week period, the class will be closed at the end of that contract period.

b. Repetition. So long as a student is showing measurable progress (as indicated by nationally standardized tests and/or instructor-made tests) from year to year, that student may repeat as often as necessary until educational goals are achieved.

4. Human Resource Development (HRD)

The Human Resource Development (HRD) program is pre-vocational, pre-employment, and placement training. HRD is designed to assist the chronically unemployed in finding employment and the underemployed in finding better employment. The curriculum
includes, but is not limited to, resume writing, completing a job application, job attitudes, interviewing, goal setting, consumer education, personal hygiene, etc.

   a. Class Size. HRD classes may start and operate with a minimum of six (6) students.
   b. Repetition. A student may enroll in HRD classes as often as is desired or until personal employment goals are met.

5. Business and Industry Services (BIS)

Business and Industry Services offers customized training in Montgomery County for the business community, governmental agencies, and public service organizations. Services under this program area include, but are not limited to:

   a. The Small Business Center provides assistance to small business owners and prospective owners with training in marketing, management, record keeping, and start-up skills;
   b. Focused Industry Training enables the College to assist existing industries with employee training in individual companies or occupational groups;
   c. New and Expanding Industry stimulates the creation of jobs for companies new to Montgomery County and for existing companies involved in major expansion efforts.
   d. Southern Sandhills Microenterprise Fund (SSMF) assists low and moderate income individuals who wish to start or expand a microbusiness.
   e. Rural Entrepreneurship Through Action Learning (REAL) is a semester-long entrepreneur training program helping participants explore the business they would like to operate.
   f. Workplace in Transition (WIT) is a workforce development program designed to improve the quality, productivity, and retention of newly hired employees.

Because of the customized nature of training offered under Business and Industry Services, class size and repetition are determined with the best interests of the business and industry and the College as the factors.
In accordance with State Board Policy 1E SBCCC 600, community colleges are permitted to offer self-supporting classes in which each student is required to pay a pro rata share of the cost of the class. An additional amount of up to twenty-five (25%) may be added to the direct cost of the class for indirect expenses.

Direct costs will include: instructor salary, fringes, travel, instructional supplies and equipment, rental of property when necessary, advertising, printing, postage, refreshments, administrative or clerical costs, and any other costs necessary for and directly attributable to the class.

Indirect costs will include: utilities, custodial, security, coordination, administration, or clerical salary and fringe benefits, and any other costs attributable to supporting the class which are not directly and exclusively associated with the support of the class.

The College shall set self-supporting fees for continuing education course sections at a level at or below the local market rate for the type of continuing education instruction provided.

Given the uncertain nature of estimating the number of participating students, the possibility of generating excess revenues exists. Such excess revenue will be expended for one or more of the following purposes: instruction, student support services, student financial aid (e.g. scholarships, grants, and loans), student refunds, student activities, curriculum development, program improvement, professional development, promotional giveaway items, instructional equipment and capital improvements and acquisition of real property. Transfer of excess revenues will be recommended by the Vice President of Instruction through the appropriate administrative process.

Funds in excess of direct and indirect expenses will not be used for supplemental salaries of any personnel; administrative support of the College other than noted above of direct benefit to students; College entertainment expense; and fundraising expenses.

The Board of Trustees should review this policy every three (3) years.
Academic freedom and responsibility are essential to the full development of a college and apply to teaching, research, and creative activity. In the development of knowledge, research endeavors, and creative activities, a college faculty must be free to cultivate a spirit of inquiry and scholarly criticism and to examine ideas in an atmosphere of freedom and confidence. A similar atmosphere is required for college teaching. Consistent with the exercise of academic responsibility, an instructor must have freedom in the classroom to discuss academic subjects. The College student must likewise have the opportunity to study a full spectrum of ideas, opinions, and beliefs, so that the student may acquire maturity for analysis and judgment. Objective and skillful exposition of such subject matter is the duty of every instructor.

The faculty member must fulfill his/her responsibility to society and to his/her profession by manifesting academic competence and discretion. The faculty member should be constantly mindful that he/she is a member of a learned profession as well as a representative of the College. The faculty member should be constantly mindful that these roles may be inseparable in the public view, and should therefore at all times exercise appropriate restraint and good judgment.

Any instructor who believes that he/she has been denied academic freedom should follow Montgomery Community College’s Employee Grievance Policy as outlined in Board Policy 314.00.
500.00 Faculty and Instruction

509.00 Instructor Absences

Instructors are expected to meet all scheduled classes and office hours unless unusual circumstances prevent doing so. When an instructor is unable to attend his/her class for any reason, he/she should inform the appropriate supervisor immediately so arrangements may be made for a substitute or other appropriate action. Each instructor is responsible for all instructional components outlined in the course syllabus and must make up any work missed in the most appropriate way.
510.00 Guidelines for Making up Cancelled Curriculum & Continuing Education Classes

Montgomery Community College classes that are missed or not held for any reason, including inclement weather, natural disasters, or other emergencies, should be rescheduled or the instruction should be made-up by some other alternative. Alternatives include extra class sessions, extended class sessions, individual conferences, or others approved by the Vice President of Instruction.

The Vice President of Instruction will schedule make up days whenever the College is closed beyond four (4) days/evenings due to inclement weather, natural disasters, or other emergencies. Instructors will be responsible for making up instruction by an approved alternative for the first four (4) days.

Instructors who miss class because of educational leave or college business will make arrangements for class instruction with the Vice President of Instruction (or designee). When on business requested by the College, instructors may use qualified substitutes paid for by the College. For educational leave not requested by the College, instructors are required to secure qualified instructors, reschedule classes, or make up instruction by another approved alternative.

When illness or other personal emergency leave causes an instructor to miss class, he/she must report this absence to the appropriate supervisor. Instruction should be made up by an approved alternative.

Instruction made up by an approved alternative for reasons of inclement weather, natural disasters, or other emergencies, illness, personal emergency leave, or educational leave assignments, must be approved by the Vice President of Instruction (or designee) and documented on the instructors’ Class Attendance Report to be turned in at the end of the term. Instruction should be made up at a time convenient to the majority of students. No punitive action may be taken against students who are unable to attend make up sessions for legitimate reasons.

All Continuing Education classes will be rescheduled and documented on the Class Attendance Report. Classes should be made up when convenient to the majority of students. There are no approved alternative methods to make up Continuing Education classes.
The unique responsibilities of faculty require them to accomplish various activities such as contacts with industry, contact with public schools, contacts with community organizations, recruiting, evening classes, committee meetings, and student advisement. The following policy will ensure maximum contact with students for instructional personnel and will allow adequate flexibility to fulfill the responsibilities of a professional faculty member.

1. The fall and spring semester shall consist of 16 weeks for instruction and exam periods. The teaching load for either fall or spring semester will be 16 to 18 semester credit hours or 20 to 28 instructor classroom/lab/shop/clinical contact hours for full-time faculty and 12 to 15 semester credit hours or 15 to 22 instructor classroom/lab/shop/clinical contact hours for permanent part-time faculty. The teaching load for the summer session shall be proportional to the College’s full-time teaching load for a semester for faculty employed more than ten (10) months. Those departments that schedule summer mini terms shall prorate faculty teaching loads accordingly. Curriculum instructors should deliver enough FTE to offset operational costs. Distance learning instructional loads are measured in the same manner as campus instructional activities.

2. The Vice President of Instruction shall adjust the workload of instructors to meet the requirements of the workload policy. The following shall be considered in determining the course load:
   - Program Head responsibilities
   - Location of class (on or off campus)
   - Open lab duties
   - Tutorial responsibilities
   - Committee work
   - Number of preparations/written, formal papers
   - Number of advisees
   - Number of students in class
   - Development of new distance learning course(s)
   - Other non-teaching responsibilities

In addition to these responsibilities, each instructor is expected to be involved in academic advising and helping students on an individual basis.

3. Full-time faculty is expected to work a 40-hour work week and permanent part-time faculty a 30-hour work week based on 16 weeks or 80 days per semester and 8 weeks per summer session. The curriculum faculty work load will include a minimum of 30 scheduled hours per week for full-time faculty and 23 scheduled hours per week for
permanent part-time faculty on campus or at the work site. The 30 hours will include class hours, office hours, chat session for distance learning classes and other non-teaching responsibilities. Each full-time Continuing Education faculty teaching load will include 18-28 class hours per week. Instructors are required to be on campus or at the scheduled work site for scheduled class meetings and for office hours unless approved for other special situations by the Vice President of Instruction.

4. Office hours are to be used for planning, grading papers, and student conferences or other job related activities. With approval, office hours may be used occasionally for recruiting trips and presentations to community organizations. Office hours must be posted on or near the respective office door, given to and reviewed with students in writing on the course syllabus, and must be appropriate to provide services to day, evening, weekend, and distance learning students as applicable.

5. Faculty members are not to leave their classes without supervision. In those instances when it becomes necessary to miss or leave a class, clearance should be obtained from the Vice President of Instruction (or designee) or Evening Administrator. In emergency situations where approval cannot be obtained in advance, an instructor should use professional judgment concerning the cancellation of his/her scheduled class and notify the Vice President of Instruction (or designee) or Evening Administrator. No instructor should substitute outside activities for classroom instruction to free himself/herself for personal reasons. Each instructor is responsible for all instructional components outlined in the course syllabus and must make up any work missed in the most appropriate way.

6. Faculty members are expected to attend employee, departmental, and meetings of committees to which they are assigned. They are also expected to be active participants in institutional planning, recruiting, job placement, and other professional activities and assignments as appropriate.

7. A maximum of ten (10) scheduled non-instructional professional development work days will be published annually by May 1 for the upcoming year. These include registration and graduation activities.

8. Faculty will not earn annual leave as prescribed in Board Policy 327.01. Faculty is expected to be available for work when classes are in session and for the ten (10) professional development workdays designated annually. Faculty is expected to use days when classes are not in session to fulfill all contract provisions, including but not limited to participating in meetings and completing work assignment/responsibilities during the contract period and for vacation days. Faculty earns twelve (12) holidays per year by policy and earns all other days as vacation. Any special provision appropriated by the General Assembly will be granted to faculty following recommendation of the President and approval by the Board of Trustees.
1. Computer lab technicians and continuing education instructors are governed by the Annual Leave Policy for staff.
512.00 Field Trips

All field trips must be approved by the Vice President of Instruction and should be scheduled at least one week in advance. Field trips should be scheduled at a time that will conflict least with other courses the students are taking. Instructors taking students on field trips must notify other instructors whose classes are being affected. Field trips do not replace future class sessions. Students going on field trips shall submit a signed copy of the student release form to the instructor before participating in the field trip.
513.00 Program Evaluation

The strength of the College is based on program viability, quality, and growth. The Vice President of Instruction is responsible for conducting an annual evaluation of each curriculum program.

**Academic Program Review** is a summary of divisional program activities, objectives, and performance standards measuring the strength of a curriculum program. Major considerations include enrollment, program cost, FTE, goal achievements (program and student), job placement, transfers to other higher education institutions, program quality, and other institutional effectiveness criteria. Other considerations include community, business and industry needs and requirements. From these, a program profile can be outlined for program improvements, objectives and activities. The Academic Program Review for each program is due to the Vice President of Instruction in October.

**Program Viability Review** occurs when circumstances and/or conditions identified by the Academic Program Review threaten the viability of a program. When this occurs, a special process will be initiated by the Vice President of Instruction. A Program Viability Review Action Plan will be implemented. The Program Head will be responsible for implementing the action plan.

At the conclusion of the process, a recommendation concerning the program’s status will be made. Decisions could include revitalization, suspension, or conversion to Continuing Education.

March 2012
Faculty members are those persons who provide direct instruction to students. Two categories of faculty membership are used:

1. Full-time faculty or permanent part-time are the teaching personnel who hold contracts for a specified period of time.

2. Part-time faculty are the teaching personnel who are contracted to teach specific courses.

Each full-time and part-time faculty member teaching courses in professional, occupational and technical areas other than physical activities courses that are components of associate degree programs designed for college transfer, or from which substantial students transfer to senior institutions, must have completed at least 18 graduate semester hours in the teaching discipline and hold at least a master’s degree with a major in the teaching discipline.

Each full-time and part-time faculty member teaching credit courses in professional, occupational and technical areas that are components of associate degree programs not usually resulting in college transfer, or in the continuation of students in senior institutions, must possess appropriate academic preparation coupled with work experience. The minimum academic degree for faculty teaching in professional, occupational, and technical areas must be at the same level at which the faculty member is teaching.

In exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in lieu of formal academic preparation for faculty members teaching both transfer and non-transfer courses in these areas. Such cases must be justified by the institution on an individual basis.

Non-degree diploma or certificate occupational courses are typically taught by faculty members with some college or specialized training, but with an emphasis on competence gained through work experience. Competency requirements must be defined and documented for each area.

Faculty members who teach basic computation and communication skills in non-degree occupational programs must have a baccalaureate degree and, ideally, should have work or other experience which helps them relate these skills to the occupational field.

**Personnel Records**

Complete employment packages including transcripts, experience documentation, tax forms, I-9 form and all other attendant data are to be assembled and transmitted to the Business Office for
permanent employment records. The records are to be collected by the employee’s supervisor. This policy applies to all full-time and part-time instructors.

Faculty members who teach in remedial programs must hold a baccalaureate degree in a discipline related to their teaching assignment and have either teaching experience in a discipline related to their assignment or graduate training in remedial education.
515.00 Instructor Furnished Demonstration Items

In select vocational and technical fields, some instructors operate private businesses/services in the same industry as the subject they teach. Demonstration items in possession of such an instructor, belonging to his/her customers, can play a significant role in providing students selective experience in their area of study. Such demonstration items used to introduce a specific procedure and items that are rare add to the quality of instruction.

This method of teaching not only provides a broader insight into the subject but also assists the College financially since the availability of such items and the materials required are free to the school. In some instances, the cost of such demonstration items could exceed the cost the College is able to finance. Often it is difficult for instructors (through normal channels) to obtain the necessary demonstration items required, both in quantity and quality, to perform adequate demonstrations. This fact is particularly true when dealing with specialized programs. When the instructor can provide such items from his/her related business, it is a definite advantage to the program involved.

Based upon the preceding statements, it has been determined that on rare occasions such activity may exist at MCC, provided that such demonstrations are in direct support of the program involved do not violate the live project guidelines, and the instructor does not expend any MCC resources other than the demonstration time required. The disposition of such demonstration items shall be left to the discretion of the instructor involved.

College facilities and equipment shall not be used by non-students, students, or employees except for instructional purposes and for the operation of the College.
516.00 Live Projects

A. Legal Basis

According to State Board Policy, “Live Projects” are defined “as (1) educational programs in which students repair or remodel equipment not owned by the College, or (2) educational programs producing goods that are sold or services for which charges are made, such goods or services being the normal and necessary product of learning activity of students.”

In the case of (1) above, the owner of the equipment must supply or pay for all parts required.

In the case of (2) above, the following regulations apply:

- Where federal programs are involved, federal regulations do not permit goods to be sold. In such programs, goods produced may be used for the benefit of the institution or donated to another non-profit charitable or educational agency or institution.

- For live projects that involve the purchase of equipment from the state or federal surplus property agency, the repair of this equipment, and its sale as surplus under the regulations of the State Division of Purchase and Contract, the proceeds of such sales shall be deposited with the State Board of Community Colleges and credited to the equipment budget of the institution.

- When no charge is made by the College to the student or employee for College owned supplies used in the production of a good or service, the product becomes the property of the College and is subject to disposal or use by the College as the President may direct, subject to compliance with all laws and state regulations. Goods and services produced from college-owned materials may be sold by the College at a fair market price based on quality and volume. Sale prices will be recommended by the instructor in charge. Receipts will be deposited to the appropriate departmental supply budget.

It is not the intent of the programs at Montgomery Community College to be of a production nature, but in that some projects require costly supplies and materials, it is simply sound economic policy to dispose of these products in such a way as to replenish supplies and materials when possible. Monetary gain is not the objective in the disposal of goods and services.

B. Philosophy and Criteria for Approval

Live projects are deemed necessary in order to provide realistic experiences in specific program areas in which there are currently limited training opportunities available. The utilization of live projects for a curriculum program shall be based on:
• Projects that are appropriate to the current subject material being taught.
• Projects that facilitate meeting current course objectives.
• Projects that can reasonably be accomplished given the time constraints of the current subject matter.

The clientele served in providing laboratory experiences for students by carrying on live projects shall be limited to students, employees, advisory committee members, Trustees, and Foundation Board members of the College as far as possible. When these projects do not provide sufficient experiences to carry out educational programs, clients may be selected from the general public on a first-come-first-served basis. Priority is given to currently enrolled students in the curriculum where the live project is being done.

C. In-Class Students and Advisory Committee Members

The classroom instructor will approve all class and live projects for currently enrolled students and advisory committee members of that program. The responsibility for determining the appropriateness of any work shall rest with the instructor.

D. Montgomery Community College Students, Employees and Community

All Montgomery Community College students, employees, as well as members of the community (business and general public), must have projects approved by the appropriate instructor, Vice President of Instruction and President according to the philosophy and criteria for approval for the project.

E. Board of Trustees, and Foundation Board of Directors

Requests for live projects for members of the Montgomery Community College Board of Trustees, Foundation Board of Directors, and profit-making organizations must be made through the President of the College and approved according to the philosophy and criteria for approval for the project by the instructor, Vice President of Instruction and President.

F. In-House Requests For Live Projects

All work projects dealing with College equipment or buildings must be approved by the appropriate instructor, Vice President of Administrative Services, Vice President of Instruction and President.

G. Emergency Live Projects

Live projects, which are determined to be emergencies, revolve around incidents in which functions or components of a home or vehicle become inoperable or nonfunctional and commercial help is not available for such a time period as to create a severe hardship on the party
affected. Emergency Live Project Requests will be approved by the appropriate instructor, Vice President of Instruction and President.
PROCEDURES FOR LIVE PROJECTS

A. Requests For Live Projects

All requests for work produced through live projects must be submitted through appropriate personnel according to sections C, D, E, F or G in the Montgomery Community College Policy Manual, 473.00 Live Projects. Requests will be submitted on the MCC Live Project Request Form. Students enrolled in the curriculum will be exempt from completing a form for each project required during the semester but must sign a Waiver of Responsibility and Liability Statement releasing the College from responsibility and liability of student projects. The instructor will notify the person requesting the job whether or not the job is accepted, the estimated starting and completion date, and any parts or materials to be supplied by the person requesting the work done.

B. Payment for Live Projects

Clients shall pay for all materials, supplies, and travel involved in completing a project. The student shall not charge for services rendered, but only for the costs of materials utilized. The ownership of the interim product shall be solely that of the client. If the student opts to have a duplicate interim product, he/she shall save and produce for the client all receipts for purchase relating to the duplicate interim product.

Curriculum supplies used solely as teaching aids will not be subject to billing provided they remain the property of the College or are expendable.

Costs are to be paid directly to the Business Office before the project can be released. The Business Office will issue a validated receipt after payment, which must be presented to the appropriate instructor as a basis for releasing the project. If there are no expenses, the individual retaining the request for live project form will go directly to the appropriate instructor for release of the project.

This instructor may, at his/her sole discretion, order necessary supplies directly from the supplier as long as those costs involved are repaid prior to release of the project.

Expenses dealing with travel to and from an off-campus live project in a private vehicle by an employee will require payment by the project owner to the Business Office for the mileage involved at the current state rate for private vehicles. Instructors will file the standard Reimbursement for Expense Form through the Business Office the day the project is completed. Situations dealing with a student’s expense in traveling to a live project will be handled on an individual basis between the Program Head and the student.
No instructor or other employee of the College is to receive personal monetary gain from live projects or other activities in relationship to their employment with the College other than salaries and benefits, which are paid to them by the College.
Activities of curriculum instructors are coordinated by the Vice President of Curriculum. Instructor responsibilities include:

1. Creating an effective learning environment.

2. Keeping current with information and skills in the respective teaching field.

3. Serving on College committees and attending meetings as assigned and/or requested.

4. Assisting in the recruitment, orientation, registration, retention, academic advising, placement, and follow-up of students.

5. Developing and coordinating a plan to ensure Institutional Effectiveness. This includes planning and evaluation activities for the Montgomery Community College planning process, relevant accreditation agencies, and the North Carolina Community College’s Annual Program Review.


7. Maintaining accurate records such as:
   a. daily attendance
   b. grades
   c. veterans and financial aid attendance report
   d. other assigned instructional records

8. Assisting in selection of textbooks, equipment, and supplies for each course.

9. Initiating requests for equipment and supplies.

10. Being responsible for the inventory and maintenance of equipment and supplies in their respective department.

11. Attending graduation functions and ceremonies.

12. Working with advisory committees to insure relevant curriculums, instruction/materials and student placement.
13. Enhancing personal teaching skills, taking full advantage of the latest technological applications in teaching and subject matter, and taking responsibility for an effective professional development plan.

14. Fulfilling all contract provisions, including but not limited to participating in meetings and completing work assignments/responsibilities during the contract period.

15. Maintaining a high level of professionalism as a representative of the College.

16. Performing other duties as assigned by the Vice President of Instruction.
518.01 Adjunct Faculty Job Description

Activities of curriculum adjunct instructors are coordinated by the Program Head. Adjunct instructor responsibilities include:

1. Creating an effective learning environment.

2. Keeping current with information and skills in the respective teaching field.

3. Maintaining accurate records such as:
   a. daily attendance
   b. grades
   c. veteran and financial aid attendance report
   d. other assigned instructional records

4. Assisting in selection of textbooks, equipment, and supplies for each course as appropriate.

5. Initiating requests for equipment and supplies as appropriate.

6. Fulfilling all contract provisions.

7. Maintaining a high level of professionalism as a representative of the College.
518.02 Division Chair Job Description

Activities of the department are coordinated by the Vice President of Instruction. Division Chair duties include:

1. Coordinating all programs within the department.
2. Maintaining administrative leadership within the department as a representative of the Vice President of Instruction.
3. Providing direct supervision to all program lead instructors in the department.
4. Conducting annual performance evaluations of all program heads in the department.
5. Assisting in the resolution of student complaints and concerns within the department.
6. Scheduling and conducting department meetings on a regular basis.
7. Working with program heads and faculty within the department to ensure the currency of instructional packages and syllabi for all courses taught within the department.
8. Assisting program heads with Advisory Committee functions.
9. Recommending to the Vice President of Instruction all program changes and revisions within the division.
10. Recommending to and working with the Vice President of Instruction on new programs and/or program concentrations within the department.
11. Serving on College committees as assigned.
12. Assisting program heads within the department with the recruitment and selection of new full-time and part-time faculty members, and completing the appropriate paperwork necessary for the employment of part-time faculty.
13. Ensuring SACS compliance of all full-time and part-time faculty credentials.
14. Coordinating the preparation of an annual course schedule with all programs within the department and across the curriculum as necessary.
15. Coordinating distance education initiatives within the department.
16. Coordinating departmental program cooperative efforts with the Continuing Education and Community Services Division.
17. Coordinating with department faculty in strategic and operational planning for the department including coordinating the institutional effectiveness efforts and reports within the department.
18. Approving, signing, and submitting to the Vice President of Instruction all budget, travel, and leave requests within the department.
19. Ensuring that all updates to the College website pertaining to programs within the department are channeled to the office of Institutional Development in a timely manner.
20. Performing other duties as assigned by the Vice President of Instruction.

January 2007
Activities of the Program Head are coordinated by the respective Division Chair. Program Head duties include:

1. Maintaining instructional packages and syllabi for all required program courses.
2. Coordinating with other instructors in the program (if applicable) in the selection of textbooks, supplies, equipment, and other institutional materials; making requisitions for such.
3. Taking a leadership role in the implementation of a quality curriculum by coordinating efforts with other full-time, adjunct, and part-time faculty, staff, and community personnel.
4. Making recommendations to the Vice President of Instruction concerning personnel needs and taking a leadership role in the recruitment and selection of additional faculty.
5. Completing the appropriate paperwork including transcript requests and other documentation necessary for the employment of part-time faculty.
6. Taking a leadership role in the management and upkeep of shops, equipment, laboratories and classrooms utilized in the program implementation.
7. Making recommendations on program teaching schedules.
8. Working with Vice President of Instruction and other Program Heads within the department concerning Advisory Committee functions and input.
9. Taking responsibility for advisement and academic orientation of students enrolled in the program.
10. Coordinating with the appropriate Student Services and Marketing Staff in the recruitment of students, admissions, and graduate placement.
11. Planning and conducting activities relating to Institutional Effectiveness – MCC Plan, SACS, and NCCCS.
12. Evaluating lab equipment and software.
13. Performing other duties related to the curriculum program of study and as assigned by the Vice President of Instruction.

Approved January 2007
519.00 Intellectual Property

Montgomery Community College in its effort to improve life through learning encourages the development of intellectual property which may enhance the learning process or environment.

A College employee or student owns all rights to copyrightable or patentable independent works created by that employee or student without College support. However, unless otherwise provided for in a rights agreement, the College asserts that all intellectual property created by faculty, staff or students while using College resources or as a result of employment with the College will belong to the institution.

Intellectual property may be defined as any intellectual or creative works that can be copyrighted or patented. Such works may include but are not limited to literary, musical, dramatic or artistic works, computer software, multimedia presentations or inventions.

The following conditions and criteria will be used by a committee appointed by the President to determine the ownership of a copyright or patent and to determine the distribution of any benefits arising from any such intellectual property.

1. Ownership shall reside primarily with the employee or student if the following criteria are met:
   a. The work is the result of an individual initiative, not requested by the College.
   b. The work is not the product of a specific contract or assignment.
   c. The work was not produced as a part of the employee’s normal job duties as detailed in their job description.
   d. The work does not involve use of College facilities, time and/or other resources and is not derivative of any other College-owned copyright. (Students may not use College equipment or resources for works for hire.)
   e. Inventions or discoveries made by the employee entirely on his/her personal time (e.g. made during non-working hours) and not involving the use of the College facilities or materials are the property of the inventor except as may be specified in any applicable agreement between the College and the federal or state government, or any agency thereof.

2. Ownership shall reside primarily with the College if the above criteria are not met and/or if the following criteria apply:
   a. The work is prepared within the scope of an employee’s job duties.
   b. The work is the product of a specific assignment made as a part of that employee’s position with the College.
   c. The development of the work involved significant use of facilities, time and/or other resources. These resources may include, but are not limited to, released
time, grant funds, college personnel, salary supplement, leave with pay, equipment or other materials or financial assistance, or is derivative of any other college-owned copyright.

3. Both the student and the College will retain portfolio rights to the works that may result from student assignments.

4. The College and the employee/student may enter into an agreement for joint ownership, sharing of royalties or reimbursement to the College for its resources and support. When it can be foreseen that copyrightable or patentable property may be created, an agreement for ownership of the sharing of benefits should be established before the creation of the property. In all cases the College will maintain the right to use the work without compensation to the individual for such use.

5. If an employee is granted full or partial leave, with pay, such as release time or educational leave, the employee and the College will share in any financial gain, and the College’s share will be negotiated prior to the time the leave is taken. Earned annual leave is exempt from this provision.

6. In the case of a work created under the provisions of a grant, the terms of the grant will determine the ownership and benefits distribution of the property created.

The revenue derived from college-owned intellectual property is considered to be the same type of funding as that which allowed the development of the intellectual property, i.e. federal, state, county, or institutional. Revenue from intellectual property generated by more than one type of funding is allocated to that revenue source in the year it is received in the same proportion as the funding that allowed the property to be created. The College shall determine the use of the funding.

April 2013
In keeping with ID SBCCC 400.2 for curriculum and continuing education admissions, Montgomery Community College (MCC) shall maintain an open door admission policy to all applicants who are legal residents of the United States and who are either high school graduates or are at least 18 years of age. The MCC Board of Trustees may regulate admission and graduation of students enrolled in courses mandated under G.S. 17C. Suspending or expelling a student for non-academic disciplinary purposes shall be recorded in the student’s educational record. The MCC Board of Trustees may refuse admission to any applicant if it is necessary to protect the safety of the applicant or other individuals. The MCC Board of Trustees appeals process is available in the Student Handbook for applicants denied admission pursuant to ID SBCCC 400.2(e).

610.01 Admission Policy Specific to Curriculum

(Reference: 1D SBCCC 400.2 Admission to Colleges) Montgomery Community College is a state-supported institution operating under an "open door" admission policy. This policy means that any person, whether a high school graduate or non-graduate, who is 18 years old or older and who is able to benefit from further formal education, will be served by the institution.

The "open door" policy does not mean there are no restrictions on admission into specific programs. It does mean these restrictions are flexible enough to allow students opportunities for admission into specific programs when they demonstrate aptitude for these programs as determined by personal interest, academic background, placement tests, and personal interviews. If an academic deficiency exists, applicants will be given an opportunity to remove the deficiency by taking preparatory work.

High school juniors and seniors who meet specified enrollment criteria may be admitted to curriculum courses offered through the Career and College Promise program. Montgomery County juniors and seniors as specified by the North Carolina State Board of Community Colleges in the Career and College Promise Operating Procedures manual may be admitted to curriculum courses offered through the Career and College Promise program.

Additionally, students less than 16 years old who are mature enough to function well in an adult education setting and who are intellectually gifted as evidenced by specific guidelines outlined in the North Carolina Administrative Code may enroll in curriculum courses at Montgomery Community College.
610.02 Admission Policies Specific to Continuing Education

(Reference: 1D SBCCC 400.2 Admission to Colleges) Any adult who has reached the age of eighteen (18) and is not enrolled in public school is eligible to enroll in Adult Continuing Education classes. Persons between 16 and 18 years of age who have special needs may be considered for admission with the approval of the local school principal and/or parent, legal guardian or other person or agency having legal custody and control. Persons enrolled in public school are not eligible to take literacy classes, with the exception of English as a Second Language. In addition, MCC permits the enrollment of undocumented nonimmigrant applicants in approved continuing education programs.

Revised August 2012
Montgomery Community College (MCC) prohibits the release of or access to any personally identifiable information on students and employees in accordance with state and federal guidelines. These include but are not limited to Family Education Rights and Privacy Act (FERPA), Fair and Accurate Credit Transactions Act (FACTA; also known as Red Flag Rules) and any other federal and/or state legislation. In accordance with these legislations, MCC will adopt and establish reasonable procedures to protect students and college employees from the damages associated with the theft or trespass of or unauthorized access to sensitive personal information.

June 2009
The primary purpose of student aid is to provide financial resources to students who have been deemed unable to cover the entire expense of a post-secondary education. Such need-based aid is available in the form of grants and scholarships: the Pell Grant, the Federal Supplemental Education Opportunity Grant (FSEOG), federal work study programs (FWS), the Academic Competitiveness Grant (ACG), the North Carolina Community College Grant (NCCCG), the North Carolina Student Incentive Grant (SIG), Targeted Assistance funds, state lottery funds, and state and institutional scholarships.

To apply for financial aid, students must complete the Free Application for Federal Student Aid (FAFSA). These forms are available in the Student Services Division at the College and on the Internet at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). This federal application for aid considers a student’s household income and the number of household family members in determining a student’s financial need.

The FAFSA application is the only application a student needs to complete to be considered for the Pell, FSEOG, FWS, ACG, NCCCG, SIG, lottery, and Targeted Assistance funds. When completing the application, students should place MCC’s federal school code (008087) under the school information section on the FAFSA. Once the FAFSA is completed and submitted to the U.S. Dept. of Education, the results are forwarded to both the College and the student. The financial aid staff will contact students to discuss the results of their application.

In addition, MCC offers merit based and curriculum specific scholarships. Students wishing to apply for scholarships may download an application from our website at [www.montgomery.edu](http://www.montgomery.edu). Scholarships are made available in the spring of each year. Deadlines are listed on the website. The scholarships are awarded in June of each year and are to be applied during the fall and spring terms of the upcoming academic year.

MCC also receives limited funds from the North Carolina State Child Care Grant. Financial assistance for child care services may be available to applicants who meet certain federal guidelines. The amount of child care assistance is dependent upon available funding.

All students receiving federal and/or state aid must meet all eligibility requirements. In particular, students must have all high school and post-secondary transcripts on file at MCC. Furthermore, all students must maintain satisfactory academic progress (SAP) in order to receive aid for which they have been deemed financially eligible. These specific guidelines and regulations are listed in the Financial Assistance Handbook and in the Academic Policies and Information section of the College’s Catalog. (See SAP for Financial Aid.)

January 2007
600.00 Student Services

640.00 Tuition and Fees

(Reference: SBCCC Title 1 Chapter E. Student Tuition and Fees)

1. Authority to Charge. All tuition and registration fees charged to students for applying to or attending any college of the system shall be approved by the State Board. No tuition rate or fee schedule shall be charged without resolution of the State Board specifying the purpose for which the fee is charged. The College shall provide through publicly-available means information about all approximate tuition and fees required for a course prior to enrollment.

2. Time Due, Deferred Payment, Failure to Pay. If a student registers on or before the first date of a course section, tuition, registration fees, and other fees required for enrollment are due on a specific date prescribed by the College that is on or before the first date of the course section. If a student registers after the first date of the course section, tuition, registration fees, and other fees required for enrollment are due at the time of the student’s registration. A student may satisfy the requirement for payment due through one or more of the following four methods:
   (a) Directly paying the College.
   (b) Demonstrating to the College’s satisfaction that the student is eligible for financial aid or other third-party payment.
   (c) Entering into a deferred payment plan authorized by 1E SBCCC 200.2(b).
   (d) Providing evidence of eligibility for a tuition or registration fee waiver consistent with 1E SBCCC 800.

The College shall, with approval of the Board of Trustees, prescribe written procedures to permit short-term deferred payment or payment in installments; provided, however, that no student shall be permitted to graduate or to register for a new semester unless payment of such outstanding balance has been guaranteed in writing by a financially responsible person or organization. Colleges may not enroll or distribute an academic credential to a student with an outstanding balance for tuition or registration fees except under the following circumstances:
   (a) The College anticipates that the outstanding balance will be paid using pending financial aid; or
   (b) A person or organization demonstrates to the satisfaction of the College the ability to pay the outstanding obligation and guarantees in writing to pay the balance if the student fails to do so.
   (c) A student is registered in a course section offered for the benefit of a company or agency. For the purpose of this rule, company or agency specific course sections are courses where the company pays the tuition or registration, and courses where attendance in the course section is limited to employees of the company or agency;
   (d) A student is classified as a captive or co-opted student pursuant to 1D SBCCC 700.98(a); or

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A student is registered in a course that is on a specialized course list approved by the State Board of Community Colleges and supports the organization training needs for entities specified in G.S. 115D-5(b)(2).

Colleges are authorized to withhold transcripts of grades pending resolution of the outstanding monetary obligations. This statement shall not be construed to prohibit a college's local governing board from adding more stringent provisions that are allowable under law regarding outside monetary balances.

3. Establishing Local Fees. Local fees are fees charged to curriculum and continuing education students for items not covered by tuition and registration fees. Funds derived from local fees shall be deposited in an unrestricted institutional account and shall be used only for the purposes for which the fee was approved by the local Board of Trustees, consistent with 1E SBCCC 700. The President shall report any local fee established by the Board of Trustees to the System Office's Business and Finance Division on an annual basis. Boards of Trustees may establish on an annual basis the following local fees:

(a) Specific Fees. Fees charged to students to support other required academic costs for consumable goods or services that are specifically required for a course. Such academic costs include, but are not limited to, tools, uniforms, insurance, certification/licensure fees, e-text, lab and other consumable supplies.

(b) Student Activity Fee. A fee charged to students to support student activities. The student activity fee shall not exceed the maximum established by the State Board;

(c) Instructional Technology Fee. A fee charged to students to support student access to instructional technology. This fee shall not exceed the maximum established by the State Board; and

(d) College Access and Parking (CAP) Fee. A fee charged to a student for use of the College's parking facilities and College property.

(e) Other fees. A fee charged to support costs of goods or services provided by the College that are not required for enrollment. Examples include, but are not limited to, student health and other insurance fees, graduation fees, transcript fees, optional assessment fees, library/equipment replacement fees, and fees to participate in a specific event or activity. These fees are set based on the estimated cost of providing the good or service.

4. Any local fee established by a college is considered a separate charge to students and shall not be credited as part payment of tuition or registration fees.

5. Receipts collected from any local student fee shall be deposited as State Board regulation shall direct, consistent with state law.

6. Nothing in any rule shall be construed to condone or to authorize any practice of depositing receipts from any student tuition or other student fees in a special fund account at a college, except local fee receipts.

7. Local fee receipts shall not be used for any purpose other than that for which the fee was approved, e.g., computer equipment could not be purchased for staff members using optional fee receipts.

8. All fees funds derived from local fees shall be deposited into a proper college account and all disbursements shall be made by the College business office in accordance with polices adopted by the Board of Trustees.
9. Specific fees shall be approved by the College Board of Trustees. Such fees shall reflect the actual cost of items received by the student.

10. Students shall be informed of all approximate fees for a course at the time they enroll. Such fees shall be kept to a minimum consistent with the State Board philosophy to keep student costs as low as possible.

March 2015
641.00 Tuition and Fee Waivers

(Reference: SBCCC Title 1 Chapter E. Student Tuition and Fees (Subchapter 800. Waivers))

1. Authority to waive. Colleges shall waive tuition and registration fees for eligible training provided to members of groups and organizations that are expressly authorized by law. The waiver of local fees shall be governed by local Board of Trustees.

2. Admission Requirements. Persons in an authorized group or organization must meet the same admission requirements as students that are not in an authorized group to enroll in courses for which the student is eligible for a waiver.

3. Proof of Eligibility. To obtain a waiver, individuals must establish proof of eligibility as a member of an authorized group or organization. To be eligible for a tuition or registration fee waiver, trainees enrolled in Basic Law Enforcement Training (BLET) courses must obtain a letter of sponsorship from a state, county, or municipal law enforcement agency prior to enrollment and uphold the terms of the sponsorship until completion of the BLET course. The College must maintain documentation of the sponsorship on file.

4. Reporting FTE: Unless otherwise prohibited by law, students eligible for an authorized waiver shall be counted in the computation of enrollment for funding purposes (BFTE) in a manner consistent with non-waived students, assuming all applicable reporting requirements are met.

5. Self-Supporting Courses: Community colleges shall not grant tuition and registration fee waivers to students enrolled in self-supporting courses. The community college shall charge the student the self-supporting fee or use institutional funds to pay for the self-supporting fee on the student’s behalf.

6. Annual Reporting Requirement. As directed by the System Office, the College President shall report the amount of tuition and registration fees waived by the College on behalf of individuals who are members of authorized groups or organizations on an annual basis to the System Office.
650.00 Registration

Registration is complete when all fees are paid or deferred by the Business Office and the student is issued a receipt. It is the responsibility of the instructor to ensure that each of his/her students is actually attending the correct class and section number.
Where a student desires to enroll for the same semester at two or more colleges of the North Carolina Community College System, the total amount of tuition and fees may be paid to the student’s “home” college. “Home” college is defined as the college where the student initially registers for classes. The home college shall, in that case, assume responsibility for arranging with the other college or colleges for enrolling the student in appropriate classes without further charge. Such arrangement shall be made by exchange of letters between the colleges involved. The college in which the respective instruction occurred shall, in any event, report student membership hours for instruction received.
661.00 Credit-By-Examination

A student who can demonstrate proficiency in a subject area may request a credit-by-examination in that subject in order to accelerate his/her studies. A student requesting this type of credit must follow specified guidelines. These guidelines are included in the College Catalog and Student Handbook. A student who is awarded credit-by-examination for a specific course may use that credit to meet course prerequisites as applicable.
Students may, if unusual circumstances exist, register for independent study in some classes. Students must complete the Application for Independent Study and obtain approval from the program head and the Vice President of Instruction. The guidelines for independent study are included in the College Catalog and Student Handbook.
663.00 Course Prerequisites/Co-Requisites

The College will ensure that course prerequisites/co-requisites are met prior to student enrollment in applicable courses. Course prerequisites/co-requisites may be met by any of the following:

(1) Successful completion of the appropriate prerequisite/co-requisite course as identified in the Combined Course Library;
(2) Documentation of appropriate test scores;
(3) Transfer credit from transcript review;
(4) Documentation of course proficiency through credit-by-examination as noted in Board Policy 661.00 Credit-By Examination;
(5) Approved course substitutions.

February 2010
Students are expected to attend all scheduled classes for which they are registered. Although special circumstances may cause a student to be absent, regular attendance is essential to satisfy regular course objectives. The class instructor will evaluate all student absences. Individual instructors will determine whether absences are excused or unexcused. Students who anticipate an absence should contact the instructor before the class meets. Should prior notice to the instructor be impossible, the student should be expected to explain the absence upon return to class.

All work missed during absences must be made up. Failure to make up work that is missed will adversely affect the student’s final grade for the course. To receive credit for a course, a student must attend eighty (80) percent of class and eighty (80) percent of lab hours. When absences total more than twenty (20) percent of the total contact hours for the course, a student will be dropped from a class. If extenuating circumstances exist, the Vice President of Instruction may waive the unofficial drop.

When students are absent from class for two consecutive classes, the instructor should initiate follow-up procedures by (1) contacting the student and (2) notifying Student Services prior to the student missing twenty (20) percent of the class. Additionally, instructors must notify Student Services in writing (Unofficial Drop Form) when dropping a student from their class.

Attendance requirements are published in the College Catalog and Student Handbook.
**668.00 Student Evaluation & Grading System**

**Student Evaluation.** Methods of evaluation of a student’s work may differ widely from class to class and among faculty members. Evaluation instruments or methods should reflect the objectives of the College and the course being taught. Students will be informed during the first week of class of the requirements for the course, methods of evaluation and the way their final grade will be determined. Each instructor determines the relative value of each evaluation instrument to be used.

**Grading System.** A letter grade is used to indicate the quality of a student's work in a course. Grade points are assigned for each letter so that a grade point average can be calculated. The grading system is as follows.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Explanation</th>
<th>Quality points per credit hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (93-100)</td>
<td>Outstanding</td>
<td>4</td>
</tr>
<tr>
<td>B (86-92)</td>
<td>Above Average</td>
<td>3</td>
</tr>
<tr>
<td>C (78-85)</td>
<td>Average</td>
<td>2</td>
</tr>
<tr>
<td>D (70-77)</td>
<td>Passing</td>
<td>1</td>
</tr>
<tr>
<td>F (Below 70)</td>
<td>Failure</td>
<td>0</td>
</tr>
<tr>
<td>FA (Below 70)</td>
<td>Failure Due to Non-Attendance</td>
<td>0</td>
</tr>
<tr>
<td>I</td>
<td>Incomplete</td>
<td>No Credit</td>
</tr>
<tr>
<td>W</td>
<td>Official or Administrative Withdrawal</td>
<td></td>
</tr>
<tr>
<td>AP</td>
<td>Advanced Placement</td>
<td></td>
</tr>
<tr>
<td>AU</td>
<td>Audit of a Course</td>
<td></td>
</tr>
<tr>
<td>CE</td>
<td>Credit by Proficiency Exam</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>Satisfactory Progress</td>
<td></td>
</tr>
<tr>
<td>U</td>
<td>Unsatisfactory Progress</td>
<td></td>
</tr>
<tr>
<td>CT</td>
<td>Credit by Transfer</td>
<td></td>
</tr>
<tr>
<td>NG</td>
<td>No Grade Issued by Instructor</td>
<td></td>
</tr>
</tbody>
</table>

* An asterisk immediately following a grade indicates that the course is not applicable to the student's current program of study or is a developmental course. Grades followed by asterisks are not included in the totals for GPA calculation.
Marks of CT, AU, and CE are not considered as credit hours attempted nor are quality points awarded. The marks of CE and CT will result in the recording of proper credit hours according to the course's assigned value.

A grade of incomplete (I) grade will be given when circumstances justify additional time to complete the course. A grade of incomplete not removed by the end of the succeeding term will be changed to an “F” unless the instructor grants additional time. A grade of incomplete will not be considered for credit hours attempted until the grade is changed by the instructor or is reverted to an “F” due to lack of proper action by the student. The student will be informed of variations in the grading system during the first week of class. Exception: Special Credit students may be given a grade of W (withdrawal) on the course(s) without officially withdrawing.

Grade Contesting Policy. All students enrolled in class(es) at Montgomery Community College have the right to contest grades assigned to them by following procedures outlined in the College Catalog, Student Handbook, and Student Services Procedures Manual.

Grade Reports. Instructors are encouraged to post grades in a convenient place so that students may see them. However, no list of grades should contain any identifiable numbers or initials, etc. No grades will be verbally communicated by the Student Services Office prior to the release of grade reports. Grade reports will be issued within three (3) weeks after the end of the term. Returning students will be advised when grades are ready and can be picked up at the Student Services Office. Grade reports will be mailed to all non-returning students.
Academic Standards of Progress. Each student is expected to maintain satisfactory academic progress toward a degree, diploma, or certificate. At the end of each term, a student's Grade Point Average (GPA) for that term and his/her cumulative Grade Point Average are examined.

Special Standards of Progress for Dental Assisting, Medical Assisting, and Practical Nursing students are published in the Manuals of Operation for those respective programs. The standards in these manuals supersede the following:

GRADE POINT AVERAGE (GPA) TO DETERMINE STANDARDS OF PROGRESS. Grade Point Average is computed by dividing the total quality points earned by the total credit hours attempted. A student whose cumulative GPA falls below 2.00 will be placed on academic probation. To satisfy graduation requirements, a 2.00 cumulative GPA is required for all degree, diploma and certificate programs.

Academic Probation. Students whose academic progress is unsatisfactory as determined by the cumulative Grade Point Average will be placed on academic probation. Students on academic probation are required to consult with a counselor and may be required to reduce course load, repeat courses, or register for special studies to strengthen their educational background. Students failing to see a counselor by the end of the term in which they are notified of probationary status will not be allowed to re-enroll for the next term.

Students may remove themselves from academic probation by reestablishing the minimum Grade Point Average standing for credit hours attempted.

Academic Suspension. For each term students remain on academic probation, they must earn at least a "C" average or better until the Grade Point Average standard is met. Failure to earn this average may result in academic suspension for a period of at least one term.

For pay purposes, veteran and financial aid recipients may not be continued in certified status beyond one term while below the standards of progress required to graduate without special counseling and approval.

The Student Services Counselor and the student's academic advisor will determine specific guidelines for the removal of academic deficiencies and the conditions for continuing in his/her program of study.

Appeals Process for Academic Probation & Suspension. The Grade Contesting Policy should be followed to prevent future academic probation/suspension action. This is the first step in the appeal process for academic probation and suspension policies.
At the discretion of the Counselor and with concurrence of the appropriate advisor, students may request a waiver of the one term suspension to continue studies, provided the Counselor and advisor determine the need for additional time for proper adjustment to the academic environment.

**Reinstatement from Academic Suspension.** Students must request in writing reinstatement after having been on suspension for a minimum of one term. For the term following reinstatement, students must take the appropriate course work determined by the Counselor and may be subject to dismissal for one academic year for that particular program of study if they fail to meet conditions stipulated by the Counselor. Only the Student Services Counselor may approve entry into another program of study during a suspension period.

No student will be reinstated from academic suspension more than two (2) times over any consecutive three-(3) year period in the same program study.

Revised May 14, 2008
All students who pay the activity fee are members of the Student Government Association (SGA). They receive experience in responsible citizenship through participation in student government activities. Activities such as Spring Fling, holiday socials, student contests, and student publications are supervised and approved by the SGA, the SGA Advisor, and the Vice President of Student Services.

There are various clubs and organizations at Montgomery Community College for students to join. Each club/organization has a faculty or staff advisor and an elected representative to the Student Government Association. The procedures for organizing a club as well as the by-laws for each existing club are outlined in the Student Handbook.
All students and staff have the right to a safe, peaceful, and honest educational environment. Therefore, when in the judgment of College officials, a student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be taken to restore and protect the safety, peace, and integrity of the community.

Students are expected to conduct themselves in accordance with generally accepted standards of scholarship and conduct. The purpose of the Student Code is not to restrict student freedoms but to protect the rights of individuals in their academic pursuits. The College does not discriminate against students’ speech based on views or content; however, the College does prohibit such speech that, based on the perception of a reasonable person under the circumstances, is objectively severe or pervasive enough to disrupt and/or affect others’ ability to participate in the College’s programs and activities.

The Student Code is directed toward breaches of the Articles of Student Conduct as set forth below. Any administration of this Code of Ethics must bear the responsibility of interpretation of general principles to specific situations provided, however, that the conduct must be objectively severe or pervasive enough that a reasonable person would agree that the actions are disruptive and/or affect others’ ability to participate in the College’s programs and activities. Additionally, students who engage in acts such as stealing, gambling, profane language, offensive or inappropriate behavior, and personal abuses are liable for disciplinary action stated in the Student Code.

Articles of Student Conduct

673.01 Disruption of the Educational Process
A student shall not, by use of violence, or force, noise or coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the disruption or obstruction of any lawful mission, process, or function of the College. Further, a student shall not engage in any conduct for the purpose of causing a disruption or obstruction of any lawful mission, process or function of the College, if such a disruption or obstruction is reasonably certain to result. Neither shall he/she urge other students to engage in such conduct for the purpose of causing the disruption or obstruction of any lawful mission, process, or function of the College if a disruption or obstruction is reasonably certain to result from his/her urging.

The following, while not intended to be exclusive, illustrate the offenses encompassed herein, when done for the purpose of obstructing or disrupting the operation or function of the College.

1. Occupation of any building or part thereof, with intent to deprive others of its use;
2. Blocking the entrance or exit of any building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, said building or corridor or room;
3. Setting fire to or by any other means destroying or substantially damaging any building or property of others on College premises;
4. Any possession or display of, or attempt or threat to use, for any unlawful purpose, any weapon, dangerous instrument, explosive, or inflammable material in any College building or the College campus.
5. Prevention of, or attempt to prevent, by physical act, personal conduct, or personal habits the attending, convening, continuation, or orderly conduct of any class or activity or of any lawful meeting of assembly on or off campus; and
6. Blocking pedestrian or vehicular traffic on or into any part of the campus.
7. Participating in or conducting an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; or remaining at the scene of such an assembly after being asked to leave by a representative of the College.

Additionally, students are prohibited from engaging in any conduct which materially and adversely affects the educational process including the following:

1. Trespass, which includes unauthorized entry or presence on the property of the College or a College facility or any portion thereof to which entry or presence has been restricted.
2. Lewd or indecent conduct on College premises or at College-sponsored functions.
3. Setting off a fire alarm or using or tampering with any fire safety equipment on College premises or at College-sponsored functions except with reasonable belief in the need for such alarm or equipment.
4. Controlled substances including, but not limited to, tobacco, alcohol and illicit drugs are prohibited on college property.
5. Forgery, alteration, or misuse of College documents, records, or instruments of identification with intent to deceive.
6. Failure to comply with instructions of College officials acting in performance of their duties.

**673.02 Damage or Destruction of Private Property**

A student shall not intentionally cause or attempt to cause damage to private property, or steal or attempt to steal private property, either on the campus or during a College activity, function, or event off campus. Damage, misuse, or theft involving private property shall be a basis for disciplinary action.

**673.03 Assault or Mental or Physical Abuse of Another Person**

A student shall not intentionally physically or verbally assault, do bodily injury, cause mental or physical abuse or behave in such a way as could reasonably cause injury to any person either on campus or off campus at an institutional activity, function, or
event. This provision is not intended to regulate content/view or suppress student speech. Rather, this provision is intended to require students to exercise self-discipline and display courtesy expected of mature adults when dealing with others in a College environment. Examples include, but are not limited to: verbal outbursts in class towards fellow students and making personal insults towards other students that, from the perspective of a reasonable person, objectively have no bearing or relationship to the academic setting or discussion. Actions of self-defense or those undertaken on the reasonable belief that it was necessary to protect some other person are not to be considered an intentional act under this rule.

673.04 Discrimination, Harassment and Sexual Based Violence

Montgomery Community College (“College”) strives to make its campus inclusive and a safe and welcoming learning environments for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its activities, services and programs based on race, religion, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, sex, age, disability, genetic information and veteran status.

1. DEFINITIONS

The following definitions shall apply to these Procedures and shall be collectively referred to herein as “discrimination, harassment and sexual-based violence”.

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student’s speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

A. Confidential Employee – is not a Responsible Employee and is not required to report incidents of sexual misconduct to the College’s Title IX Coordinator if confidentiality is requested by the student. Campus counselors are considered Confidential Employees. If a student is unsure of someone’s duties and ability to

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maintain one’s privacy, the student should ask the person before he/she speaks to him/her.

B. **Consent** – explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: i) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; ii) is incapable of giving consent or is prevented form resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or iii) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

C. **Dating Violence** – crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.

D. **Discrimination** – any act or failure to act that unreasonably differentiates treatment of others based solely on their Protected Status and is sufficiently serious, based on the perspective of a reasonable person, to unreasonably interfere with or limit the ability of that individual to participate in, access or benefit from the College’s programs and activities. Discrimination may be intentional or unintentional.

E. **Domestic Violence** – crimes of violence against a current or former spouse or intimate partner, a person who whom the student shares a child in common, a person with whom the student cohabitates or has cohabitated as a spouse, a person similarly situated to the student as a spouse, a person who is related to the student as a parent, child or person who is related to the student as a grandparent or grandchild.

F. **Harassment** – a type of Discrimination that happens when verbal, physical, electronic or other behavior based on a person’s Protected Status interferes with a person’s participation in the College’s programs and activities and it either creates an environment that a reasonable person would find hostile, intimidated or abusive or where submitting to or rejecting the conduct is used as the basis for decisions that affect the person’s participation in the College’s programs and activities.

G. **Protected Status** – means race, religion, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, sex, age, disability, genetic information and veteran status
H. **Rape** – as stipulated by the Federal Bureau of Investigation’s (FBI) updated definition in the UCR Summary Reporting System means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition includes any sex of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

I. **Responsible Employee** – a College employee who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty. The College’s Responsible Employees include all College administrators (Deans, Directors, Coordinators and Vice Presidents). If a student is unsure of someone’s duties and ability to maintain one’s privacy, the student should ask the person before he/she speaks to him/her.

J. **Sexual Assault** – subjecting any person to contact or behavior of a sexual nature or for the purposes of sexual gratification without the person’s expressed and explicit consent.

K. **Sexual or Gender-Based Harassment** – unwelcome sexual advances, requests for sexual favors and other verbal, physical, or electronic conduct of a sexual nature that, from the perspective of a reasonable person, creates a hostile, intimidating, or abusive environment; involve verbal, physical, or electronic conduct based on a person’s sex, gender, or sex-stereotyping that, form the perspective of a reasonable person, creates a hostile, intimidating, or abusive environment, even if those acts do not involve conduct of a sexual nature; or include harassment for displaying what is perceived as a stereotypical characteristic for one’s sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived sex, gender, gender identity, or gender expression of the person(s) involved.

L. **Stalking** – engaging in a course of conduct directed to a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress by placing that person in fear of death, bodily injury or continued harassment.
2. **REPORTING**

All members of the College community are expected to take appropriate action to prevent discrimination, harassment and sexual-based violence. All Responsible Employees are required to report such alleged acts to the appropriate College officials. All Responsible Employees receiving a complaint of discrimination, harassment or sexual based violence shall immediately refer the complaint to the appropriate person. For acts of sexual based violence, Responsible Employees shall inform the Complainant of the right to contact law enforcement.

If a student wishes to keep the details of an alleged incident confidential, he/she should speak with a Confidential Employee, health service provider or off-campus counselors in order to maintain confidentiality. Campus counselors are available to help students free of charge and can been seen on an emergency basis. For information on the College’s counseling services, contact the Vice President for Student Services at (910) 576-6222 ext. 225.

Reports of sexual and gender-based harassment and sexual-based violence should be made to the College’s Title IX Coordinator:

Vice President Student Services  
Montgomery Community College  
1011 Page Street  
Troy, NC 27371  
(910) 576-6222 ext. 225

The Coordinator shall receive annual training on issues related discrimination, harassment and sexual-based violence and how to conduct a fair and impartial investigation that protects alleged victims and promotes accountability.

Reports of disability discrimination should be made to the College’s Director of Disability:

Director of Disability Services  
Montgomery Community College  
1011 Page Street  
Troy, NC 27371  
(910) 576-6222 ext. 210

All other issues raised hereunder should be reported to the Vice President for Student Services. For the remainder of these Procedures, the person who receives an initial report shall be referred to the “Coordinator”.

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3. **INITIAL INVESTIGATION**

Members of the College community are encouraged, but not required, to resolve issues informally and may attempt to do so directly with the other party or with the assistance of a supervisor or other College official. In circumstances in which informal process fails or is inappropriate, in the cases of sexual harassment and sexual-based violence, or in which the Complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the following procedures:

A. Individuals filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Coordinator shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College’s Human Resources Coordinator. During the course of the investigation, the Coordinator may consult with other relevant College administrators and the College Attorney.

B. During the investigation, the Coordinator shall meet with the Complainant and the alleged Perpetrator and give each party an equal opportunity to provide evidence, including informing the Coordinator of any potential witnesses. Both parties will be provided access to any information provided by the other in accordance with any federal or state confidentiality laws.

C. During the investigation process, the Coordinator may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary actions include, but are not limited to: reassignment of class schedules; temporary suspension from campus (but be allowed to completed coursework); or the directives that include no contact between the involved parties.

D. A confidential file regarding the complaint shall be maintained by the Coordinator. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceeding alleging sexual harassment or sexual-based violence.

E. The Coordinator shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If nature of the investigation requires additional time, the Coordinator may have an additional ten (10) calendar
days to complete the investigation. The Coordinator shall notify the parties of this extension.

F. Upon making the complaint, Complainants alleging sexual harassment and sexual-based violence will be immediately notified that they have the right to seek additional assistance from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders. Complainants will also be notified of available counseling services and their options of changing academic situations and other interim protective measures.

4. DETERMINATION AND APPEAL

A. Coordinator’s Report and Determination

The Coordinator shall prepare a report of his/her investigation and review the report with both the Complainant and the alleged Perpetrator and, if appropriate, implement any corrective and/or disciplinary action based on the preponderance of the evidence. Appropriate disciplinary action shall depend upon the seriousness of the misconduct and may include: a warning, written reprimand, suspension, expulsion from College property or denial of access to College services or programs.

Any disciplinary action will be implemented immediately and shall not be tolled pending an appeal.

B. Appeal to the President

If the Complainant or alleged Perpetrator is dissatisfied with the Coordinator's determination, s/he may appeal to the President within five (5) calendar days upon receipt of the Coordinator’s report.

Upon receipt of the appeal, the President shall convene a Review Committee (“Committee”) to hear the matter and provide a non-binding recommendation.

1. Committee Membership

The Committee shall be composed of the following members: i) one faculty and one staff member; and ii) and one senior administrator who will serve as the Chair. All Committee members shall be appointed by the President and shall receive training on conducting hearings for this process.

2. Hearing Procedures

a. The Committee must meet and hold the hearing within ten (10) business days of receipt of the appeal from the President. At least five (5) business
day prior to the date set for the hearing, the Chair shall send notification to the Complainant and alleged Perpetrator the time and place of the hearing and the members of the Committee.

The Committee’s hearing shall be de novo; provided, however, that the President shall inform the Committee of the Coordinator’s prior disciplinary determination, if any.

At least two (2) business days prior to the hearing, the parties will notify the Chair whether or not they will be represented by legal counsel. Failure to notify the Chair regarding legal counsel could result in the hearing being continued until such time that the College can have its legal counsel present. Should the College’s legal counsel attend, he/she shall serve as the procedural officer for the hearing.

Also, at least two (2) business days prior to the hearing, the Complainant and alleged Perpetrator have the right to request, in writing, that the President disqualify any member of the Committee for prejudice or bias. The request must contain specific reasons and must be sent directly to the President. The President shall consider the matter and if such disqualification occurs, the President shall replace the disqualified member with an individual from the same employment category.

b. The following due process rights shall apply to the hearing:

1. Each party has a right to have legal counsel and/or an advocate present.
   
   The role of the legal counsel or advocate is solely to advise the individual. Except for a closing argument, the legal counsel or advocate shall not have the right to address the Committee.

2. Each party has the right to produce witnesses on their behalf.

3. Each party has the right to present testimonial and documentary evidence.

4. Each party has the right to be present and hear the witnesses presented for both sides.

5. Each party has the right to testify or to refuse to testify without such refusal being detrimental.

c. The following hearing procedures shall apply:
1. Hearings before the Committee shall be confidential and shall be closed to all persons except the parties; legal counsel and/or advocate; and Committee members and the College attorney. Witnesses shall only be present in the hearing room when giving their testimony.

2. The Complainant shall have an opportunity to make an opening statement and present evidence and witnesses to the Committee. Committee members may ask questions to the witnesses.

3. The alleged Perpetrator will then have an opportunity to make a short opening statement and present evidence and witnesses to the Committee. Committee members may ask questions to the witnesses.

4. Each side will have an opportunity to make a short, closing argument with the Complainant going first.

5. The College will make an audio recording of the hearing.

6. Formal rules of evidence do not apply and the Committee may rely on evidence that a reasonably prudent person would consider in the conduct or serious affairs. A preponderance of evidence shall be the standard of evidence used at the hearing. Redundant testimony and character witnesses may be limited by the Chair of the Committee.

7. Upon completion of a hearing, the Committee shall meet in closed session. The College Attorney may be present to provide the Committee with legal advice. Based on a preponderance of the evidence standard, the Committee shall review the evidence and make a written, non-binding recommendation to the President within five business days. The parties shall also receive a copy of the non-binding recommendation.

d. Within five business days after receipt of the Committee’s non-binding recommendation, the President will render a final written decision. Both parties shall receive a copy of the decision.

5. **PROTECTION AGAINST RETALIATION**

The College will not in any way retaliate against an individual who makes a report of discrimination, harassment or sexual-based violence in good faith or who assists in an
investigation. Retaliation includes, but is not limited to: any form of intimidation, disciplinary action, reprisal or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate action against any employee or student found to have retaliated against another in violation of these procedures.

6. **EMPLOYEE AND STUDENT RELATIONSHIPS**

Romantic or sexual relationships between College employees and students are prohibited if the employee and the student have an academic relationship. Academic relationships include any activities in which the employee is a direct or indirect supervisor or instructor for the student, as in a classroom or lab, or is a sponsor for any College activity involving the student, including work study or organizational/club/sport activities. This prohibition shall continue until the student or the employee is no longer affiliated with the College. Employees engaging in inappropriate relationships will be subject to disciplinary action up to and including termination of employment. Students engaging in inappropriate relationships may be subject to disciplinary action up to and including expulsion.

Romantic or sexual relationships between College employees and students not in an academic relationship that impair the College employee’s effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College will be subject to disciplinary action up to and including termination of employment or expulsion from the College.

7. **SUSPENDING PROCEDURES**

In cases of emergency or serious misconduct, the College reserves the right to suspend this process and may enact appropriate action for the welfare and safety of the College community.

8. **STUDENT AND EMPLOYEE EDUCATION AND ANNUAL TRAINING**

All new students and all employees shall be required to participate in a primary prevention and awareness program that promotes awareness of discrimination, harassment and sexual based violence. This program will be held annually at the beginning of each fall semester.

At this annual training, students and employees must receive training in the following areas:

1. Information about safe and positive options for bystander intervention skills;
2. What “consent” means with reference to sexual activities.
3. Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks;
4. How and to whom to report an incident regarding discrimination, harassment and sexual based violence;

5. The importance of preserving physical evidence in a sexual-based violent crime; and

6. Options about the involvement of law enforcement and campus authorities, including the alleged victim’s option to: i) notify law enforcement; ii) being assisted by campus authorities in notifying law enforcement; iii) declining to notify law enforcement; and iv) obtaining “no-contact” or restraining orders.

Each year, all students and employees will receive an electronic copy of these Procedures sent to their College email address of record. These Procedures will be maintained online in the College’s website and a hard copy will be kept on file in the Coordinator’s office. Other translations will be made available upon request.

Approved: November 9, 2018
674.00 Student Publications

Student publications appear periodically, depending on student interest, in newsletters, newspapers, and other publications. Such documents serve useful purposes for the College programs, services, and a host of activities of interest to the various constituencies of the College community. Each student publication must have a faculty advisor or staff sponsor. The Vice President of Instruction must approve faculty or staff sponsors.

Regardless of the source of funding, the College retains editorial control of all student publications. Student editors have a major responsibility to assure that such publications establish and maintain an atmosphere of responsible discussion. All articles expressing an opinion must be signed. Faculty sponsors may exercise editorial control and decisions regarding the initiation or continuance of any student publications are vested with the President’s Administrative Cabinet.

All financial operations of any student publication must be done in accordance with procedures specified by the Vice President of Administrative Services.
Academic advising is a developmental process that assists students in the clarification of their life/career goals and in the development of educational plans for the realization of their goals. It is a decision-making process by which students realize their maximum educational potential through communication and information exchanges with an advisor; it is ongoing, multifaceted, and the responsibility of both student and advisor. The advisor serves as a coordinator of learning experiences through course and career planning and as a consultant concerning class performance, problems, and College activities. The advisor also serves as an agent of referral to other campus agencies as necessary.
Montgomery Community College recognizes the existence of diversity in religious beliefs. Out of respect for individual religious convictions, the College will allow two excused days of absences per academic year. At least two weeks prior to the leave the student must submit in writing to all of his/her instructors for the term what day(s) he/she requests as a religious observance. The student will be given the opportunity to make up any class work, clinical/co-op hours, or tests missed during the excused day(s).

N.C.G.S. § 115D-5(u); S.L. 2010-112, s. 2.

October 2010
677.00 Student Grievances and Appeals

A grievance or complaint is defined as any matter of student concern or dissatisfaction within the operation of the College. Students should initially address problems and matters of concern informally with the student(s), faculty, or staff member involved prior to resorting to formal procedures. If the grievance/complaint cannot be settled satisfactorily on an informal basis, the student may pursue a formal resolution. The Student Grievance and Appeals process is outlined in the Student Code section of the Student Handbook.

April 2016
Mission

The mission of the Montgomery Community College Library is to provide access to information in a variety of formats and to serve as an integral part of the College’s teaching, learning, research, and service to on-campus and distance education students, faculty, staff, and community in direct support of the mission of the College.

Objectives

To accomplish this mission the Library continually works to

- build, with the collaboration of faculty, a collection of resources appropriate to the curriculum and to the current and future needs of the College community
- utilize current technologies to provide a system of organization and physical access to the collection of the library and to sources beyond the collection
- design and deliver instruction and consultation about organization, content, and use of learning resources that includes instruction that is user-based, on demand, and customizable
- provide a functional, accessible, attractive, user-centered physical facility to support and increase the use of learning and information resources

May 2009
701.00 Intellectual Freedom for the Library

The Library Services Team affirms its support of intellectual freedom consistent with the official position of the American Library Association (ALA). The Library Services Team endorses the Library Bill of Rights and the Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights as espoused by the ALA.

May 2009
Occasional objections to a selection will be made by the public, despite the care taken to select valuable materials for student and teacher use and despite the qualifications of persons who select the materials.

The principles of the freedom to read, the right to access of materials, and the professional responsibility of the staff must be defended, rather than the materials.

If a complaint is made, the following procedures will be followed:

1. The complaint will be courteously received, but no commitment will be made.

2. The complainant will be invited to file his/her objections in writing on the prepared questionnaire. The questionnaire is printed in the Library Handbook and a copy may be obtained in the Library. The completed questionnaire will be submitted to the Library Services Team as a formal complaint.

3. The questionable material will not be withdrawn until a decision has been made on the complaint.

4. The administration and the Board of Trustees will be informed of the objection.

5. The principles of an individual’s freedom to read material of his/her choice and of the professional responsibility of library professionals will be defended rather than the individual collection.

6. The NCLA Intellectual Freedom Committee and the ALA Intellectual Freedom Committee will be notified.

7. Appeal of the decision of the Library Services Team will be to the administration, the Board of Trustees, and the courts.

May 2009
703.00 Selection of Materials

The selection of materials involves many people – students, faculty, staff, administrators and library professionals. Library patrons should take advantage of the “Request for Purchase” cards that are available in the library to request specific titles for possible inclusion in the collection. The responsibility for coordinating the selection of instructional materials and making the recommendations for purchase rests with the professionally trained library personnel. The librarian has the specific responsibility for evaluating the existing library collection and using reports of reputable, unbiased, professionally prepared evaluations to assist in selection of new materials. If controversy arises concerning an item to be purchased or the priority of an item, the Library Services Team will make a purchasing recommendation.

May 2009
To ensure equitable distribution and balance of information technology among all areas of the College and students, the following principles shall be followed when allocating technology resources.

**Guiding Principles**

- The purchase of new computer resources shall be based on the College’s strategic planning process and Institutional Effectiveness (IE) Plan.

- The Instructional Technology Team promotes a culture of innovation and collaboration within Montgomery Community College (MCC) to facilitate creative uses of technology, maximize resources, and ensure that all facets of the organization have adequate and appropriate technology to achieve the vision and mission of the College.

- The Information Technology (IT) Department has budgetary responsibility for the purchase and maintenance of network infrastructure (hubs, switches, routers, cabling, etc.), servers, technology repair/maintenance, and multi-licensing software according to the College’s planning process.

- Each Vice President has planning/budgetary responsibility for the purchase of hardware and specialized software used exclusively in his/her area. All purchases must be made in accordance with the appropriate guidelines and with the recommendation of the IT Department.

- The purchase of technology resources should be evaluated by the IT Department for the purpose of ensuring sufficient resources to support the technology.

- Whenever resources (hardware or software) are replaced, those resources will be redistributed, within the College to those areas that can still utilize them in an effective manner. If the resources are obsolete, the IT Department will dispose of the equipment in accordance with state excess equipment procedures.
Montgomery Community College (MCC) prohibits the release of or access to any personally identifiable information on students and employees in accordance with state and federal guidelines. These include but are not limited to Family Education Rights and Privacy Act (FERPA), Fair and Accurate Credit Transactions Act (FACTA; also known as Red Flag Rules) and any other federal and/or state legislation. In accordance with these legislations, MCC will adopt and establish reasonable procedures to protect students and College employees from the damages associated with the theft or trespass of or unauthorized access to sensitive personal information.

Montgomery Community College’s computer resources are to be used for education, research, or College related work only. It is the responsibility of every computer user to know the rules and to conduct their activities accordingly. Access to the MCC networks is a privilege, not a right. Access to the networks and other computer resources requires certain responsibilities and obligations. All computer users who use computer resources owned and operated by MCC are subject to institutional policies, state, and federal laws. In addition to the provisions of the General Statutes of North Carolina (Sections 14-454, 14-455, 14-456, 14-457, and 14-458), the following rules shall also apply to all computers resources of the College.

1. Computing resources and access accounts are to be used only for the purpose for which they are assigned and are not to be used for commercial purposes or non-research related activities.

2. If an access account is provided to a user, that account must not be used nor shared by others. Individuals are responsible for the proper use of their accounts, including proper password protection.

3. For security and network maintenance purposes, authorized individuals within MCC may monitor equipment, systems and network traffic at any time.

4. MCC reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

5. Users should take all necessary steps to prevent unauthorized access to all confidential information stored on either individual or LAN systems.

6. All computers used by students and employees that are connected to the MCC Internet/Intranet/Extranet, whether owned by the student/employee or MCC, continuously execute approved virus-scanning software with a current virus database, unless approved by the departmental Vice President, the office of Information Technology, or group policy.
7. Under no circumstances will a user engage in any activity that is illegal under state or federal law while utilizing MCC owned computer resources.

8. Users must not engage in any activity that may damage or disrupt the operation of computer resources such as removing, changing configuration or attempting to repair computer hardware, installing or copying software, deleting or altering software, wasting system resources, or overloading network with excessive data.

9. Unauthorized duplication of software, digitization and distribution of photographs, books or other copyrighted sources is prohibited.

10. Introduction of malicious programs, viruses, or worms into the network or server is strictly prohibited.

11. Port scanning or security scanning is expressly prohibited.

12. MCC authorized personnel may monitor the transmission and reception of messages for the purpose of ensuring security and operating performance of its systems and networks.

June 2009
Montgomery Community College (MCC) provides its students, employees, and the general public with access to the vast information resources of the Internet. However, this access requires a considerable commitment of resources for telecommunications, networking, software, hardware, storage, etc. All users must obey all relevant state and federal laws; abide by the policies, procedures, rules, and guidelines of Montgomery Community College; and respect the rights of other users and the integrity of the computer systems.

1. Since MCC’s Internet is a subset of the North Carolina Integrated Information Network (NCIIN), all computer users are bound by the NCIIN Policy and Guidelines on the Use of the Internet.

2. MCC reserves the right to inspect, intercept, and verify all Internet access and downloaded files.

3. Users should not access, display, download, store or transmit any kind of sexually explicit image(s) or document(s) using either MCC owned equipment or devices or while using personally owned equipment or devices on campus.

4. Making fraudulent offers of products, items, or services originating from any MCC account is prohibited.

5. Posting non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam) is prohibited.

6. No one may use MCC Internet resources for illegal activity such as attempting unauthorized access to other computers or network systems; propagating a virus, worm, Trojan Horse, etc; engage in gambling; sending messages, images or materials that are considered harassment.

7. Chats and newsgroups are public forums and it is inappropriate to reveal MCC confidential information, student data, financial aid records, or any other materials that are covered by MCC confidentiality policies and procedures and the Family Educational Rights Privacy Act.

May 2013
Montgomery’s Commitment to Privacy

Montgomery Community College (MCC) is committed to protecting your privacy. The website is designed to make it easier and more efficient for individuals and businesses to interact with the College. We recognize that it is critical for individuals and businesses to be confident that their privacy is protected when they visit the College website.

This statement: describes MCC’s privacy practices regarding information collected from users of this website; describes what information may be collected and how that information is used; is consistent with the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, the Family Educational Rights & Privacy Act (FERPA), and the Personal Privacy Protection Law.

Information Is Not Collected Automatically WHEN YOU VISIT MCC’S WEBSITE

MCC does not collect any personal information about you unless you provide that information voluntarily by filing an application, sending an email, responding to a survey or completing an online transaction.

Information Collected WHEN YOU EMAIL MCC

During your visit to MCC’s website, you may send an email to MCC personnel. Your email address and the contents of your message will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your email address and the information included in your message will be used to respond to you, to address issues you identify, to improve this website, or to forward your message to another MCC contact for appropriate action. Your email address is not collected for non-college commercial purposes and MCC will not sell or otherwise disclose your email address for non-college commercial purposes.

Information Collected WHEN YOU COMPLETE AN ONLINE TRANSACTION

During your visit to MCC’s website, you may complete a transaction such as a survey, registration, application, or other business transaction. The information collected by MCC, including personal information volunteered by you in completing the transaction, is used by MCC and may be disclosed by MCC for those purposes that may be reasonably ascertained from the nature and terms of the transaction in which the information was submitted.

MCC does not knowingly collect personal information from children or create profiles of children through this website. Users are cautioned, however, that the collection of personal information submitted in an email will be treated as though it was submitted by an adult, and may, unless exempted from access by federal or State law, be subject to public access. MCC
strongly encourages parents and teachers to be involved in children's Internet activities and to provide guidance whenever children are asked to provide personal information online.

**Information and Choice**

As noted above, MCC does not collect any personal information about you unless you provide that information voluntarily by filing an application, sending an email, responding to a survey or completing an online transaction.

You may choose not to engage in any of these activities. While your choice not to participate in these activities may limit your ability to receive specific services or products through this website, it should not normally have an impact on your ability to take advantage of other features of this website, including some browsing or downloading of information.

**Disclosure of Information Collected Through This Website**

The collection of information through this website and the disclosure of that information are subject to the provisions of the Internet Security and Privacy Act. MCC will only collect personal information through this website or disclose personal information collected through this website if the user has consented to the collection or disclosure of such personal information. The voluntary disclosure of personal information to MCC by the user, whether solicited or unsolicited, constitutes consent to the collection and disclosure of the information by MCC for the purposes for which the user disclosed the information to MCC, as was reasonably ascertainable from the nature and terms of the disclosure.

MCC may, however, collect or disclose personal information without consent if the collection or disclosure is: (1) necessary to perform the statutory duties of MCC, or necessary for MCC to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the user; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

The disclosure of information, including personal information, collected via this website is subject to the provisions of the Freedom of Information Law, the Family Educational Rights & Privacy Act (FERPA), and the Personal Privacy Protection Law.

MCC may also disclose personal information to federal, state or local law enforcement authorities to enforce its rights against unauthorized access or attempted unauthorized access to MCC’s information technology assets.
Retention of Information Collected Through This Website

The information collected through www.montgomery.edu is retained by MCC in accordance with the records retention and disposition requirements of the North Carolina Community College System Standard Records Retention and Disposition Schedule.

In general, the Internet services logs of MCC, comprising electronic files or automated logs created to monitor access and use of services provided through www.montgomery.edu, are archived for future reference. Information, including personal information, that you submit in an email or when you complete a survey, application, financial transaction, registration form, or order form is retained in accordance with the records retention and disposition schedule established for the records of the program unit to which you submitted the information. Information concerning these records retention and disposition schedules may be obtained through the Internet privacy statement contact listed in this statement.

Access to and Correction of Personal Information Collected Through This Website

Any user may submit a request to MCC’s Director of Information Technology to determine whether personal information pertaining to that user has been collected through this website. Any such request shall be made in writing and must be accompanied by reasonable proof of identity of the user. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to the user, or similar appropriate identification. Contact information for the Director of Information Technology:

Director of Information Technology
Montgomery Community College
1011 Page St., Troy, NC 27371

The Director shall, within five (5) business days of the receipt of a proper request, provide access to the personal information; deny access in writing, explaining the reasons therefore; or acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not be more than thirty (30) days from the date of the acknowledgment.

In the event that MCC has collected personal information pertaining to a user through www.montgomery.edu and that information is to be provided to the user pursuant to the user’s request, the Director shall inform the user of his or her right to request that the personal information be amended or corrected.
Confidentiality and Integrity of Personal Information Collected Through This Website

MCC is strongly committed to protecting personal information collected through this website against unauthorized access, use or disclosure. Consequently, MCC limits employee access to personal information collected through this website to only those employees who need access to the information in the performance of their official duties. Employees who have access to this information follow appropriate procedures in connection with any disclosures of personal information.

In addition, MCC has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to, authentication, authorization, monitoring, auditing, and encryption. These security procedures have been integrated into the design, implementation, and day-to-day operations of this website as part of our continuing commitment to the security of electronic content as well as the electronic transmission of information.

For website security purposes and to maintain the availability of the website for all users, MCC employs software to monitor traffic to identify unauthorized attempts to upload or change information or otherwise damage this website.

Links to External Websites

In order to provide users with certain information, this website provides links to the websites of other organizations. Such links provided on this website do not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of that website.

Disclaimer of Liability

It should be noted that the information provided in this privacy statement should not be construed as giving business, legal, or other advice, or warranting as fail proof, the security of information provided through MCC. Although every effort is made to provide accurate and complete information, we cannot guarantee that there will be no errors. With respect to documents and information on this website neither MCC, nor its employees and contractors make any warranty, expressed or implied, including the warranties of merchantability and fitness for a particular purpose with respect to documents available from this website. Additionally, MCC assumes no legal liability for the accuracy, completeness, or usefulness of any information or process disclosed herein and does not represent that use of such information or process would not infringe on privately owned rights.

Contact Information

For questions regarding this Internet privacy statement, please contact the Director or Information Technology via e-mail at walkerm@montgomery.edu or by regular mail at:
Montgomery Community College (MCC) recognizes the benefits of using electronic mail in both educational and administrative environments. MCC realizes the need for students and employees to have access to e-mail to transmit or receive messages.

Montgomery Community College’s employees and students are subject to federal and state laws governing electronic transmissions, state laws governing and all MCC policies and procedures associated with transmitted email or internal communications.

Procedure

1. All messages received or sent over MCC computing resources system or networks are the property of Montgomery Community College and faculty and students using MCC computing resources systems or networks have no reasonable expectation of privacy.

2. In accordance with General Statute – MCC archives all email for disclosure as needed.

3. All messages received or sent over MCC computing resources, systems, or networks should correctly identify the creator and receiver of such.

4. The College reserves the right to access and disclose all messages, including the right to disclose to law enforcement officials.

5. The use of MCC electronic mail for commercial or private business purposes is prohibited.

6. No received or transmitted message shall be permitted to overload MCC or other institution computer systems, be harmful, or have a negative impact on the system’s performance.

7. Transmitting email that is not associated with the College’s activities, that communicate a direct threat or is severe or pervasive enough that can be reasonably considered hostile or threatening towards members of the College community is not permitted. Communications that create a material or substantial disruption of course or College operations will be subject to disciplinary procedures.

8. Electronic mail addressed to Montgomery Community College e-mail address for a faculty or staff member who is no longer employed by the College will automatically be deleted.
11. Employees shall treat all e-mail messages which they send or receive via state government email accounts as public records and shall handle and maintain them in compliance with NC Public Records Laws and records retention schedules in the same manner as paper documents or other tangible records.

713.10 Streaming Media and Download

MCC’s Information Technology Department strives to enable the Internet activity that provides the best possible service for all users while managing usage and traffic. Network streaming media and files downloading can consume excessive amounts of bandwidth and are very susceptible to delays caused by network contention and congestion. To provide adequate bandwidth for everyone, all users shall adhere to the following guidelines:

**Definition:**

Streaming Media – Audio and/or video that are digitized and compressed for the purpose of delivery either live or prerecorded over the Internet.

Streaming Audio - Transmitting or receiving/downloading a live sound and/or music to a computer

Streaming Video - Transmitting or receiving/downloading a live video to display on a computer

1. The transmission and/or downloading of streaming media is prohibited unless for work related and/or classroom demonstration or presentation purposes.

2. Listening and watching streaming media over the Internet is prohibited unless they are for work related and/or classroom demonstration or presentation purposes.

3. All downloads must not subject MCC to any potential liability and/or violation of the copyright law.

4. The download must be to enhance employee productivity or student learning.

5. The download must be from a reputable source.

6. The download must not consume excessive bandwidth.

Approved October 12, 2016
To allow students and employees to have sufficient technology resources, all computer hardware/software at Montgomery Community College must meet the current specifications that are established by the Instructional Technology Team and the Information Technology Department.
Students, faculty, and staff are encouraged to use the computing resources in the computer labs. Members of the general public are expected to use the computers in the library. However, the use of these facilities must be prioritized according to the following rules:

1\textsuperscript{st} Priority: Class instruction  
2\textsuperscript{nd} Priority: MCC students  
3\textsuperscript{rd} Priority: MCC faculty/staff  
4\textsuperscript{th} Priority: Other users or members of the general public
Any computer user found to have violated the above policies may be subjected to a full range of sanctions, including the loss of computer access privileges, disciplinary action, dismissal from the College, and possible legal action. Some violations may constitute criminal offenses, as defined in the General Statutes of North Carolina and federal laws.

Any individual who has been sanctioned for misconduct has the right to an appeal process through the College’s grievance policy.
Montgomery Community College (MCC) Electronic Signature Policy is established to bind the identity of an individual to a signature process. The National Electronic Commerce Coordinating Council (NECCC) defines an electronic signature as an integrated system of policy, procedures, people and technology for the purpose of specifying a signing method that assures a signing party’s signature uniqueness and indicated legal intent.

Establishing a college Electronic Signature Policy assures signed record integrity and accessibility. Montgomery Community College recognizes faculty and staff electronic signatures as their official MCC Colleague ID Number (PIN) login. Student electronic signatures are designated as the official MCC Colleague number login. New students will have an account created with a unique login and password upon submission and acceptance of an application. This will serve as the electronic signature.

Student use includes, but is not limited to, electronic signatures for registering, paying student bills and fees, obtaining unofficial transcripts, updating contact information, logging into campus computers, completing forms, submitting class work, and test taking.

Faculty and staff use includes, but is not limited to, electronic signatures for submitting grades, attendance sheet filing, viewing personal payroll data, logging into campus computers, accessing protected data through the administrative computing system, and custom web applications provided by the College.

February 2010
Montgomery Community College acknowledges that having a social networking presence is the hallmark of vibrant and transparent communications as it improves interactivity between the College and the public. Moreover, social media reaches populations that do not consume traditional media. Therefore the College requires responsible application of social media within the guidelines of this policy.

As stated in the MCC Faculty Handbook, College employees must, at all times, exhibit the highest standards of ethics and professionalism. Such standards include concern for student needs, respect for fellow employees, and service to the community. Employees may not use their position for personal gain nor engage in any activity (personal or political) that might lead to a conflict of interest. College employees must perform in a manner that reflects positively on their personal integrity and that of the College.

Permissions

1. All use of social networking sites shall be consistent with applicable state, federal, and local laws, regulations, and policies including all College information technology security policies and student privacy policies.

2. Any College employee wishing to establish a social networking site using the College’s name or logo(s) must first apply for authorization through the appropriate supervisor and public information officer. Unauthorized use of Montgomery Community College’s name or logo(s) to identify an unauthorized social networking site is prohibited.

3. Students are prohibited from establishing a social networking site using the College’s name or logo(s). A College employee acting as an advisor for a student group or club may apply for authorization to establish a social network page for said group or club as set forth under Number 2 above. Only the College employee acting as an advisor and the President of the student group or club may post official updates on behalf of the group/club on said approved social network site. The group/club advisor has ultimate responsibility for the content of said site.

Acceptable Use

4. Employees should be mindful of blurring their personal and professional lives when administering social media sites. All Montgomery Community College-related communication through College-approved social media outlets should remain professional in nature and should always be conducted in accordance with the College’s communications policies, practices and expectations.
(a) Employees must not use social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.
(b) Employees should not use commentary deemed to be defamatory, obscene, proprietary or libelous. Caution should be exercised with regard to exaggeration, colorful language, guesswork, copyright, and derogatory remarks. Employees must not discuss students or coworkers or publicly criticize school policies or personnel. Likewise, confidential or non-public information must not be shared.

5. Like e-mail, communication via Montgomery Community College’s social networking sites is a matter of public record. As such, posts and comments are public record. Because others might not be aware of the public records law, College-authorized social media sites should include the following statement: “Posts and comments to and from me, in connection with the transaction of public business, is subject to the North Carolina Public Records Law and may be disclosed to third parties.”

6. In the spirit of transparency, social media account administrators who receive messages through the private message service offered by the social media site should encourage users to contact them at a public e-mail address maintained by the College. Account administrators or other authorized staff member should reply to these private posts using their College e-mail account.

Security

7. Employees using College social media sites should be careful of phishing scams, spam or other posts of an unofficial nature designed to discredit or embarrass the user, to spread malware, or to encourage users to download unwanted applications. Due to security risks, users should exercise caution when installing external applications that work with the social networking site.

February 2012