

# Policies and Procedures Manual



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**WILKES COMMUNITY  
COLLEGE**

**BOARD OF  
TRUSTEES AND  
GOVERNANCE  
POWERS AND  
DUTIES OF  
TRUSTEES**

**POLICY  
1.1**

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The Trustees of Wilkes Community College are hereby vested to exercise all of the powers and duties as proscribed in Chapter 115D of the North Carolina General Statutes and as authorized by the North Carolina State Board of Community Colleges. As a body corporate, the Trustees are authorized to do all things necessary and proper to organize and operate Wilkes Community College consistent with laws and State Board rules and regulations.

The Trustees hereby incorporate by reference the Wilkes Community College Board of Trustees By-Laws, which shall take precedence over any policy or procedure adopted by the Board or College.

Adopted: 08/08/2019

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

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The following are the official By Laws for the Wilkes Community College Board of Trustees.

**WILKES COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
BY-LAWS  
ARTICLE I**

**NAME**

**Section 1      Official Title**

The official title of this organization shall be The Board of Trustees of Wilkes Community College.

**Section 2      Definitions**

- (a) The use of the terms Board of Trustees or Board shall be deemed to refer to the Board of Trustees of Wilkes Community College.
- (b) The word College shall be deemed to mean Wilkes Community College.

**ARTICLE II  
RESPONSIBILITY & MEMBERSHIP**

**Section 1      Jurisdiction**

- (a) The Board is a body corporate, established by an act of the North Carolina General Assembly (Chapter 115D, General Statutes of North Carolina), and it possesses all the powers of a body corporate for the purposes created by or that may exist under provisions of the law of the State of North Carolina.
- (b) The Board has the responsibility for the development and operation of the College in accordance with the provisions of the law and the standards of the State Board of Community Colleges.
- (c) Under the law, the Board shall acquire, hold, and transfer real and personal property, enter into contracts, institute and defend legal actions and suits, and exercise such other rights and privileges as may be necessary for the management and administration of the College.

**Section 2      Office of Record**

The Board shall maintain its office of record in the President's office at Wilkes Community College.

**Section 3      Membership**

- (a) The Board shall consist of members appointed or elected as provided for in Chapter 115D, et seq. of the General Statutes of North Carolina.
- (b) Vacancies occurring on the Board of Trustees are likewise governed by the provisions of said Chapter.

**Section 4      Compensation, Indemnification, and Reimbursement**

- (a) No member of the Board shall receive compensation for services rendered as such but shall be entitled to receive reimbursement according to regulations adopted by the State Board of Community Colleges for costs of travel, meals, and lodging while performing official duties.
- (b) Any authorized travel expenses incurred by a trustee which are not reimbursed by state funds may be reimbursed by county or institutional funds.
- (c) Any person who at any time serves or has served as a trustee or officer of the College shall have the right to be indemnified by the College and be reimbursed to the fullest extent permitted by law against these:
  - i. reasonable expenses, including attorney's fees, actually and necessarily incurred by such person in connection with any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, seeking to hold such person liable by reason of the fact that such person is or was acting in such capacity.
  - ii. reasonable payments made by such person in satisfaction of any judgment, money decree, fine, penalty, or settlement for which such person may have become liable in any such action, suit or proceeding.
- (d) The Board shall take all such action as may be necessary and appropriate to authorize the College to pay the indemnity and reimbursement required by this by-law, including, without limitation, to the extent needed, making a good faith evaluation of the manner in which the claimant for indemnity and/or reimbursement acted and of the reasonable amount of indemnity or reimbursement due such person.
- (e) Any person who at any time after the adoption of this by-law serves or has served in any of the foregoing capacities for or on behalf of the College

shall be deemed to be doing or to have done so in reliance upon, and as a consideration for, the right of indemnification and reimbursement provided herein. Such right shall inure to the benefit of the legal representative of any person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this by-law.

**ARTICLE III**

**OFFICERS AND THEIR DUTIES**

**Section 1      Election and Term of Office.**

- (a) The officers of the Board of Trustees shall be the Chairperson, the Vice Chairperson, and the Secretary.
- (b) The Chairperson, Vice Chairperson and Secretary shall be elected by the Board of Trustees from its membership.
- (c) The officers of the Board shall be elected at the annual meeting of the Board in August of each year.
- (d) The officers will generally be elected for one (1) year terms, or until their successors are elected and confirmed. (Rev. July 10, 1991 & August 22, 1996))
- (e) Should the office of Chairperson become vacant, the Vice Chairperson will succeed to the office of Chairperson until the next regularly scheduled meeting of the Board of Trustees, at which time the Trustees shall select a Chairperson for the remainder of the unexpired term.
- (f) Should the office of Vice Chairperson and/or Secretary become vacant, the position(s) shall remain vacant until the next regularly scheduled meeting of the Board of Trustees, at which time the Trustees shall select a Vice Chairperson and/or Secretary for the remainder of the unexpired term(s).
- (g) The President of the College shall be the Executive Officer of the Board.

**Section 2      The Chairperson of the Board of Trustees**

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

**Section 3      The Vice Chairperson of the Board of Trustees**

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

**Section 4      The Secretary of the Board of Trustees**

The Secretary of the Board shall

- (a) attest official documents by signature; and
- (b) be responsible for these:
  - i. maintaining an accurate record of the proceedings of the Board of Trustees.
  - ii. recording, keeping, and distributing the minutes of trustee meetings.
  - iii. performing such other secretarial duties as the Chairperson may prescribe.

**Section 5      The Secretary for the Board**

The secretary for the Board shall be a paid employee of the college chosen by the President to perform secretarial work for the Board under the direction of the Secretary of the Board.

**Section 6      The President of the College**

- (a) The President of the College shall be qualified by training, experience, habits and philosophy to develop and maintain a comprehensive institution of high quality in accordance with state law and regulations and sound public educational theory and practice.
- (b) The President shall attend and participate in, without vote, all meetings of the Board of Trustees, except where the President's absence is expressly desired.
- (c) The President shall be responsible for all administrative and managerial aspects of the development and operation of the College under the policies, rules and regulations of the Board of Trustees and of the State Board of Community Colleges and within the budgets approved by the Board.
- (d) The President shall serve under terms and conditions defined in a professional contract entered into by the Board of Trustees and the President.

- (e) The President shall advise the Board and committees of the Board on these:
  - i planning, construction and modification of physical facilities.
  - ii financial and budgetary needs of the College.
  - iii appointment and reappointment of faculty and staff.
  - iv educational and curriculum programs deemed to be in the best interest of the citizens of Wilkes, Ashe and Alleghany counties which are educationally and financially not in conflict with the requirements of the State Board of Community Colleges.
  - v reports and recommends to the Board on a timely basis concerning development and operation of the College.
- (f) The President shall appoint advisory committees as needed.
- (g) The President shall be custodian of all official records, documents, and seal of the College.
- (h) The President shall discharge any other duties which the Board may delegate to the President.

#### ARTICLE IV

#### **POWERS AND DUTIES OF THE BOARD OF TRUSTEES**

The Board of Trustees shall have such power and duties as are delegated to it by provisions of the North Carolina General Statutes 115D-20 and acts ambulatory thereof.

#### ARTICLE V

#### **COMMITTEES**

##### **Section 1      Types of Committees and Method of Appointment**

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

##### **Section 2      Limitations of Authority of Committees**

Unless otherwise herein provided, committee actions shall be reported as recommendations for consideration and action by the Board at a regular or special meeting except when the Board expressly authorizes a committee to act on behalf of the full Board on a matter referred to it, where upon the chairperson of such committee shall report within a reasonable time to the

Board the action taken, and the Board shall deem the action of the committee to have concluded the matter.

**Section 3      Standing Committees**

- (a) The following committees shall be considered as standing committees:
  - i. Buildings and Grounds
  - ii. Finance
  - iii. Personnel
  - iv. Program and Planning
  - v. Investments
- (b) The Chairperson of the Board shall annually appoint at least three (3) members to each standing committee.

**Section 4      Responsibilities of Standing Committees**

- (a) In consultation with the President, the buildings and grounds committee shall be responsible for these:
  - i. conducting, or requiring to be conducted, studies relating to building sites (on and off campus).
  - ii. recommending to the Board architects, engineers or planners for construction projects.
  - iii. recommending a long-range campus plan and periodic modifications of it.
  - iv. reviewing bids for construction projects and recommending to the Board awards of contracts.
  - v. recommending building and landscape programs.
  - vi. reviewing annually insurance coverage of buildings and their contents and recommending to the Board adequate coverage of losses.
  - vii. with the college attorney, recommending to the Board the securing and granting of easements and rights-of-way and any other legal actions affecting buildings, grounds, and property of the College.
  - viii. discharging other responsibilities as the Board of Trustees may assign.
- (b) In consultation with the President, the finance committee shall have these responsibilities:
  - i. making recommendations to the Board regarding fiscal policies of

the College.

- ii. receiving proposals by the President, studying such and recommending them to the Board with such modifications as it deems appropriate where concerning these:
    - 1) the annual budget from public funds for current operations and capital outlay.
    - 2) any special or unusual expenditures or any expense in excess of the approved budget.
    - 3) the annual budgets for non-public funds and auxiliary enterprises.
  - iii. receiving, studying and recommending to the Board such action as it deems appropriate on any reports of the budget, purchasing and accounting procedures, audits, or other functions required by it or presented to it by the President, county or state officials, or the Board.
  - iv. recommending to the Board policies regarding these:
    - 1) investment of surplus current funds, capital outlay funds, and endowment funds.
    - 2) contracting with agencies or individuals not associated with the College.
    - 3) appropriate and adequate bonding of employees.
    - 4) transfer of funds among budget line items.
  - v. with the Chairperson of the Trustees and the President, assuming leadership for the advocacy of adequate financial support of the needs of the College before county and state officials and the public.
  - vi. satisfying accountability and audit requirements by annually reviewing any findings (concerns/exceptions) from named reports (listing available in the President's Office) and reporting to the full Board on those matters which are considered to pose a potential risk to the college. Such discussions are to be detailed in trustee meeting minutes.
- (c) In consultation with the President, the personnel committee shall have the responsibility for these:
- i. recommending to the Board personnel policies of the College.
  - ii. monitoring the President's decisions related to hiring personnel for employment by the Board.
  - iii. monitoring the President's decisions related to the dismissal of employees

- and advising the Board if any concerns arise.
  - iv. receiving and studying proposals from the President for fringe benefit and leave policy and advising the Board of such.
  - v. reviewing the annual holiday schedule and advising the Board of such.
  - vi. reviewing other general working conditions of employees and advising the Board of such.
  - vii. upon request from the President, meeting to give counsel on any problem arising from or affecting an individual employee or personnel generally.
- (d) In conjunction with the President, the Program and Planning Committee shall have responsibility for these:
- i. receiving all curricula proposals from the President, studying, reviewing, and recommending action by the Board.
  - ii. receiving curricula reports from the President showing enrollment, graduates, and other relevant information, and reporting findings with recommendations for action to the Board.
  - iii. when needed, requesting from the President, studies of factors which bear upon success of instruction such as financial support, qualifications and adequacy of personnel, equipment, facilities, supplies, and travel and reporting such findings with recommendations for action to the Board.
  - iv. recommending to the Board the adoption of policies affecting students of the College, including but not limited to those affecting admissions, athletics, out-of-class activities, traffic regulations, discipline, clubs, organizations, and financial aid.
  - v. receiving and studying proposals from the President dealing with all matters related to institutional planning and making recommendations to the Board for action concerning such.
  - vi. receiving and studying proposals from the President dealing with institutional effectiveness and making recommendations to the Board for action concerning such.
- (e) The Board of Trustees shall appoint an Investments Committee which shall consist of a minimum of three people who have enough financial background to review and evaluate investment options. These individuals should have experience in institutional or retail investment management with knowledge of fixed income and public equities. This committee shall make recommendations to the Board on those investment options, as well as monitor the performance of investments once made.

The Board of Trustees shall discharge their duties with respect to the management and investment of college funds as follows:

- i. Investment decisions shall be solely in the interest of the college and the students, faculty, and staff of the college.
- ii. The investments shall be for the exclusive purpose of providing an adequate return to the college.
- iii. Investments shall be made with the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose.
- iv. Investment decisions shall be made impartially, considering the best interest of the college, with special attention to conflicts of interest or potential conflicts of interest.
- v. Investments shall incur only costs that are appropriate and reasonable.

## ARTICLE VI

### **MEETINGS**

#### **Section 1     Regular Meetings**

The regular meetings of the Board of Trustees shall be held at least quarterly beginning with the annual organizational meeting in August.

#### **Section 2     Special Meetings**

- (a) Any Board member or the President may ask the Chairperson for a called or special meeting, and, if in the judgment of the Chairperson, the request is judged valid, the Chairperson may call or have the President call a special meeting.
- (b) The time, place, and purpose(s) of special meetings may be fixed by the Chairperson or by the President.
- (c) The business to be transacted at any special meeting of the Board shall be confined to such matters as have been specified in the call to members and officers of the Board.

#### **Section 3     Executive Sessions.**

- (a) The Open Meetings Statute of North Carolina requires that each official meeting of a public body shall be open to the public. However, the law does permit executive sessions for the following reasons:
  - i. review of the terms and conditions of the President's employment.

- ii. consideration of the qualifications of any employee to continue employment.
  - iii. after all administrative remedies have been exhausted, hearing of appeals of decisions affecting employment.
  - iv. consideration of acquisition or sale of real property, or gifts of personal property.
  - v. consultation with the college attorney to consider litigation, conducting of investigations, or the preparation of a legal defense of itself, college employees, or the College corporate.
  - vi. consideration of any other matter permitted by law.
- (b) The procedure for executive sessions shall be governed by the following guidelines:
- i. Any member of the Board may move to go into executive session. The motion must be seconded and duly passed to recess the open meeting and all persons, except the trustees and those requested by the trustees to stay, shall be excluded.
  - ii. No action may be taken in the executive session except as is permitted expressly by statutes, however, a plan may be formulated while in executive session.
  - iii. When the purpose(s) of the executive session have been reached, upon motion made, seconded and passed, the Chairperson shall declare the executive session adjourned and the meeting of the Trustees open.

**Section 4      Notice of Meetings**

Members of the Board shall be notified by the President, or his/her designee, of the time, place, and purposes of all meetings. Notice of meetings shall be published in accordance with the Open Meetings Statute.

**Section 5      Voting**

- (a) The Trustees who are voting members shall have a quorum to vote. A quorum is 50% of members plus one. A simple majority is needed for the transaction of business, other than that specified in subsection (b) of this Section.
- (b) A majority vote of all members of the Board of Trustees shall be required for the determination of policy, for the election of a President, and for the establishment or termination of a degree program.
- (c) The method of voting on business conducted by the Board of Trustees shall

be decided each time by the representatives present, other than that specified in these by-laws.

- (d) No proxy votes will be allowed.

**Section 6      Agenda**

- (a) The regular order of business at meetings of the Board of Trustees shall consist of these:

- i. Call to Order, Welcome, and Approval of Agenda
- ii. Ethics Awareness and Conflict of Interest Reminder
- iii. Consent Agenda/Items for Approval
- iv. Presidents Report
- v. Chairpersons Report
- vi. Action/Discussion Items of Standing Committees
- vii. Information Items
- viii. Announcements
- ix. Adjournment

- (b) The agenda shall be distributed to trustees, media representatives, and parties requesting the agenda at least four (4) days prior to the meeting for which it was prepared.

**Section 7      Parliamentary Rules**

Robert's Rules of Order shall be followed in conducting the meetings of the Board unless otherwise provided by the Board.

**Section 8      Individual or Group Hearings**

Any individual or organized group who desires to appear before the Board shall state in writing the purpose of such appearance and the name of each person who is to appear as a spokesperson. The statement shall be filed with the Chairperson at least four (4) days in advance of the meeting at which the appearance is desirable in order that it may be included in the agenda for the meeting. Nothing contained in this section shall be deemed to prohibit the Board from recognizing a group or individual at any Board meeting who wishes to be heard.

**ARTICLE VII**

**POLICIES, RULES AND REGULATIONS**

**Section 1      General Provisions**

By an affirmative vote of a majority of all members of the Board, the Board may approve and amend such policies, rules, and regulations as may be authorized by law and as may be required in its judgement

for the effective discharge of its responsibilities and for the effective operation of the College.

**Section 2      Notification and Publication**

The President shall be responsible for providing to each member of the Board a copy of all current by-laws, policies, rules, and regulations.

**ARTICLE VIII**

**ADOPTION AND AMENDMENT**

**Section 1      Adoption**

Adoption of these by-laws shall be by affirmative vote of a least two-thirds (2/3) of the members of the Board of Trustees at a regular meeting, provided that each member shall have received at least fifteen (15) days' notice of the meeting at which they are to be considered, together with a copy of these by-laws.

**Section 2      Amendments**

Amendments to these by-laws may be proposed by any voting member of the Board of Trustees at any regular meeting of the Board. Adoption of amendments shall be by affirmative vote of at least two-thirds (2/3) of the members of the Board of Trustees at a regular meeting of the Board.

**ADOPTED at regular meeting duly assembled this 17th day of January 1990.**

Adopted:

*Board Approved:*

January 17, 1990

*Revised:*

July 10, 1991

August 22, 1996

October 8, 1998

October 11, 2007

October 13, 2011

August 8, 2019

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

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The Board of Trustees (“Board”) is a body corporate. Members of the Board have authority only when acting as the Board in a properly and duly called meeting. The Board will not be bound in any way by any statement or action on the part of an individual Board member or employee except when such action is specifically instructed and authorized by the Board.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: N.C.G.S. § 115D-14

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As required by federal and state law, members of the Board of Trustees and College employees have a legal duty to maintain the confidentiality of non-public, confidential records. From time-to-time and in the scope of their official duties, Board members and College employees are exposed to confidential information that should not be disclosed, in any fashion, except to those individuals/entities that have a legal right to have or view the information. Any College employee who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor. Board members should seek clarification from the President or Board attorney. When violations occur, appropriate disciplinary action will be taken.

Adopted: 08/08/2019

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; N.C.G.S. § 115D-27, -28, -29; § 143-318.11.

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In accordance with N.C.G.S. §§ 14-234, 133-32 and Chapter 138A and in order to avoid conflicts of interest, the appearance of conflict of interest or the appearance of impropriety, the Board of Trustees and College employees shall adhere to the following rules:

**I. CONTRACTS WITH THE COLLEGE**

Board members and employees shall not do any of the following:

- A. Obtain a direct benefit from a contract that he/she is involved in making or administering on the College's behalf unless a legal exception applies;
- B. Influence or attempt to influence anyone who is involved in making or administering a contract on the College's behalf; or
- C. 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 College.

A Board member or employee is involved in administering a contract if he/she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member or employee is involved in making a contract if he/she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his/her spouse does any of the following: (a) has more than ten percent (10%) ownership or other interest in an entity that is a party to the contract; (b) derives any income or commission directly from the contract; or (c) acquires property under the contract.

**II. RECEIPT OF GIFTS**

Unless a legal exception otherwise applies, no Board member or College employee may accept gifts from any person or group desiring to do or doing business with the College unless such gifts are instructional products or advertising items of nominal value that are widely distributed.

**III. REPORTING REQUIREMENTS**

Any Board members or employee who have questions regarding this Policy or whose actions could be construed as involving a conflict of interest shall report as follows:

- A. College employees shall report to the President.

B. President / Board Members shall report to the Board Chair.

C. Board Chair shall report to the College's legal counsel.

**IV. N.C. STATE ETHICS ACT**

Pursuant to N.C.G.S. § 138A-3(30)(k), all voting Board members, the President and the Senior Vice President, Finance and Administration (“Covered Persons”) are subject to the N.C. State Ethics Act. Covered Persons shall complete and file a public disclosure of economic interests as required under the Act, adhere to the ethics standard required under the Act and shall complete all required mandatory ethics education and training.

Any applicable State Board administrative regulations and rules and any applicable North Carolina state law will take precedence over this Policy.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 14-234, 115D-26, 133-32 and Chapter 138A Cross Reference:  
Policy 3.4.1 – Conflict of Interest (duplicate)

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The Board of Trustees' policies shall constitute the basic governance for the College. All of the Board's policies shall be contained in the College' Policy Manual.

**I. ADOPTING ADMINISTRATIVE PROCEDURES**

The following procedures shall be followed when adopting or revising policies:

- A. Either when directed by the Board or when necessitated by changes to federal and/or state laws and regulations or when otherwise determined necessary or in the College's best interest due to operational and/or management issues, the President or President's designee shall draft and propose new policies and/or provide amendments to current policies.
- B. The President shall present the proposed policy to the Board at a regularly scheduled Board meeting for first reading. If approved at first reading, the proposed policy will stand open until the next regularly scheduled Board meeting where the Board will take formal action on the proposed policy. In the event of an emergency or special condition (e.g., legal changes mandated by a specific date), the Board may waive second reading and approve the proposed policy at first reading.
- C. During the policy development process, the President shall consider, and when necessary solicit, the views and considerations of faculty and staff members, students and the public.
- D. Board members may propose amendments to proposed policies at any time during the process. An amendment will not require that the proposed policy go through an additional reading unless the Board determines that the amendment needs further consideration and an additional reading is warranted and necessary.
- E. For the proposed policy to be official, the proposed policy must be formally adopted by a majority of the Board members present at an official Board meeting with the Board's action being recorded in the Board's minutes.

**II. ADOPTING ADMINISTRATIVE PROCEDURES**

Unless otherwise stated in a specific policy, the President is hereby authorized to develop and implement administrative procedures and rules that are in furtherance of and consistent with the Board's policies and will advise the board in writing.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-20

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All official business conducted by the Board of Trustees shall be conducted at a duly noticed, official meeting of the Board. Pursuant to North Carolina law, a “meeting” of the Board occurs whenever a majority of the members of the Board meet, in person or by some electronic means, in order to: conduct a hearing, deliberate, take action, or otherwise transact public business. All Board meetings must be called pursuant to the proper notice and all meetings are open to the public except for closed session.

**I. Board Meetings**

Pursuant to applicable North Carolina law, the Board is allowed to conduct four types of official meetings: regular meetings, special called meetings, emergency meetings and recessed meetings. All meetings are public meetings unless designated as a closed session meeting.

**A. Types of Meetings**

1. **Regular Meeting.** At its annual meeting in August, the Board shall establish a meeting schedule for all regular meetings for the upcoming year. The board shall meet at least six times per year and at least quarterly. The Board shall maintain a copy of the schedule for its regular meetings on its website and a hard copy shall be filed with the Board’s Secretary and shall be posted in a centralized location on campus. If the schedule is revised, the Board’s Secretary shall cause to have the website updated and revise the posted copy of the schedule as soon as possible. Any changes to the regular meeting schedule, except for the cancellation of a meeting, shall require seven (7) days’ notice.

The Board’s Secretary shall keep the minutes for all regular meetings and the minutes shall be approved by the Board at its next regular meeting.

2. **Special Called Meeting.** A special-called meeting may be called by either the Board Chair or the College President. The Board’s Secretary shall prepare the notice for the special called meeting. The notice must be sent to Board members at least 48 hours in advance and the notice must state the time, place and purpose(s) for the special call meeting. The notice will be posted on the College’s website. The notice will be sent via electronic mail to the Board members’ email address of record. If there is a bulletin board with Board meeting schedules, the special called meeting notice must be posted there at least 48 hours prior to the special called meeting. If no bulletin board is used, the Board’s Secretary shall post the notice on the door of the Board’s meeting room at least 48 hours prior to the special called meeting. If, 48

hours prior to the meeting, the public does not have access to either the bulletin board or interior door of the Board's meeting room because the building is closed (e.g., if the special called meeting occurs on Monday but the building is closed over the weekend), the Board's Secretary shall post the notice on the front of the exterior door to the building where the Board's meeting room is located.

In addition, the Board's Secretary shall deliver the notice by email to each person who has submitted a written request for notices of the Board's meetings.

The Board's Secretary shall keep minutes of all special-called meetings and the meeting shall be approved by the Board at its next regular meeting.

3. **Emergency Meeting.** In the event of generally unexpected circumstances that require the Board's immediate consideration and a meeting is necessary without 48 hours' notice, the Board Chair or the College President may call an emergency meeting. The Board's Secretary shall prepare the notice of the time and location for the meeting. The notice shall be sent via electronic mail to Board members' email address of record.

In addition, the Board's Secretary shall deliver the notice by email to each person who has submitted a written request for notices of the Board's meetings.

The Board's Secretary shall keep minutes of all special-called meetings and the meeting shall be approved by the Board at its next regular meeting.

4. **Recessed Meeting.** If proper notice was given at the original meeting and if the time and place of the recessed session were set during open session, no further notice is required. A recessed meeting, however, will be posted on the College's website prior to the scheduled time of the meeting.

#### **B. Closed Session Meetings**

The Board may conduct business in closed session when permitted by the reasons enumerated in N.C.G.S. § 143-318.11(a)(1)-(9) or as otherwise permitted by law. The Board may hold a closed session upon a motion duly made and adopted during the open portion of the meeting. Every motion shall site the legal reason for going into closed session and the law that renders the information confidential or privileged. A motion based on the need to consult with an attorney employed by the Board regarding the handling or settlement of a lawsuit must identify the parties in the lawsuit.

Unless otherwise designated by the Chair, the Board's Secretary shall keep minutes of all special-called meetings and the meeting shall be approved by the Board at its next regular meeting.

### **C. Electronic Meetings**

The Board may conduct a meeting by use of conference telephone or other electronic means indicated by N.C.G.S. § 143-318.13(a). The Board shall provide a location and means whereby the public may listen to the meeting.

## **II. Committee Meetings**

In accordance with the Trustees' By-Laws, the Board may establish standing or ad hoc committees as necessary. The Chair shall appoint the members of the committees as well as the committee chairs. Committees established by the Board are subject to this policy except that a majority of the committee's members, present and in attendance at the meeting, shall constitute a quorum of the committee.

## **III. Meeting Procedures**

- A. **Parliamentary Procedures.** When conducting its meeting, the Board shall use the parliamentary procedures consistent with the most updated version of *Roberts Rules of Order* unless otherwise provided by the Board. As part of his/her official duties, the Board Chair shall serve as the parliamentarian officer and shall rule on issues and questions concerning parliamentary procedure. As needed, the Board Chair shall consult with the Board's attorney regarding matters of parliamentary procedure.
- B. **Meeting Agenda.** The Board Chair and the President will prepare a proposed agenda for each Board meeting in accordance with the Board's By-Laws. A request to have an item of business placed on the agenda must be received at least five (5) business days before the meeting. Each Board member will receive a copy of the proposed agenda four (4) days prior to the meeting and the agenda will be available for public inspection and/or distribution immediately after being made available to Board members. At the meeting, the Board may, by a majority vote, add an item that is not on the agenda.
- C. **Quorum.** A majority of voting members of the Board (9) in actual attendance at meetings shall constitute a quorum for the transaction of business. Unless otherwise stated, no business shall be transacted without a majority vote of the quorum. A Board member may participate by remote or electronic access as allowed by law. A majority of the full Board is required for the adoption or amendment of policy, for the establishment or termination of a degree program or election, non-renewal or termination of the College President.

- D. **Ethics Statement.** At the beginning of each Board meeting (including Board committee meetings), the Chair shall remind all members of their duty to avoid any conflict of interest and shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the Board (or Board committee) at that time.
- E. **Individuals or Groups Appearing Before the Board.** Any individual or organized group wanting to appear before the Board shall provide in writing the purpose of the appearance and the name of each person who intends to speak. The statement shall be filed with the Chairperson at least four (4) days in advance of the meeting at which the appearance is requested. The Board Chair and President shall confer on the request and determine whether the request should be added to the agenda. Nothing contained in this section shall be deemed to prohibit the Board, by majority vote, from recognizing a group or individual at any Board meeting who wishes to be heard.

Adopted: 08/08/2019

Legal Reference: Chapter 143, Article 33C of the North Carolina General Statutes;  
N.C.G.S. § 138-15(e)

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As needed, the Board will retain attorneys to provide legal services for it and the College, including both legal advice and representation in litigation. Such employment shall be at the pleasure of the Board. Any attorney retained by the Board represents the legal entity of the College and not any individual Board member or administrator. The President may consult with the Board attorney as needed to carry out administrative operations and to protect the Board and the College from liability. Other staff may consult with the Board attorney as determined appropriate by the President. A Board member may consult with the Board attorney as determined appropriate by the Board Chair or President.

Adopted: 08/08/2019

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This policy sets forth the duties and expectations of members of the Board of Trustees as well as the process for removal of a Board member. Board members are expected to perform essential functions for the College as described in the General Statutes, the Board of Trustees' By-Laws and College policy. Board members should perform these duties faithfully upholding the integrity of the office while avoiding impropriety or the appearance of impropriety.

Board members shall uphold the following standards of conduct when carrying out their official duties:

- A. Adequately prepare for and attend Board of Trustee meetings and its respective committees.
- B. Render all decisions based on the available facts and appropriately seek out information from the College President, when necessary, in order to carry out the duties of the Board when making decisions and monitoring the affairs of the College.
- C. Maintain the confidentiality of information that is made private under the law and do not disclose matters discussed in closed session.
- D. Avoid conflicts of interest, as defined in law and College Policy 3.4.1, and avoid the appearance of conflicts of interest. When a conflict or potential conflict arises, the member should bring the matter to the attention of the Chair.
- E. Serving on and contributing to the work of Board and College committees when assigned.
- F. Understand that the Board of Trustees' authority arises out of official actions taken by the Board in a called meeting. Members may not obligate the College to any contract, promise or other liability and should refrain from acting individually on behalf of the College or Board of Trustees unless authorized to do so.
- G. Adhere to North Carolina open meeting and public records laws.
- H. Participate in a College-approved trustee orientation as well as the mandated State ethics training.
- I. Adhere to applicable sections of the State Ethics Act.

**Removal of a Board of Trustee Member**

- A. In accordance with N.C.G.S. §115C-19, the Board of Trustees may declare vacant the office of a member of the Board who:
  - 1. does not attend three consecutive scheduled meetings of the Board without justifiable excuse; or
  - 2. does not, within six months of appointment, participate in a trustee orientation and education session sponsored by the North Carolina

Association of Community College Trustees or other organization approved by the Board. Prior to declaring the office of a member vacant for the reasons above, the Board shall provide the member an opportunity to provide information on why the member has failed to meet either requirement.

- B. Upon notification from the State Board of Community Colleges that sufficient evidence exists that a member of the Board of Trustees is not discharging the duties of the office or is guilty of immoral or disreputable conduct, the Board shall meet to investigate the allegations provided by the State Board. The Board may request assistance from the Board's attorney or another professional to investigate the matter. The member in question shall be provided proper notice of any hearing in which the Board intends to consider the allegations and the member shall be given the opportunity to address the Board regarding the allegations. The hearing shall take place in open session and any decision by the Board shall be recorded in the minutes and made in open session. If the charges against the member are found to be true by a two-thirds vote of the members of the Board, the Board shall declare the office vacant.

The Board of Trustees may initiate its own investigation into a member's actions upon receipt of sufficient information the member is not discharging the duties required of the office or is guilty of immoral or disreputable conduct. Any hearing on the matter shall be conducted in accordance with this section.

- C. The Chair shall notify the appointing agency of any vacancy on the Board.

Adopted: 08/08/2019

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The College welcomes visitors to campus. All visitors must comply with the College's policies and procedures. Additionally, in the interest of safety, and to minimize disruption to classes and operations, all visitors shall adhere to the following rules:

**I. VISITORS**

- A. All visitors to instructional areas must have the instructor's prior approval. Visitors unfamiliar with the campus should report to the Student Services office.
- B. All visitors to laboratories, shops, or other potentially hazardous areas must be escorted by a College employee.

**II. MINOR CHILDREN**

- A. Non-student minor children are defined as children under the age of eighteen (18).
- B. Students and College employees are encouraged to make child care arrangements to reduce interruption of the educational process and avoid possible injury to a minor. Supervisors are responsible and accountable for ensuring that minor children on campus adhere to College policies and procedures. Should employees require time to resolve their childcare situation, they are required to leave work and use the appropriate leave.
- C. Minor children are allowed in offices on the campus for short, occasional visitations, when accompanied by a responsible adult. In addition, instructors have the discretion to make infrequent exceptions regarding the care of minor children due to temporary, unforeseen emergencies. In these cases, minor children must remain in the classroom under their parent/guardian's direct supervision and are not allowed to sit in the hallway or be unsupervised in other locations on campus.
- D. Minor children are not allowed on campus when the child has a contagious condition or is too ill to be sent to the regular childcare location or school. Minor children may not enter shops, labs or other hazardous areas.

**III. REMOVAL FROM CAMPUS**

To ensure a safe and secure campus environment, the President, his/her designees and senior administrators (Vice Presidents) have the authority to dismiss a person from campus. Legal action for trespassing may be taken if the person does not comply.

Adopted: 08/08/2019

When it becomes necessary to notify a student in a class, which is in session, that the student needs to address some immediate issue (i.e., family emergency, legal issue, safety issue, etc.), the following procedure should be used by any party, including security and law enforcement agencies, that needs to address the student.

The party seeking the student should go to the Student Services office. Student Services staff will coordinate getting a message to the student. At no time will the Student Services office disclose the location of the student.

A Student Services staff should go to the classroom, politely knock on the door, call the instructor into the hall and tell the instructor that the student needs to be excused from the class to deal with a critical issue. The instructor should call the student out of class and tell him/her that s/he needs to address the issue. If there is a safety issue or a legal issue, security may accompany the responsible party to the classroom but should remain in the background out of sight of the students in the classroom.

Every effort should be made to not embarrass the student. Also, any interruption or disruption of the class should be kept to a minimum. Once the student is out of class, all parties should return to the Student Services' office and address any issues pertaining to the student in a private setting.

Adopted: 08/08/2019

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The safety of the College's employees, students and visitors is of the utmost importance. To that end, the Board of Trustees hereby authorizes the President to develop campus safety and emergency plans to deal with safety and/or other emergency situations that could arise at the College.

Adopted: 08/08/2019

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**I. PURPOSE**

To provide for an orderly evacuation of a College facility during an emergency, the following plan and operating procedures have been adopted.

**A. Evacuation and Emergency Escape Procedures**

In the event of an alarm sounding or other notice of evacuation, all persons including students, faculty, staff and visitors should leave the building by the closest available exit in an orderly manner. Emergency evacuation routes are posted in the facilities.

**B. Accountability for Students**

Faculty should take attendance at the beginning of each class so that all persons may be accounted for after an evacuation. The instructor should evacuate the class and bring the roster to account for all students. It is preferable that doors are closed but not locked, as classrooms are evacuated, and the instructor ensures that the classroom is empty. The instructor should regroup the class at the evacuation site. Any student(s) unaccounted for should be reported to emergency response personnel immediately.

**C. Accountability for Employees**

Supervisors or designees should account for the employees in their immediate work area or department. Any employee(s) unaccounted for should be reported to emergency response personnel immediately. Since supervisors are responsible for accounting for employees, it is imperative that work groups reassemble in the designated evacuation site after evacuation.

**D. Evacuation Sites**

The primary evacuation site should be utilized when possible. Evacuation sites are posted on campus maps in buildings throughout campus.

**E. Rescue and Medical Duties**

Appropriate county emergency response personnel, including fire and rescue department personnel, shall perform rescue and medical duties. College employees are neither trained nor required to perform rescue and medical duties. Nothing in this Policy should be interpreted as restricting employees from providing first aid or rescue assistance on a volunteer basis.

**F. Evacuation of Persons with Disabilities**

In the event of a building evacuation for buildings with multiple floors, persons with mobility impairment who may be on an upper floor must use their own discretion to determine if using the elevator is more of a risk than waiting for rescue personnel to reach them. If person(s) with mobility impairment cannot access or chose not to access the elevator, they should go to designated area(s) located on each of the upper floors so that emergency personnel can access their location quicker. The locations of all designated areas shall be maintained in an emergency evacuation protocol and be readily available for emergency response personnel.

College faculty and staff cannot be required to lift or carry a person with a mobility impairment. This is not required as it is beyond the Office of Civil Rights' definition of "minor assistance" and is a "service(s) of a personal nature" which is not required by the American with Disabilities Act. This is not to imply that College employees are prohibited from offering this type of assistance during an emergency. If a person with mobility impairment does not utilize a wheelchair but could benefit from assistance during an evacuation, office or computer lab chairs with rollers are readily available in every building.

The College shall develop an emergency evacuation protocol for persons with disabilities and shall make sure that appropriate College personnel are trained based on the protocol requirements.

**G. Fire Drills and Mobility Impaired Individuals**

A person with mobility impairment may request advance notification of planned fire drills so that the individual can decide whether evacuation during the drill is advisable or would possibly pose a risk of injury. In this case, mandatory participation is not required for a person with mobility impairment. To request advance notification, the person with a documented mobility disability must notify the Disability Services Coordinator, who will provide the Campus Resource Officer with a list of such persons requesting advance notification, once the person has requested the early alert service. The Campus Resource Officer will notify the persons by telephone, in person, or by e-mail prior to the drill.

Adopted: 08/08/2019

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**I. INTRODUCTION**

The College must be prepared for bombings and the threat of bombings. The following procedures have been established to: determine how and by whom a bomb threat will be evaluated; establish a chain of command for bomb threat situations; describe the procedures to be followed if facilities are to be evacuated; assign responsibility for searching facilities; and provide updates to key administrative staff on appropriate responses to bomb threats.

**II. PROCEDURES**

**A. If a Bomb Threat is Received:**

1. If a bomb threat is received, the individual should gather and record as much information as possible and then contact Campus Police immediately. Campus Police will immediately notify the President. If the President is not immediately available, then Campus Police shall notify the Senior Vice-President of Administration and if that person is not immediately available, then another member of the Administrative Council is to be notified.
2. The President, or in his/her absence, the next available administrator, shall evaluate the threat and determine the appropriate action to be taken. The building(s) may be searched and/or evacuated, if necessary. The administrator in charge shall notify and issue instructions to the following personnel: security personnel; maintenance; and emergency services (911 dispatch).

**B. If Facilities are to be Evacuated:**

1. Evacuation notices will be announced via the college's emergency notification system.
2. College employees shall assist in clearing the buildings of people and then exit themselves.
3. The switchboard operator and maintenance personnel will remain on campus and remain in radio contact with Campus Police.
4. Maintenance and/or custodial staff will assist emergency response personnel to search and clear buildings, if requested.
5. All students, and those employees not required to remain on campus, should evacuate the campus and remove their vehicles.
6. The President or administrator in charge shall determine when the College shall return to normal operations. Employees and students will receive information about when the College is set to reopen via the emergency notification system.

Adopted: 08/08/2019

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In the event of a critical incident, individuals should use the following procedures:

- A. To the extent possible, move to a safe location, contact 9–1–1 and provide as much information as possible (e.g., description of incident, person(s) involved, if you or others are injured). If able, also contact the College’s main switchboard or send out an e-mail to notify as many people as possible.
- B. “Lockdown” classroom or office, turn out lights and move away from windows or doorways and take cover utilizing any solid objects that could offer protection.
- C. If you have, or learn, more information, contact 9–1–1 or the Campus Police (only make additional contacts if you have additional or updated information).
- D. Keep calm and make sound decisions. Remain in lockdown until you receive notification from College officials or law enforcement that all is clear.
- E. In the event the campus is being evacuated, consult Procedure 2.1.2.1 – Campus Evacuation Plan.

Adopted: 08/08/2019

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The College is committed to providing students, faculty and staff a safe and healthy work environment. As required by federal and state laws and regulations, the College's written Hazard Communication Program and Chemical Hygiene Plan shall be available to all employees, their designated representatives, and local, state and federal occupational safety and health authorities.

A written copy of the written Hazard Communication Program and the Chemical Hygiene Plan, as well as an inventory of all chemicals on campus, and the safety data sheets for those chemicals, are located in the Human Resources Department.<sup>1</sup>

In complying with OSHA's Hazard Communications Standard, the College shall, among other things:

- A. Develop a list of chemicals maintained on campus;
- B. Label all containers that contain hazardous materials;
- C. Keep Material Safety Data Sheets ("MSDS") and Safety Data Sheets ("SDS") on file and available on request; and
- D. Implement a training program to ensure that all employees are familiar with the hazardous materials on campus.

In addition, the College shall not accept any donations of hazardous materials or chemicals. All hazardous materials and chemicals purchased by the College must be labeled with the following information:

- A. Identity of the hazardous material/chemical;
- B. Appropriate hazard warning; and
- C. Name and address of the manufacturer, importer or other responsible party.

Adopted: 08/08/2019

Legal Citation: 29 CFR 1910.1200 and 29 CFR 1910 Subpart Z

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<sup>1</sup> HumanResourcesDepartment

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Safety procedures shall always be enforced, especially in shop and laboratory facilities. The following guidelines shall be followed:

- A. Course instructors shall always point out hazards in advance. This instruction shall be done as part of the regular teaching program with special emphasis placed on preventative approaches to hazards.
- B. Instructors must always be present when shops and laboratories are being used.
- C. For medical issues and reporting accidents, consult Policy 2.1.5 – Campus Medical Emergencies.
- D. Instructors and students shall wear industrial quality eye protective devices during instruction involving any of the following conditions or activities:
  - 1. Hot solids, liquids or molten metals.
  - 2. Milling, sawing, turning, shaping, cutting or stamping of any solid materials.
  - 3. Heat treatment, tempering or kiln firing of any metal or material.
  - 4. Gas or electric arc welding.
  - 5. Repair or service of any vehicle.
  - 6. Caustic or explosive chemicals or materials.

Adopted: 08/08/2019

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**I. EMERGENCY MEDICAL ASSISTANCE**

- A. The College has no facilities for medical treatment of employees or students.
- B. College personnel and/or individuals present will contact emergency services by dialing 9-1-1 and request first responder services in the event of a medical emergency.
- C. All accidents involving College employees are to be reported to the Human Resources Office within one (1) business day. All accident report forms must be completed within two (2) business days.
- D. Students who are covered under student accident insurance should notify the Business Office within one (1) business day. If the accident occurs in a classroom or lab, the appropriate employee should complete the College's Student Accident Report Form. The Business Office will provide claim forms and assist the student in making a claim to the insurance company. Students are also encouraged to report any acute medical conditions to the Registrar's Office and to their instructors.
- E. If emergency medical services are required off campus, i.e., firing range, defensive driving course, etc., established emergency medical procedures for that location should be followed in conjunction with the aforementioned procedures.
- F. The following procedures should be followed if an accident occurs involving a College vehicle:
  - 1. Dial 9-1-1 if emergency services or an ambulance is needed;
  - 2. Contact the appropriate law enforcement agency to obtain a report;
  - 3. Obtain as much information as possible from any other parties involved in the accident; and
  - 4. Contact the Senior Vice-President of Administration.

**II. COMMUNICABLE DISEASES**

- A. The College will assume responsibility for conducting an ongoing educational campaign designed to provide basic information about communicable diseases.

- B. Persons infected with communicable diseases will not be excluded from enrollment or restricted in their access to College facilities or services unless medically-based judgments, in individual cases, establish that exclusion or restriction is necessary to the welfare of the individual or to the welfare of other persons within the College.
- C. Persons who know that they are infected by communicable diseases are urged to share that information confidentially with Human Resources (for employees) or Students Services (for students) in order that the College can respond appropriately to the health and educational needs of the individual.
- D. Persons who have knowledge of, or a reasonable basis for believing that they are infected with communicable diseases, are expected to seek expert advice about their health situation and are obligated, both ethically and legally, to conduct themselves responsibly with consideration for the protection of other members of the community.
- E. The College will widely publicize and carefully observe the safety guidelines for the handling of blood and other body fluids and secretions established by the federal or state Departments of Labor, the United States Public Health Service and other federal or state agencies issuing regulations applicable to the College in all health care facilities maintained on campus, and, where applicable, in other institutional contexts in which such fluids or secretions may be encountered.

Adopted: 08/08/2019

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- I. The College has no facilities for medical treatment for students, employee and guests. However, the College will have medical first aid kits located in each campus building.
  - II. In the event of a medical emergency, College personnel and/or individuals present should contact emergency services at 9-1-1 and request first responder services.
  - III. All accidents involving College employees are to be reported to the Human Resources Department<sup>2</sup> (“Administrator”) within one (1) business day. All accident report forms must be completed and submitted to Human Resources within two (2) business days.
  - IV. Students who are covered under student accident insurance should notify the cashier<sup>3</sup> of Business Office within one (1) business day. If the accident occurs in a classroom or lab, the appropriate employee should complete the College’s Student Accident Report Form.<sup>4</sup> The Administrator will assist the student in making a claim to the insurance company. Students are also encouraged to report any acute medical conditions to the Registrar’s Office and to their instructors.
  - V. If emergency medical services are required for College students or employees participating in a College event at an off-campus location, the injured party should immediately alert officials at the event or location and/or contact 9-1-1.
  - VI. In the event of an accident involving a College vehicle:
    - A. Dial 9-1-1 if emergency services or an ambulance is needed;
    - B. Contact the appropriate law enforcement agency to obtain an official law enforcement report;
    - C. Obtain as much information as possible from any other parties involved in the accident (including, if possible, insurance information); and
    - D. Immediately contact the Senior Vice-President of Administration.

Adopted: 08/08/2019

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<sup>2</sup>Executive Director of Human Resources.

<sup>3</sup>Cashier of the Business Office

<sup>4</sup>Need to create form

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## **I. PANDEMIC HEALTH EVENTS**

The College is committed to preparing for and responding to any public health outbreaks and/or epidemics that are uncontained and pandemic in nature. The College wishes to minimize the impact of a pandemic health event on students, faculty and staff by working with local, regional, state and national health officials.

To do this, College employees will strive to: (a) protect the health of students, faculty, staff and visitors on the College campus and extension sites; (b) communicate with the College community and the public during the duration of a pandemic event; (c) sustain necessary College operations and services as long as it is reasonable and safe to continue to do so; and (d) prevent the spread of the pandemic event within the College's facilities.

## **II. OPERATION ASSUMPTIONS**

The following assumptions are made for purposes of this Policy:

- A. The Center for Disease Control; branches, divisions, or offices of the United States or North Carolina governments; or the local county health department has declared a pandemic health event.
- B. A declared pandemic health event results in travel restrictions, quarantine areas, school closures and public events/activities cancellations.
- C. The College will work with local authorities to coordinate locally-based response plans.
- D. It is reasonably expected that a pandemic outbreak may result in the closing of all College facilities for a period of time.

## **III. PANDEMIC EVENT COORDINATOR**

The Senior Vice-President of Administration will serve as the Pandemic Event Coordinator ("Coordinator"). The Coordinator will be responsible for the following:

- A. Coordinating all planning efforts.
- B. Organizing the Pandemic Event Response Team, scheduling its meetings and evaluating its performance.
- C. Reviewing and updating the pandemic event procedures with the Pandemic Response Team.

- D. Identifying and procuring resources for responding to a pandemic event.
- E. Monitoring pandemic status with local, state and national health agencies.

#### **IV. PANDEMIC EVENT RESPONSE TEAM**

The Coordinator will serve as the leader of the College's Pandemic Event Response Team ("Team"). The Team membership will be composed of the administrative council.

#### **V. COMMUNICATIONS**

##### **a. Communications to the public**

- i. The College's public relation's officer ("Spokesperson") will serve as the lead spokesperson for the College communicating with the media. The President will serve as alternate spokespersons and will coordinate all public communications with the College's Spokesperson. All other College employees should not attempt to speak for the College.
- ii. The College will utilize the notification procedures for a schedule interruption as outlined in Policy 2.1.11 and with direct contact to local daily newspapers. This will distribute information by area radio and television, daily newspaper, automated telephone attendant, and the College's website. Website information will include College plans and, if available, links to local, state, and federal agencies to help create awareness and educate people on the pandemic event, prevention strategies and general information for the public good.
- iii. The College's Spokesperson will conduct media briefings and issue news releases as necessary.

##### **b. Communications to employees**

- i. The Spokesperson will communicate with employees by email, voicemail and the College's website. Timely information and updates will be sent and posted as available. Information on where to find up-to-date and reliable information about the pandemic event will be distributed when known.
- ii. The Human Resources Director and Spokesperson will communicate with employees about healthcare services and the need to maintain personal healthcare.
- iii. The Human Resources Director will contact employees about accounting for absences, leaves, compensation and any other personnel issues related to disruptions resulting from a pandemic health event.

**c. Communications to students**

- i. The Spokesperson will communicate with students by student email, the College's website and the automated telephone attendant. Communications will include information about the pandemic health event, changes in course delivery, schedule changes, College closing/re-opening information and other information as needed.
- ii. The Spokesperson will distribute to student's information from public health officials that might prevent or impact an outbreak of a pandemic health event.

**VI. PREVENTION**

Upon notification that the potential outbreak of a pandemic health event is occurring within the United States, the Coordinator will immediately assemble the Team. The Team will review procedures, assign responsibilities and schedule the following actions:

- a. Set up prominent notices at all building entrances to instruct employees, students, and visitors not to enter campus buildings if they have any symptoms of the pandemic health event.
- b. Post informational notices around campus (building entrances, notice boards, conference rooms, and restrooms) to educate how to stop the spread of the pandemic health event through personal hygiene practices. Notices will include information concerning hand hygiene, covering coughs and sneezes, and appropriate student/employee spacing.
- c. Instruct housekeeping to obtain adequate supplies of tissues, hand sanitizing gels, disinfectant soaps, and disinfectant cleaning supplies.
- d. Distribute to all employees and students a pandemic health event fact sheet containing information regarding stopping the spread of the event and performing effective individual spacing.
- e. Instruct all shared work areas (desktops, tables, door knobs, stair rails, etc.) be cleaned with a disinfectant at least daily, and preferably more than once daily.
- f. Determine the impact of the pandemic health event on the number of plant operations staff available and alternative methods to sanitize the campus.

Adopted: 08/08/2019

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Students, staff, faculty and visitors are legally prohibited from carrying a weapon onto campus unless a legal exception applies. For purposes of this policy, a "weapon" includes firearms, explosives, BB guns, stun guns, air rifles or pistols, and certain types of knives or other sharp instruments (see N.C.G.S. § 14-269.2).

The prohibition does not apply if the weapon is on campus pursuant to one of the reasons listed in N.C.G.S. § 14-269.2(g). It is the individual's responsibility to know and understand the law prior to bringing any weapon onto campus. Failure to follow the law, regardless of the person's intent, will result in appropriate disciplinary action and a referral to local law enforcement.

It is permissible for an individual to bring a handgun onto campus under the following limited circumstances:

- A. The firearm is a handgun; AND
- B. The individual has a valid concealed handgun permit (or is exempt from the law requiring a permit); AND
- C. The handgun remains in either: a closed compartment or container within the locked vehicle of the permit holder; or a locked container securely affixed to the locked vehicle of the permit holder; AND
- D. The vehicle is unlocked only when the permit holder is entering or exiting the vehicle; AND
- E. The handgun remains in the closed compartment or container at all times except for a reasonable amount of time for the person to transfer the handgun from the closed compartment or container to his person or from his person to the closed compartment or container.

Firearms (and other weapons prohibited on campus) may not be stored or transported in College-owned or rented vehicles.

Adopted: 08/08/2019

Legal Reference: N.C. Session Law 2013-369; N.C.G.S. 14-269.

Cross Reference: Policy 3.4.3 – Weapons on Campus

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The illegal use of controlled substances, substances that cause impairment and abuse of alcohol are harmful to the health, well-being and safety of the College's employees and students. The College is committed to maintaining a safe workplace and an educational environment free from the influence of illegal controlled substances, substances that cause impairment and alcohol.

### **I. VISITORS AND GUESTS**

All visitors and guests are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or drug paraphernalia. Using or being under the influence of substances that cause impairment is also prohibited. Violation of this prohibition could lead to the visitor or guest being asked to leave campus and/or campus authorities contacting campus security or law enforcement.

For more specific definitions of "controlled substance", "alcohol" and "impairing substance", consult Policy 3.4.4 – Alcohol and Drugs on Campus.

### **II. EMPLOYEES AND STUDENTS**

All College employees and students are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or drug paraphernalia. Using, or being under the influence of substances that cause impairment is prohibited for all employees and students. Violation of this prohibition could lead to disciplinary action under the Employee and Student Codes of Conduct.

For more information regarding employees, including student employees, consult Policy 3.4.4 – Alcohol and Drugs on Campus. For more information regarding students, consult Policy 5.3.5 – Alcohol and Drugs on Campus.

Adopted: 08/08/2019

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## I. POLICY OVERVIEW

The College is committed to providing a safe and secure environment for all members of the College's community and visitors. The College shall comply with the Crime Awareness and Security Act of 1990, as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## II. DEFINITIONS

- A. *Campus Security Authority* ("CSA") is a Clery-specific term that encompasses four groups of individuals and organizations associated with an educational institution:
1. A member of the educational institution's police department or campus security department;
  2. Any individual(s) who has responsibility for campus security but who does not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into the College's property);
  3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. For purposes of this College, this individual is the Vice President of Student Services; and
  4. An official or someone who has significant responsibility for student and campus activities, including, but not limited to: student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on the College's behalf.
- B. *Clery Act Crimes* are the following crimes that must be reported by Campus Security Authorities to law enforcement and crimes that are listed in the College's Annual Security Report:
1. Murder/non-negligent manslaughter; negligent manslaughter; sex offenses (forcible and non-forcible); domestic and dating violence; stalking; robbery; aggravated assault; burglary; motor vehicle theft; and arson;
  2. Hate Crimes: any of the above-mentioned offenses, and any incidents of larceny-theft; simple assault; intimidation; or destruction/damage/ vandalism of property that was motivated by bias towards race, religion,

vandalism of property that was motivated by bias towards race, religion, ethnicity, national origin, gender, sexual orientation, gender identity or disability; and

3. Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc.); drug abuse violations and liquor law violations.

A. *College Property* is all the following property:

3. Campus Grounds, Buildings and Structures – Any building or property owned by or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College’s educational purposes; and any building or property that is within or reasonably contiguous to such buildings, or property that is owned by the College but controlled by another person and is frequently used by students and supports College purposes.
4. Off-Campus and Affiliated Property – Any building or property owned or controlled by a student organization that is officially recognized by the College; or any building or property owned or controlled by the College that is used in direct support of, or in relation to, the College’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the College.
5. Public Property – All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

### III. SAFETY AND REPORTING PROCEDURES

The College encourages all members of the College community to report suspicious or criminal activity to law enforcement as soon as possible. Crimes may be reported anonymously. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911.

In addition, CSAs have a legal obligation to file a report of suspected criminal activity with law enforcement and with the Vice President of Student Service’s Office to ensure statistical inclusion of all Clery Act Crimes in the College’s Annual Security Report, when those crimes occur on or near College Property. Any individual identified by the College as a CSA shall receive notification of that designation and the requirement that the individual report information about Clery Act Crimes. Training will also be provided to all persons with this designation. While CSAs must report any Clery Act Crime that comes to their attention, at the request of the victim, the victim’s identity may remain anonymous.

To promote safety and security at the College, and in compliance with the Clery Act, the College shall:

- A. Submit crime statistics to the United States Department of Education;
- B. Maintain a daily crime log (open to public inspection);
- C. Issue campus alerts to timely warn the College community when there is information that a Clery Act Crime has occurred that represents a serious or ongoing threat to campus safety;
- D. Issue emergency notifications upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The College tests the emergency notification procedure bi-annually.
- E. Publishes and maintains an Annual Security Report containing safety and security related policy statements and statistics of Clery Act Crimes occurring on College Property. To prepare the Annual Security Report, the College collects, classifies, and counts crime reports and crime statistics. The Annual Security Report is available on the College's website and hard copies are available through the Office of Student Services for inspection.

Adopted: 08/08/2019

Legal Reference: 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46; *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, available at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>)

Cross Reference: Policy 5.4.2 – Campus Security Reporting Act – Clery Act

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In the event of a crime or an emergency in progress or at any time there is a risk of harm to persons or property, employees, students and visitors should immediately call 9-1-1 and/or notify Campus Police. Known and suspected violations of federal and state criminal laws should be reported to Campus Police who will file the required College documentation.

Criminal incidents occurring off-campus involving students participating in a College function should be immediately reported to law enforcement and to the Dean of Enrollment Services and/or Dean of Instructional Support Services as soon as possible if a student is involved.

Adopted: 08/08/2019

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**I. COMMUNICABLE DISEASE**

Communicable diseases, those that have serious effects on human health, can pose a threat to the College community. The College will take all reasonable measures to ensure the safety of members of the College community during global and local infectious disease events. "Communicable disease" is defined as an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, or reservoir to a susceptible host, either directly, or indirectly through an intermediate plant or animal host, vector, or the inanimate environment. Examples of communicable disease include, but are not limited to, acquired immunodeficiency syndrome (AIDS), chicken pox, hepatitis, measles, tuberculosis, meningitis, mononucleosis, whooping cough, coronavirus, and other viral diseases that reach a pandemic level, and for purposes of this Policy only, those communicable diseases which constitute a disability pursuant to the Americans with Disabilities Act.

The College shall not exclude individuals diagnosed with communicable diseases from participation in College programs or activities unless a determination is made that the individual presents a health risk to himself/herself or others. The College shall consider the educational or employment status of those individuals diagnosed with a communicable disease on a case by case individual basis.

**A. Procedure**

1. All information and records that identify a student or employee as having a communicable disease shall be strictly confidential and shall not be shared or disclosed to others without express permission from the student or employee.
2. Disclosure of medical information shall be made by the President, or his/her designee, only to those on a need-to-know basis in order to protect the welfare of persons infected with a communicable disease or the welfare of other members of the College community.
3. Unauthorized disclosure of confidential student or personnel information by an employee of the College is prohibited. Violation of this prohibition may result in the suspension from, or termination of an individual's employment with the College.
4. A person who knows or has a reasonable basis for believing that s/he is infected with a communicable disease is expected to seek expert advice about his/her health circumstances and is obligated ethically and legally to

conduct himself/herself responsibly toward other members of the College community.

5. Faculty and staff of the College and employees of contractors, or contracted services, who are infected with a communicable disease are urged to notify the appropriate Dean/Director so that the College can respond appropriately to his/her health needs. Students are urged to share information with the appropriate Dean/Director for the same reason.
6. A person infected with a communicable disease (included the AIDS virus) whether active AIDS, AIDS-Related Complex, or undetectable viral load) will not be excluded from enrollment or employment or restricted in his/her access to the College's services or facilities unless, in individual cases, the College administration determines the exclusion or other restrictions are necessary for the health and welfare of the College community.
7. Included in making decisions in individual cases which restrict access to employment or a student's education, programs or activities shall be the College President, Legal Counsel for the College, the Deans/Directors, the individual's personal physician, the local Health Director (or designee) and if necessary, another physician with expertise in managing communicable disease cases.
8. The College shall provide information regarding communicable diseases, including AIDS.

**B. Immunizations<sup>1</sup>**

Prior to admission or employment, the College may require students and employees to be immunized from certain communicable diseases, including but not limited to measles, mumps, rubella, tetanus, varicella, and meningitis<sup>2</sup>. Students and employees may be excused from providing proof of one or more of the required vaccinations if the student or employee has one of the following:

1. physician's written statement of immunity due to having had the infection.
2. a statement of contraindication to a vaccine (accompanied by a physician's statement).
3. a lab blood test/titer documenting immunity; or
4. a statement of religious exemption.

Religious and medical exemption letters will be accepted in lieu of immunization information. Medical exemption letters must be accompanied by a physician's statement.

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<sup>1</sup>Optional Section

<sup>2</sup>May expand list of communicable disease

The immunizations listed here are not meant to supersede more restrictive requirements for employment or participation in a specific College program or class, such as childcare, classes that lead to a medical degree or certificate, or clinical programs.

**C. Public Health Incidents**

Should any communicable disease reach a pandemic level, the President shall regularly monitor the situation by communicating with federal, state and/or local health officials and by reviewing media sources.

Should any communicable disease reach a pandemic or epidemic level within or near the College's service area, the President, after consulting with local, state or federal health officials, may take the following actions if it is determined to be in the best interest of the College community to prevent the spread of the communicable disease:

1. Close the College or certain College buildings and/or programs temporarily.
2. Limit or prohibit employee travel and/or student field trips.
3. Prohibit those infected with a communicable disease from coming onto the College campus.
4. To the extent allowed by law, requiring or encouraging employees and students to receive testing and immunizations (not already required by the College) that prevent the spread of a communicable disease before coming back onto the College campus; and
5. Other specific actions deemed necessary for the safety of the College community.

The President shall not quarantine any student or employee while on campus unless the quarantine is ordered by local, state or federal health officials. Persons who are infected with a communicable disease that has reached a pandemic level or know of someone in the College community who is infected, should contact College officials immediately. Students should contact the Dean of Enrollment Services and employees should contact the Human Resources Office for reporting under this policy.

Any actions undertaken pursuant to this policy will be in accordance with applicable federal and state laws, College policies, and in the best interest of all parties.

**II. OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS**

The College shall comply with federal regulations and state statutes regarding bloodborne pathogens as set forth in the Federal Register, 29 CFR §1910.1030, and the North Carolina Administrative Code, 10A NCAC 41A, by attempting to limit/prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

**A. Reasonably Anticipated Occupational Exposure**

An employee who could "reasonably anticipate", as a result of performing required job duties, to face contact with blood, bodily fluids or other potentially infectious materials is covered by the OSHA Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this Policy. "Occupational Exposure" includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Good Samaritan" acts, such as assisting a co-worker or student with a nosebleed would not be considered "reasonably anticipated occupational exposure."

**B. Universal Precautions**

Universal precautions will be in force at all times. All blood, body fluid and other potentially infectious material will be handled as if infected. The program standards for the control of potential exposure to HIV and HBV as outlined in the OSHA Rule "Occupational Exposure to Bloodborne Pathogens" Standard 1910.1030, the NC Administrative Codes, or the most current standards available will be followed.

**C. Testing**

An employee who suspects that s/he has had exposure to blood or body fluid may request to be tested, at the College's expense, provided that the suspected exposure poses a significant risk of transmission, as defined in the rules of the Commission for Health Services. The HIV and HBV testing of a person who is the source of an exposure that poses a significant risk of transmission will be conducted in accordance with 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV). The College will strictly adhere to existing confidentiality rules and laws regarding employees with communicable diseases, including HIV or HIV-associated conditions.

**D. Exposure Control Compliance**

The College shall comply with OSHA Regulation 29 CFR 1910.1030 and promote a healthy and safe environment for both employees and students. The College proposes to do this through minimizing the risk of transmission of infectious diseases that are blood or body fluid borne. To achieve compliance with OSHA Regulation 29 CFR 1910.1030, the College will maintain an Exposure Control Plan covering the following areas:

1. Procedures,
2. Protective equipment,

3. Hepatitis vaccinations,
4. Post-exposure and follow-up care, and
5. Training.

A copy of the Exposure Control Plan is available in the office of Administrative Services.

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**Adopted:** 08/08/19

**Revised:** 02/2019; 07/2021 01/06/2022

Legal Reference: 29 CFR §1910.1030; 10A NCAC 41A; 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV); 1C SBCCC 200.94

Cross Reference: Policy 3.4.5

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During situations such as natural disasters, emergencies and/or inclement weather, the President or designee has the discretion to alter the College's operating schedule as needed. The President shall take the necessary steps to deal with the situation and notify College employees.

**I. USE OF LEAVE**

- A. If the President or designee closes the College as a result of adverse weather or emergency, no employees will be required to take any leave. Essential employees (i.e., security, grounds, maintenance, etc.) who are required to work on closed days will be provided with comparable time-off at a later date with supervisor approval.
- B. If the College is open but the employee believes s/he cannot make it to the designated work site safely, the employee will be required to do one of the following:
  - 1. Make-up the time on a schedule approved by the employee's immediate supervisor, if feasible;
  - 2. Take annual, bonus or compensatory leave; or
  - 3. Payroll deduction for time lost.
  - 4. Any make-up time must be completed before the end of the fiscal year.

**II. LOSS OF INSTRUCTIONAL TIME**

- A. Coursework for missed academic classes due to inclement weather or an emergency closing will be made-up in one of the following ways:
  - 1. Rescheduling the course at a time convenient for the faculty and students;
  - 2. Documenting make-up through the use of an alternate assignment; or
  - 3. Altering or extending the semester calendar.

Adopted:08/08/2019  
Cross Reference Policy 3.2.11

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Every effort will be made to make announcements regarding adverse weather/emergency closings as early as possible. Decisions impacting day classes will be made by 6:00 a.m. or earlier if possible. Decisions about evening classes will be made by 2:00 p.m.

Early College (“EC”) students should follow the county/city schools’ schedule. However, if the College is open, EC students should make every effort to attend their College classes.

Announcements regarding closures, or delayed schedules, will announced through the college’s campus alert system and be posted on the College’s website and on the following list of television/radio stations:

**Television – WXII, WBTV, WSOC, WGHP**

**Radio – WKBC, WWWC, WIFM, WABC, WTLK, WKSK (Ashe), WCOK (Alleghany)**

Adopted: 08/08/2019

Cross Reference: Procedure 3.2.11.1

In accordance with the Campus Sex Crimes Prevention Act of 2000 (“Act”), the College is providing to its campus community a link to the [National Sex Offender Public Website](#) and [North Carolina Sex Offender and Public Protection Registry](#) (“Registry”). The Act requires the College to issue a statement advising the campus community where law enforcement information provided by North Carolina concerning registered sex offenders may be obtained. The Act also requires sex offenders already required to register in North Carolina to provide notice of each institution of higher education in North Carolina at which the person is employed, carries a vocation or is a student. North Carolina law requires sex offenders who have been convicted of certain offenses to register with their county’s sheriff. Information about sex offenders is then entered into the Registry database by the sheriff’s office and transmitted to the N.C. State Bureau of Investigation. The N.C. State Bureau of Investigation collects information submitted by sheriffs in all one hundred (100) counties in the state and makes it available to the public via the Registry.

Adopted: 08/08/2019

Legal Reference: P.L. 106-38

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## **I. DEFINITIONS**

- A. Tobacco Product – refers to all smoking tobacco products (cigarettes, cigars, pipes, blunts, bidis), all smokeless tobacco products (chews, dips, snuff, snus, dissolvable products), and extends to: energy dips/flavored dips; nicotine water and nicotine gel; hookahs/hookah products; all vaping products (vaporizers, electronic cigarettes, cigars, pipes, pens, and cartridges); and any other items containing or reasonably resembling tobacco or tobacco products.
- B. Tobacco Use – smoking, chewing, dipping vaping, ingesting, or any other use of tobacco products.

## **II. OVERVIEW**

The College is a tobacco product free campus. The use of tobacco products on College campuses and centers, off-campus instructional sites, clinical sites, athletic fields, college-sponsored transportation (including, but not limited to College vans and rented or chartered buses) or on any property owned, leased, or controlled by the College is prohibited. The advertising, sale, or free distribution of tobacco products outlined above, including merchandise, is also prohibited.

This Policy applies to all College employees, students, vendors, contractors and visitors to campus. The College administration reserves the right to temporarily modify procedures for specific events or unique circumstances on campus.

## **III. PROHIBITION**

Enforcing the Policy is the shared responsibility of the entire campus community. Any student or college employee may provide, in a courteous manner, a verbal reminder to persons not in compliance with the policy. Failure to adhere to the Policy could result in disciplinary action for students and employees. Visitors, contractors, and vendors who violate this Policy could lose their access to campus.

Students who violate the policy will be referred to the conduct administrator in the appropriate division. The conduct administrator will act in accordance with the student conduct code. A first offense will result in an official warning. Confirmed repetitive offenses will result in official conduct warnings, conduct probation, or suspension from the college. College employees who violate the policy will be referred to the Director of Human Resources and their supervisors for appropriate action in accordance with personnel policies. Confirmed repetitive violations will result in supervisory warnings, employee probation, permanent notes in employment file, or dismissal from college employment.

**IV. PUBLIC EDUCATION**

All buildings owned and/or operated by the College contain signage, educating students, employees, and visitors that the College is a tobacco product-free campus. Employees, upon hire, sign a tobacco policy attestation statement with Human Resources, acknowledging the tobacco-free campus and consequences of violations. Tobacco cessation information is made available to students and employees upon request and is available on the college website.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-20.1

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It is the responsibility of all members of the College community to protect College buildings, grounds and equipment.

- A. Any person who willfully damages or destroys any College property will be liable for the replacement or repair of such property and may be subject to disciplinary and legal action.
- B. Employees shall promptly report in writing to their supervisors the loss of any College property or loss and/or destruction of any official College records or documents. Students and visitors should report property loss or destruction of College property, records or documents to the Chief of Campus Police.
- C. Records and documents in the College's custody are for official purposes only. It is unlawful to remove, tamper or destroy records and documents from files without approval from proper authority or as otherwise authorized under the records retention schedule. Individuals who remove, tamper or destroy College records will be subject to disciplinary and legal action.

Adopted: 08/08/2019

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The College's facilities exist to meet the educational needs of citizens within the College's service area. The College offers a wide-range of credit curricula and non-credit extension courses and the College's facilities are to be utilized to facilitate these programs. The College may use its facilities in any legal matter. In addition, the College may make its facilities available upon reasonable condition for the periodic use of student organizations, government agencies, non-profit entities, community members and for-profit entities provided the activities involved are in furtherance of the College's educational purposes or are in promotion of the community's cultural and educational welfare. The use of the College's facilities cannot compete with any of the College's classes or events that are or could be offered.

This Policy only applies to the use of the College's facilities. For information concerning the use of outdoor campus spaces, see Policy 2.3.5 – Campus Free Speech, Distribution of Material and Assembly.

The Board hereby delegates to the President to develop procedures and a fee schedule to be used by parties who want to utilize the College's facilities.

Adopted: 08/08/2019

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The following procedures shall be used when third party groups use the College's facilities:

**I. PRIORITY**

The College maintains the right to reserve and use any of its facilities at any time, with or without prior notice, for its use and such use will take priority over any other use. Individuals or groups that participate in speech not protected by the First Amendment, that engage in activity which causes a material and substantial disruption to the College educational environment and/or operations or conduct or activities that are contrary to the College's educational mission or are in competition with the College shall not be allowed to use the College's facilities for any reason.

**II. PROCEDURES GOVERNING USES OF COLLEGE FACILITIES**

The college shall require college employees, non-employees, community groups, and others to request in writing the use of college facilities, and to be granted permission by an authorized college representative prior to such use of the facilities. (This excludes those college employees who use college facilities as a regular part of the performance of their duties as outlined in approved job descriptions.) Request forms shall be maintained in the office of individuals authorized to permit use of certain facilities of the college. Requests should generally be made fifteen (15) days prior to the proposed scheduled event.

Requests for use of college facilities shall be submitted to the offices as noted below and permission to use a facility shall be obtained from that appropriate office prior to use of the facility:

- A. Office of Walker Center customer relations specialist for facilities including the John A. Walker Community Center, the Watson Theater, athletic fields, tennis courts, reserved picnic areas, and gardens.
- B. Office of student services for rooms 1110 and 1112 located in Alumni Hall.
- C. Office of administrative services for facilities in all college buildings located on the Wilkes campus, except those in (1) and (2) above.
- D. Office of the appropriate campus director for buildings and grounds located at campuses, other than the Wilkes campus.
- E. Office of administrative services for grounds on the Wilkes campus, including parking lots but excluding those in (1) above.

The college prohibits the possession or consumption of any alcoholic beverage on any campus of Wilkes Community College except when such alcoholic beverages are being used in an educational function or when alcoholic beverages are being used in an authorized function at the John A. Walker Community Center or the Watson Theater. All non-educational uses of alcoholic beverages at the John A. Walker Community Center and the Watson Theater shall comply with the General Statutes of the State of North Carolina, commonly referred to as the

ABC Laws. When relevant, all persons using WCC facilities must adhere to the college's procedure regarding animals on campus.

While college buildings and grounds are generally open from 6:00 a.m. to 10:00 p.m. daily, the college reserves the right to modify opening and closing hours as necessary.

### **III. RENTAL AND SERVICE FEES**

Fees for use of facilities, utilities, and/or janitorial services shall be recommended by the administrative council and approved by the board of trustees. The office granting permission for use of a college facility will notify the user of such costs at the time permission is granted to use the facility.

Adopted: 08/08/2019

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- I. The College and the Foundation continually seek private funds to enhance the College's ability to meet the higher education needs of the community. To that end, the College should provide appropriate recognition to donors. Naming recognition may take many forms; however, this policy is intended to establish guidelines when naming programs, buildings, facilities and other campus area for donors or for individual recognition.
  - II. Final authority for the naming of facilities rests with the board of trustees. The word "facility" as used in this document applies to buildings, rooms, streets, courts, athletic fields, gardens, courtyards, and other named places. Facilities may be named in honor or memory of individuals as well as businesses, corporations and organizations.
  - III. When considering the naming of a facility, a donor recognition task force shall be assembled for this purpose by the president and composed of members of the board of trustees, foundation board and college administration. This task force will offer guidelines and recommendations for such naming to the full board of trustees. Any new considerations will be reviewed by the task force and any changes necessitated by these will be added to the guidelines at subsequent times.
  - IV. The character and use of the facility to be named should be considered when a name is chosen. Individuals for whom facilities are named should, as a rule, be major financial donors or distinguished persons making other significant contribution (s) such as presidents, outstanding citizens, etc., whether living or deceased. Once a facility has been named by action by the full board of trustees, that name shall not be changed except under extreme circumstances and under further action of the full board of trustees.
  - V. The president or the executive director may indicate to potential major donors that the naming of facilities in their honor will be recommended to the donor recognition task force for their consideration. However, the fact that the board of trustees retains the sole authority to determine the naming of facilities is to be made clear to donors. The foundation board will recommend to the board of trustees the levels of giving for which the naming of facilities would be considered by the board of trustees.
  - VI. Additional requirements:
    - A. For naming rights based on financial contributions, the naming will occur with a completed pledge agreement through the Foundation and signed by both parties or when pledges are fulfilled.
    - B. Naming rights shall be for the life of the facility, program or area so long

as such is used for the same purpose as when the gift was made. Planned demolition or significant renovation shall terminate the naming recognition unless otherwise designated by the Board.

- C. Should the company, organization or individual making a naming gift, fail to fulfill their pledge, come into ethical, moral or legal disrepute in the College or community at large, the College reserves the right to discontinue the use of that name in association with the College.
- D. The College will make arrangements for a commemorative plaque and/or dedication ceremony as appropriate.

Adopted: 08/08/2019

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**I. USE OF ALCOHOLIC BEVERAGES APPROVAL REQUIRED.**

Alcoholic beverages may be permitted in College buildings or on College grounds only under approval by the President (or his/her designee) and the specific provisions of applicable ABC permits.

**II. ABC PERMITS.**

The following regulations shall apply:

- A. For events sponsored by the College, beer and unfortified wine may be sold at the John A. Walker Community Center as allowed by appropriate ABC permits. A copy of the permit must be displayed during the event.
- B. For patrons using College facilities for an event without admission fees and wishing to serve alcoholic beverages as part of the event, the College maintains a limited Special Occasion ABC permit that allows for the use of alcoholic beverages. A copy of the permit must be displayed during the event.
- C. For patrons using College facilities for an event where an admission fee is charged and wishing to serve alcoholic beverages as part of the event, a limited Special Occasion Permit specific to the planned event, and all other applicable permits for the use of alcoholic beverages, must be secured by the patron from the North Carolina ABC Commission. ABC permits must be presented to the appropriate college personnel no less than two (2) business days prior to the event. A copy of the permit must be displayed during the event.

**III. SECURITY.**

For any event where alcohol is served, a uniformed campus police officer or uniformed campus security officer must be present on the premises. The Chief of Campus Police or their designee will determine the number of officers that will be needed to cover the event based upon the specific event location, anticipated attendance, and nature of the event. The patron shall pay the full cost of providing such security. The use of private security companies, private security groups or individuals hired by the patron is not allowed. In specific cases, in order to meet the staffing needs for specific events, the Chief of Campus Police may request and employ the assistance of uniformed law enforcement officers from agencies outside of the college. All such requests for assistance from outside agencies will be made and approved by the Chief of Campus Police, prior to any such services being provided on college property. If outside law enforcement resources are needed for the event, the full cost of those resources will also be paid by the patron.

**IV. LIABILITY INSURANCE.**

Outside patrons must provide to the College a certificate of liability insurance in the amount of no less than one million dollars (\$1,000,000) and naming the College as an additional insured on said policy. A copy of the certificate of insurance must be received by the appropriate College personnel no less than five (5) business days prior to the event.

**V. SERVICE OF ALCOHOLIC BEVERAGES.**

The following regulations shall apply:

- a. Alcoholic beverages may be served only by and to adults age twenty-one (21) or older. The patron is required to ensure that all servers take precautions to ensure guests are not served inappropriate amounts of alcohol and to further ensure that no one under the age of twenty-one (21) is served.
- b. All alcoholic beverages must be served and consumed only in the area in which the ABC permit is posted.
- c. All alcoholic beverage distribution will be under the control of a bartender and/or caterer. Such distribution will be discontinued for a patron or an entire event at the discretion of a College official, a bartender or a security officer on duty.
- d. For facility use by outside parties, the caterer or patron must arrange to obtain the alcoholic beverages and transport them to and from the College facility.
- e. Common source containers without an individual server through a licensed and bonded caterer (e.g., kegs, alcoholic punches, etc.) are prohibited. Brown bagging is prohibited.

**VI. NO USE OF PUBLIC MONEY.**

No state or local tax dollars can be used to acquire or serve alcoholic beverages.

Adopted: 08/08/2019

Revised: 05/10/2023

**I. SCHEDULING FACILITIES**

The President is authorized to develop procedures for scheduling College facilities for classroom and laboratory space for instructional purposes and rooms/facilities for non-instructional purposes.

**II. SCHEDULING FACILITIES**

The President, Vice Presidents, Maintenance Supervisors and security personnel will be issued master keys for all facilities on the campus. Other employees will be issued keys, as needed, for individual offices, shops, classrooms, storage areas and laboratories.

No keys may be duplicated without prior written permission from \_\_\_\_\_.<sup>7</sup> If an individual loses their key, s/he must immediately report the lost key to \_\_\_\_\_.<sup>8</sup> When an employee is leaving College employment, all keys must be returned in order to complete the employee's exit procedure.

Adopted: 08/08/2019

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<sup>7</sup> Insert appropriate administrator

<sup>8</sup> Insert appropriate administrator

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The College is committed to providing a sustainable workplace by reducing, reusing and recycling resources, and adopting sound institutional energy and water conservation practices to enhance the long-term well-being of the College.

The President shall develop procedures to implement this Policy.

Adopted: 08/08/2019

All plantings on the College's campuses shall be:

- A. Ecologically appropriate and reflect the College's desire to be a thoughtful steward of the natural resources under its protection;
- B. Regionally adapted and suitable for landscape microclimates, pest pressures and the soils of the campus;
- C. Composed of native plants grouped in biodiverse natural associations when possible; and
- D. Educational, communicating a sense of place that helps students, faculty, staff, administrators, and guests understand the rich biodiversity and the limiting resources of the College's ecosystem.

Adopted: 08/08/2019

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For equipment where ENERGY STAR® certification is available, the College will make procuring ENERGY STAR® rated products a requirement if the additional cost is less than or equal to the resulting energy savings in a reasonable time. All purchased items must meet all North Carolina State Procurement Guidelines.

Adopted: 08/08/2019

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The College is committed to responsible energy and water management in support of its sustainability Policy. Faculty, staff and students are encouraged to play a role in promoting efficient, reduced energy and water use. The College community will strive to make office spaces, classrooms and shared spaces more energy and water efficient. In working towards this goal, individuals are encouraged to use the following procedures:

- A. Use common-sense energy saving measures such as turning off lights and equipment when leaving a room.
- B. Follow Procedure 2.2.7.2 - Energy Star Certified Products when purchasing appliances, computer equipment and devices.
- C. Equipment should be set on energy saving settings such as “sleep mode” when not in use.
- D. All plug-in devices, such as printers and scanners, are to be turned off when not in use. Use of personal printers and other devices is prohibited (this excludes lap-tops used for educational purposes).
- E. The use of space heaters is prohibited unless in an emergency.
- F. Close windows and exterior doors to prevent loss of conditioned/heated air.
- G. Use energy-saving technologies (e.g., “smart” energy strips, timers, sensors) whenever possible.
- H. College maintenance is responsible for setting thermostats for all buildings. If your room or office is not comfortable, send in a maintenance request (recommended temperature setting is 70-76 degrees);
- I. In cold weather, open drapes or blinds to let in sun and close them at night. In warm weather, close drapes or blinds during the day and open them at night;
- J. Place a maintenance request for any leaky faucets or toilets. Students should make reports to their instructor or advisor who then in turn will place a maintenance request.
- K. Consider using hand sanitizer gels or lotions instead of soap and water.
- L. Be proactive by submitting your ideas to the College administrators. When you see energy inefficiencies around you, contact the College administration to see how the

problem can be addressed.

- M. Carpooling, biking and use of public transit is strongly encouraged along with driving fuel efficient and low emissions vehicles.
- N. Recycle, re-use, rethink, repair is encouraged.
- O. Make use of electronic media rather than printing.
- P. Help your coworkers to be more energy efficient.
- Q. Use task lighting rather than overhead lighting.
- R. Remove bulbs in areas where overhead lighting is excessive.
- S. Set hot water temperatures at the minimum required.
- T. When driving College vehicles, do not sit and idle while waiting for the driver/passenger.

Adopted: 08/08/2019

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To reduce waste disposed in landfills and costs associated with waste disposal, the College adheres to a recycling program. Students, faculty, staff and visitors are strongly encouraged to recycle products in their respective spaces. This is made convenient by the College as each office, classroom, laboratory, etc. shall have a trash can and a recycling container. Recycling containers are also located in convenient locations throughout the campus grounds. Containers are provided for outdoor events when scheduled through the events calendar.

Adopted: 08/08/2019

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While still meeting State Procurement guidelines, paper, paper products and other related paper consumables purchased for use on campus should have the following attributes, which are listed in order of importance.

- A. Paper should come from a manufacturer that documents that their source materials come from a certified, sustainably managed, forest.
- B. Paper should have the highest level of recycled/recovered fiber content possible for intended use.
- C. Paper should come from vendors that have documented sustainable business practices and commitments.

Adopted: 08/08/2019

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Maintenance work requests are to be submitted by directors and supervisors to the Maintenance Supervisor. If there is a budget expenditure involved or reason why the request cannot be handled expeditiously, the Senior Vice-President of Administration will notify the appropriate dean or administrator.

Adopted: 08/08/2019

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## I. 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 and other animals on campus by qualified individuals with disabilities or individuals authorized to provide training.

## II. DEFINITIONS

- A. **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. Service Animals are limited to service dogs and, in some cases, miniature horses.
- B. **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 a daily living and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal".
- C. **Pets** – any animal that is not an Emotional Support Animal or a Service Animal.

## III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on College property. Subject to the rules set forth in section IV and V below, Emotional Support Animals and Service Animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons.

**IV. Responsibilities of the Service/Emotional Support Animal Owner/Handler****A. Registration****1. Service Animals**

Students and employees are not required to register Service Animals. However, they are encouraged to notify the Office of Disability Services (students) or the Office of Human Resources (employees) if they intend to use a Service Animal on campus so that appropriate College officials are aware of the animal's presence and to assist with the Service Animal's access to areas within the College's campus. Visitors with Services Animals are not required to register their animals.

**2. Emotional Support Animals**

Students and employees with disabilities may request permission to have an Emotional Support Animal on campus. The determination of whether this accommodation is granted shall be made based on the following considerations:

- 1) does the person have a disability that substantially limits one or more major life activities; 2) does the Emotional Support Animal perform tasks for the benefit of the person or provide emotional support that alleviates one or more of the identified symptoms; 3) is the request an undue burden on the College or does it fundamentally alter a College program.

Any requests for an Emotional Support Animal accommodation shall be directed to the Office of Disability Services (students) or the Office of Human resources (employee).

After the College has made a determination that an Emotional Support Animal is allowed on campus (see Section B.2), the student or employee must register the animal with the Disability Services Office (students) or the Office of Human Resources (employees).

**3. Care and Supervision**

1. The care and supervision of a Service/Emotional Support Animal is the responsibility of the animal's owner and/or handler.
2. The handler 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 tag at all times.
3. The Service/Emotional Support Animal must be under the control of the handler at all times and may not be left alone. A Service/Emotional Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length. In situations where a leash or other device interferes with a Service Animal's ability to perform its task or service, the Service Animal must remain under the control of the handler at all times.
  4. The handler of the Service/Emotional Support Animal is responsible for any damage of personal property or any injuries to an individual caused by the Service/Emotional Support Animal.
  5. The handler must ensure the animal is "housebroken" and trained and must clean up and remove all animal waste created by the animal.
  6. The Service/Emotional Support Animal may not disrupt the operation of the College or any class.

**V. Responsibilities of the College Community**

If the need for a Service Animal is obvious, College officials may not question the presence of the animal on campus. If the need for a Service Animal is not obvious, College officials are permitted to ask the handler two questions:

1. Is the animal required because of a disability?
2. What work or task(s) has the animal been individually trained to perform?

At no time may a College official 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 to the Office of Disability Services (student) or the Office of Human Resources (employee). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

**VI. Removal of Service/Emotional Support Animals**

The College has the authority to remove a Service/Emotional Support Animal from its facilities or properties if the Service/Emotional Support Animal becomes unruly or disruptive, unclean and/or unhealthy, and 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. 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.

Adopted: 08/08/2019

Cross Reference: Policy 3.4.9; Policy 5.4.5

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**I. USE OF ARCHITECTS AND/OR ENGINEERS**

As required by N.C.G.S. § 133-1.1 and the Office of State Construction (“State Construction”), the College must use a licensed, registered, architect and/or engineer for College buildings that are being repaired and/or constructed. In addition, architects and/or engineers may be used for other services including:

- A. Preparing feasibility studies for additions, alterations or renovations of existing facilities;
- B. Providing consulting services on technical matters;
- C. Providing services related to long-range planning or facility design; and
- D. Assisting in the preparation and submission of any documents requested by other governmental agencies.

**II. SELECTION PROCESS FOR ARCHITECTS, ENGINEERS, SURVEYORS AND OTHER CONSTRUCTION DESIGN SERVICES**

**A. Project Expenditures \$500,000 or Greater<sup>9</sup>**

- 1. The President shall solicit proposals from design service providers based on a request for qualifications using a uniform criterion that the President deems relevant. At a minimum, the College shall publicly advertise on the State of North Carolina Interactive Purchasing System website for a period of at least fifteen (15) calendar days<sup>10</sup>.
- 2. The President shall provide a list of the qualified, responsive service providers to the Board for its consideration and approval. The Board, or a committee thereof, will select its top three candidates ranked in order.
- 3. A North Carolina resident firm will be granted a preference over a nonresident firm if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner,

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<sup>9</sup> Under NCGS 143-64.31 and -64.32, K-12 schools and NCDOT must use the request for qualifications process for all projects with an estimated **design professional fee** of \$50,000 or greater. G.S. 143-64.34, however, only requires the request for qualifications process for community colleges where the estimated **project cost** is more than \$500,000. Whether the Board wants to lower this threshold is voluntary.

<sup>10</sup> Required by NCGS 143-64.31-.34 and State Construction Manual.

on the same basis and to the same extent as the preference granted by the nonresident firm's home state. The solicitation documents must require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

4. State Construction will conduct contract negotiations with the top ranked candidate. If a fair and reasonable fee cannot be agreed upon, State Construction will negotiate with the next ranked candidate and so forth. The contract with the selected design professional will be developed by State Construction. The Board will approve the final contract or delegate this authority to the President to approve and execute the contract.

**B. Project Expenditures less than \$500,000**

1. The request for qualification process outlined above is not required; however, the President may use this selection process if s/he so desires.
2. The President is authorized by the Board to enter into such contracts within the price limitation. The contract with the selected design professional must be reviewed by the Board's attorney and meet all applicable laws and Board policies.
3. At the next regularly scheduled Board meeting, the President will, as information items, update the Board on all contracts executed under this section.

**C. Annual Service Agreements<sup>11</sup>**

The Board may enter into an Annual Service Agreement. An Annual Service Agreement is a contract option when the College needs the services of a design professional for projects under \$300,000 on a fixed term basis for the period of one (1) year. Annual Service Agreements may be extended for a term of one additional year. No individual fee shall exceed \$36,000 per project. Total fees shall not exceed \$150,000 for the first year or \$300,000 for the two-year period regardless of the number of projects.

1. The President or designee shall solicit qualifications for Annual Service Agreements from design service providers (one RFQ for engineering services category and one RFQ for architect services category) based on a request for qualifications using a uniform criterion that the President deems relevant.

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<sup>11</sup>Optional.

2. The President shall provide a list of the qualified, responsive design service providers in both categories to the Board or appropriate committee of the Board. The committee will recommend its top candidate and one alternate for each category and shall present its recommendation to the Board. The Board will vote on the recommendation.
3. The President is authorized by the Board to enter into such contracts within the price limitation. The contract with the selected design professionals must be reviewed by the Board's attorney and meet all applicable laws and Board policies.
4. All contracts shall be for a term of one (1) year. The President is authorized to extend the term of the contract for one (1) additional year. At the end of two years, if the contract is extended, or if the contract is not extended after one year, the President will repeat the RFQ process.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 133-1.1, 143-64.31 - .34; [State Construction Manual – Chapter 300](#)

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## **I. STANDARDS FOR PARTICIPATION IN CONSTRUCTION CONTRACTS**

All contracts formally or informally bid will be awarded to the lowest responsible, responsive bidder taking into consideration quality, performance, reliability and the time specified in the bids for performance of the contract. Prior to bidding, contractors may be required to prequalify. For all contracts valued at \$1,000 or more, the Board will ensure that each bidder it is not a restricted company identified on the state treasurer's list per N.C.G.S. § 147, Articles 6G and 6E (see Policy 6.3.12 – Companies that Boycott Israel and Iran Divestment List).

The Board may request bids for contracts to build using the following construction delivery methods: single prime, multi-prime, construction management at-risk, dual bidding, design build, design-build bridging and public-private partnership methods permitted by law.

## **II. BIDDING METHODS**

### **A. Formal Bidding Range (\$500,000 and greater)**

All construction and repair work requiring the estimated expenditure of \$500,000 or more will be advertised for bid and awarded using the formal bidding requirements pursuant to N.C.G.S. 143-129. Dividing contracts to lower the expenditure amounts to evade formal bidding requirements is prohibited. The Board authorizes the use of newspaper advertisement, electronic advertisement or both for formal bids; however, the President is authorized to determine which method will be used for a specific purchase or categories of purchases. The President shall comply with all State Construction Office bidding requirements.

### **B. Informal Bidding Range (\$30,000 to \$500,000)**

Informal bids will be obtained for construction and repair contracts below \$500,000. The College will make a reasonable effort to obtain three (3) quotes. Quotations from contractors may be solicited by telephone, email and fax. A record must be kept of all bids received. For telephone quotes, a written log sheet will be completed by the person receiving the quote.

The President may use the informal bidding method or solicit bid proposals and enter into Annual Service Agreements with contractors for a term of no more than two years in the following categories: a) roofing; b) HVAC; c) plumbing; and d) electrical. Annual Service Agreements are only applicable for projects costing less

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Several community college have asked about open-ended contractors for small projects. This is an option; but, the limit must be less than \$30,000 per project. Otherwise, the selection must go through informal bidding.

than \$30,000 and the College cannot divide projects to evade the bidding requirements.

The President is authorized by the Board to enter into such contracts within the price limitation. The contract must be reviewed by the Board's attorney and meet all applicable laws and Board policies.

### **III. BONDS FOR CONSTRUCTION PROJECTS**

#### **A. Bid Bond**

For all projects in the formal bidding range, no proposal for construction or repair work may be considered or accepted by the Board unless at the time of its filing, the bid is accompanied by a deposit with the Board of cash, a cashier's check or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the bid. In lieu of making the cash deposit, a bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will, upon demand, make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within ten (10) days after the award or fails to give satisfactory surety.

#### **B. Performance and Payment Bonds**

For all construction and repair contracts within the financial limits specified in N.C.G.S. 44A-26(a), the Board requires from all contractors or construction manager at risk a performance and payment bond for the entire value of the project.

### **IV. PARTICIPATION BY WOMEN AND MINORITY-OWNED BUSINESSES**

The Board will make a good faith effort to reach the State of North Carolina's verifiable percentage goal of ten percent (10%) participation in construction contracts by minority and female-owned businesses.

### **V. AUTHORIZATION TO ENTER CONSTRUCTION CONTRACTS**

The Board hereby delegates to the President the authority to enter into all construction and repair contracts in the informal bidding range. At the next regularly scheduled Board meeting, the President will, as information items, update the Board regarding all contracts executed under this section. All State Construction documents and requirements will be used for informal contracts.

All construction and repair contracts in the formal bidder range must be approved by the Board. All State Construction documents and requirements will be used for formal contracts.

## **VI. CHANGE ORDER AUTHORIZATION**

After a contract for construction or repair work has been awarded, the need may arise to amend the terms, conditions or specifications of the contract by a change order. Change orders may not be used or divided to evade bidding requirements.

### **A. Change Orders Approved by the President**

Unless otherwise prohibited by statute or regulation, the President is authorized to approve change orders involving additive or deductive sums up to \$\_\_\_\_\_<sup>12</sup> as funding for the change order is available within the established project budget.

At the next regularly scheduled Board meeting, the President shall report to the Board all change orders that were approved by the President including those that do not impact the contract amount. The report will include the following information: (1) the contractor's name; (2) the project name; (3) a brief description of the change; (4) the contract amount, including amount(s) of any prior changes; and (5) the change order amount. The President is not required to report any proposed change order that was denied by the President.

### **B. Change Orders Approved by the Board**

Change orders that involve amounts over the limit specified above or are more than the remaining funds in the project budget require Board approval. The President shall present all such proposed change orders that are recommended for approval to the Board at a Board meeting. The President is not required to present to the Board any change order not recommended for approval.

If, in the President's opinion, a change order requires expedited review, the President shall notify the Board Chair who will decide whether a special meeting must be called to address the proposed change order before the next Board meeting.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 44A-26; 143-128, -128.3 and -128.3; -128.4, -129; -133.3, -135.26; 147- Articles 6C and 6G; [State Construction Manual](#)

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<sup>12</sup> In lieu of a dollar amount, this could also be a percentage (i.e., 10% of the project budget).

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The Board may, with the prior approval of the North Carolina Community Colleges System Office, convey a right-of-way or easement for highway construction or for utility installations or modifications. When, in the Board's opinion, the use of any other real property owned or held by the Board is unnecessary or undesirable for the purposes of the College, the Board, subject to prior approval of the State Board of Community Colleges, may sell or dispose of the property. For purposes of this Policy, "dispose" means "lease, exchange or demolish". The Board may dispose of any personal property owned or held by the Board without approval of the State Board of Community Colleges. Personal property titled to the State Board of Community Colleges consistent with N.C.G.S. §§ 115D-14 and -58.5 may be transferred to another community college at no cost and without the approval of the Department of Administration, Division of Surplus Property.

Article 12 of Chapter 160A of the General Statutes shall apply to the disposal or sale of any real or personal property. Personal property also may be disposed of under procedures adopted by the North Carolina Department of Administration. The proceeds of any sale or lease shall be used for capital outlay purposes, except, if real or personal property is donated to the College to support a specific educational purpose, the Board may use the proceeds from the sale or lease of the property according to the terms of the donation.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-15

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The College shall periodically review and update its mission statement through a strategic planning process and submit any revisions to the Board for ratification. The College's mission statement must be consistent with requirements contained in the North Carolina General Statutes and by the North Carolina Community College System.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-1; 1A SBCCC 200.1

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The College shall maintain an ongoing planning process. At a minimum, the College's plans shall address program and facility needs; shall include the College's mission, goals and objectives, consistent with the mission of the System and with the State Board's priorities; and shall provide for evaluation of student outcomes.

Adopted: 08/08/2019

Legal Citation: 1B SBCCC 400.2

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The College follows a five-year strategic planning cycle; however, College leadership changes may result in extensions to the cycle's time frame. Every five years, the Board sets five-year goals for itself during its annual retreat. The President's Administrative Council uses the Board's goals and data generated from College surveys and focus groups to revise the College's mission statement and vision statement (if necessary) and to set several measurable five-year goals as the College's strategic plan. While the strategic plan is a five-year process, goals will be evaluated at least annually.

These goals drive the College's organization, communication and resource allocation for the next five years. The Administrative Council will identify core team members for each of the goals. Teams are made-up of membership from throughout the College based on the focus of each team. These teams meet frequently and reevaluate goals annually.

Once teams are formed, they will operate in pursuit of the five-year goals' objectives. Teams may enlist other College personnel as needed for both ad hoc and recurring tasks. Teams meet frequently and the chairs of each team shall meet with each other quarterly to update the College on team progress and to coordinate team efforts.

At the end of each five-year cycle, teams shall make recommendations based on the achievement (or lack thereof) of the College's goals. These recommendations will be used by the Administrative Council in setting the next five-year goals.

Adopted: 08/08/2019

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The Wilkes Community College Foundation accepts gifts on behalf of Wilkes Community College, according to its Articles of Incorporation, which can be found on the college website.

Charitable donations are anything of value given to the College including, but not limited to: restricted and unrestricted gifts of cash, property, equipment or other forms of gifts-in-kind. Except in instances of donor preference or for some other compelling reason, gifts to the College should be channeled through the Foundation.

The Foundation follows the guidelines outlined in the agreement between Wilkes Community College and Wilkes Community College Foundation as it pertains to the respective responsibilities, services, and relationships between the two entities.

The President (or designee) is authorized to develop procedures to address charitable donations made directly to the College.

Adopted: 08/08/2019

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- I. Except in instances of donor preference or for some other compelling reason, gifts to the College should be channeled through the Foundation.
  - II. All gifts to the College must be approved by the President (or designee) before they can be accepted. Individuals offering gifts to the College through a College employee should be directed to the President (or designee) who will decide to either:
    - A. Accept a gift depending upon the conditions of the donation, any restrictions, the gift's future benefit to the College, potential use, maintenance and operation costs, insurance and/or cost of disposal; or
    - B. Refuse an offer of a gift if conditions of the offer so warrant (i.e., restrictions on use, the gift's future benefit to the College, potential use, maintenance and operation costs, insurance, and/or cost of disposal).
  - III. Once the President decides on an offer of a gift to the College, either a letter of acceptance and appreciation or explanation of refusal should be sent to the donor by the President. It may be appropriate to send the donor additional letters of appreciation from other College representatives.
  - IV. For any donation given to the College, the Foundation shall generate and send a letter to the donor which contains an acknowledgment of the donation and the date the donation was given. The Foundation shall keep all donation acknowledgement letters on file for a minimum of three (3) years and will only destroy or discard them pursuant to Policy 2.3.11 – College Records.
  - V. If the value of a noncash donation exceeds \$5,000, in addition to the letter, the College/Foundation shall also complete the "Donee Acknowledgement" portion of Federal IRS Form 8283.
    - A. The College shall keep all donation acknowledgement letters on file for a minimum of three (3) years and will only destroy or discard them pursuant to Policy 2.3.11.
    - B. If the College sells, exchanges or otherwise disposes of the donation within three (3) years of receipt, it will file Federal IRS Form 8282 with the IRS and provide the donor a copy of the form.
  - VI. The College will not accept donations of hazardous materials or chemicals.

Adopted: 08/08/2019

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**I. GENERAL PROVISIONS**

Pursuant to N.C.G.S. § 115D-21, the College shall enforce the following traffic regulations.

- A. Chapter 20 of the North Carolina General Statutes regarding the operation of motor vehicles on North Carolina highways shall apply to the College's streets, roads, alleys and driveways along with all other rules and regulations contained herein. These regulations shall apply on a twenty-four (24) hour basis.
- B. The speed limit on any College street, road, or alley shall be the maximum of 25 miles per hour.
- C. While on the College campus, all drivers shall comply with the Campus Police Officer's legal instructions and shall obey all traffic and parking laws and regulations. The College shall be responsible for ensuring that the necessary signs are erected and maintained on the campus.
- D. The College shall ensure that information about operating a motor vehicle on the College's campus is given out at every student orientation and registration. A copy of this Policy shall be included in all student handbooks. Failure to obtain a copy of this Policy or not knowing the traffic laws is not an excuse or justification for violation of the laws and regulations.
- D. All vehicles operated on campus must be properly registered and display a College parking pass. Students, faculty and staff must register their vehicles within the first five (5) business days of being hired (for employees) or within two (2) business days of class (for students).
- E. Any vehicle that is driven by or is transporting a person who is handicapped and that displays a state-issued license plate, a removable windshield placard or a temporary removable windshield placard may park in designated handicap spaces on campus. No one will be allowed to park in designated handicapped spaces without the proper license plate or placard.
- F. Temporary Parking Permits. Visitors – Visitors and clients doing business with the College may obtain a temporary parking permit. This permit is not valid for College employees or students. Visitors and clients may park in any legal parking space on campus. Visitors and clients must have a state-issued distinguishing license plate, a removable windshield placard or a temporary removable windshield placard to park in designated handicapped spaces.

**II. SPECIFIC PROVISIONS**

- A. Campus Police Officers shall have the authority to issue citations for all moving violations and handicapped parking violations. For a complete list of all moving violations, see Chapter 20 of the North Carolina General Statutes. Such moving violations include, but are not limited to:
1. Reckless driving.
  2. Driving faster than the posted speed limit.
  3. Failure to obey traffic signs.
  4. Failure to yield right-of-way at pedestrian crossings.
  5. Following too closely.
  6. Driving while impaired or driving under the influence of alcohol or drugs.
  7. Failure to yield to emergency vehicles.
  8. Operating a vehicle that creates a safety hazard.
  9. Parking in a designated handicapped space without the proper license plate or placard.
- B. Campus Police Officers and other College personnel authorized by the President shall have the authority to issue parking citations for violations including, but not limited to:
1. Parking in a restricted parking lot or zone.
  2. Parking on grass (unless a sign indicates permission).
  3. Blocking any legally parked vehicle.
  4. Affixing a parking decal to a vehicle other than that for which it was issued.
  5. Parking against traffic flow.
  6. Blocking or obstructing traffic, street, crosswalk, sidewalk, fire hydrant, building entrance or exit.
  7. Parking where protruding into a lane of traffic.
  8. Double parking.
  9. Parking on shoulder of road (unless a sign indicates permission)
  10. Failure of two-wheeled vehicles to park in designated areas.
  11. Parking a vehicle in any manner that creates a safety hazard.
  12. Leaving a vehicle on campus overnight without having prior permission and notifying Campus Police Officers.

**III. CITATIONS**

The following system of citations shall be used.

- A. Moving and Handicapped Violations (Section II(A))
1. Campus Police Officers have the legal authority to issue citations for all moving violations and handicapped parking violations. Citations shall carry a penalty or fine as set forth in Chapter 20 or Chapter 14 of the North

Carolina General Statutes; if no fine or penalty is specified in statute, the fine shall be no more than one hundred dollars (\$100.00).

2. The Campus Police Officer issuing the citation will advise the violator of the scheduled court date and procedure for payment of the fine.
3. In addition, employees and students are subject to disciplinary action pursuant to Board policy.

**B. Parking Violations (Section II(B))**

1. The first parking violation shall result in a citation placed on the vehicle and a five-dollar (\$10.00) fine per offense. The fine must be paid within thirty (30) calendar days or the violator will lose his/her parking privileges until the fine is paid.
2. A second parking violation shall result in a citation placed on the vehicle and a five-dollar (\$25.00) fine per offense. The fine must be paid within thirty (30) calendar days or the violator will lose his/her parking privileges until the fine is paid. Also, the violator will receive a follow-up letter that should s/he receive another parking citation, s/he will lose his/her parking privileges on campus for the remainder of the academic year.
3. A third parking violation will result in the vehicle's towing and loss of parking privileges on campus for the remainder of the academic year.
4. During the first two (2) class days of each semester, warning citations shall be issued for improper parking. Beginning with the third-class day, the rules outlined herein shall be enforced.
5. Student registration for new/additional courses or release of transcripts will be blocked until all parking tickets have been paid.
6. In addition, employees and students are subject to disciplinary action pursuant to Board policy.
7. All abandoned vehicles and vehicles blocking a drive, obstructing the flow of traffic, creating a safety hazard, parked in a fire lane, loading zone, or designated tow-away zone or for third parking offense violation are subject to tow-away or immobilization by a restraining device at the full expense of the owner.
8. All proceeds of civil penalties collected shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with N.C.G.S. § 115C-457.2.

**IV. APPEAL**

Individuals receiving a citation pursuant to Section II(B) may appeal in writing to the Dean of Enrollment Services within ten (10) calendar days of receipt of the citation. The Dean of Enrollment Services will review the matter and his/her decision shall be final.

Adopted: 08/08/2019

Revised: 04/07/2022

Legal Reference: N.C.G.S. Chapter 20; N.C.G.S. § 115D-21.

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Free speech, which includes the right to distribute material and peacefully assemble, is central to the College's academic mission. The College encourages and supports open, vigorous and civil debate across the full spectrum of society's issues as they present themselves to the College community. At the same time, limitations on activities on College property are necessary so that the College may fulfill its primary mission of educating students. The use of outdoor space on the College's campus does not represent an endorsement or support by the College of the content or viewpoints expressed by the individual or group using the space. The College is a limited public forum and does not discriminate based on content or viewpoint.

The President is authorized to develop procedures for public use of the College's outdoor spaces for distribution of material and assembly.

For issues dealing with the use of indoor spaces and facilities, see Policy 2.2.3 – Facility Use.

Adopted: 08/08/2019

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The College is a limited public forum that does not regulate speech or activities based on content or viewpoint. All individuals using College Space must comply with the following Procedures. These Procedures only apply to the use of College Space and not to the use of facilities on campus. For more information regarding facility use, see Policy 2.2.3 – Facilities Use.

Nothing in these Procedures prohibits College Members from engaging in conversations with others on the College campus nor does it prohibit any College-sponsored activity.

**I. DEFINITIONS**

- A. College Members – students who are currently enrolled at the College, registered student organizations, and/or individuals currently employed by the College.
- B. College Space – all outdoor areas on the College campus.
- C. College Use – use of a College Space by the College for official College business and/or functions.
- D. Designated Area(s)<sup>1</sup> - areas on campus in which the College permits noncommercial expressive activities of College Members and Non-Members on a first come first-served basis unless the use of such area(s) have been previously scheduled pursuant to other provisions of this Policy. The President, or designee, is authorized to designate other areas on campus as Temporary Designated Areas when needed dependent on the location and size of a specific event or activity. Temporary Designated Areas are not permanent and will end after the specific event or activity. The following locations are the College’s designated areas: Wilkes Campus-Front Lawn; Ashe Campus—Front Lawn of Poe Hall; and Alleghany Center-designated area in parking lot.
- E. Non-College Members – any individuals who are not currently enrolled at the College and/or are not currently employed by the College.

**II. USE OF DESIGNATED AREAS BY COLLEGE MEMBERS**

- A. The College is committed to making the majority of its outdoor College Space, including the Designated Areas, available to College Members who wish to exercise their rights of speech, distribution of material, and assembly.

- B. Except for assemblies, activities, or other use where 30 or more people are expected to attend, reservations to use Designated Areas by College Members are not required but are recommended for planning purposes. Reservations ensure that the desired space will be available on the desired date and time. For more information about reservations, see Section IV (B).
- C. For assemblies, activities, or other use where 30 or more people are expected to attend, reservations of the Designated Area are required and should be made at least two (2) business days prior to the start of the activity. Where an event was not initially expected to have more than 30 people but evolves to exceed 30 people, the College Member in charge of planning the event shall make reasonable efforts to inform a designated administrator of the activity with as much time as possible under the circumstances.
- D. The College maintains the right to reserve any Designated Area at any time, with or without prior notice, for College Use and such use will take priority over any other use.
- E. All outdoor assemblies or events in Designated Areas may not be conducted within thirty (30) feet of any building or otherwise interfere with free flow of vehicular, bicycle, or pedestrian traffic.

### **III. USE OF DESIGNATED AREAS BY NON-COLLEGE MEMBERS**

- A. Except as stated herein, Non-College Members shall be allowed to use the Designated Areas between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays when the College's general curriculum classes are in session. The Designated Areas are not available on weekends or when the College is closed. The College maintains the right to use the Designated Area at any time, with or without prior notice, for College Use and such use will take priority over any other use.

If on the weekends the College is having an official College event or if a speaker or group is hosting an event that is open to the general public and/or is a matter of public concern, the Designated Area, or Temporary Designated Area, if so established, will be open to Non-College Members at times established by the President or designee.

- B. Any Non-College Members will be allowed to use the Designated Areas within the time restriction. All Non-College Members must complete a Reservation Form (the "Form") no later than three (3) business days prior to the start of the activity.
- C. The College will assign use of a Designated Area on a first come, first serve basis; however, the College may regulate hours to fairly accommodate multiple groups.

**IV. USE OF COLLEGE SPACES OTHER THAN DESIGNATED AREAS**

- A. Reservations of College Spaces that are not Designated Areas are required for any use by individuals or groups, whether College Members or Non-College Members. Use of any College Spaces may be denied when such use may disturb the conduct of regular College activities. Reservations must be made at least three (3) business days prior to the activity. For activities in which 30 or more people are expected to attend, it is recommended that reservations are made as soon as possible, but no later than three (3) days in advance.
- B. College Space must be capable of accommodating the event as determined by the nature of the activity, staging requirements, and the anticipated audience. All activities must be in compliance with College health and safety policies, the North Carolina Fire Prevention Code, and local fire and life safety regulations.

**V. GENERAL RULES AND REGULATIONS FOR BOTH COLLEGE AND NON-COLLEGE MEMBERS**

- A. While expressing speech, distributing material, or assembling, both College and Non-College Members are prohibited from doing the following:
  - 1. Engaging in non-protected speech such as obscenity, speech inciting criminal conduct, speech that constitutes a clear and present danger, or speech that constitutes defamation.
  - 2. Touching, striking, approaching, or impeding the progress of pedestrians in any way, except for incidental or accidental contact.
  - 3. Obstructing the free flow of pedestrian or vehicular traffic.
  - 4. Using sound amplification or creating noise levels that are reasonably likely to or do cause a material and substantial disruption to the College educational environment and/or operations.
  - 5. Damaging, destroying, or stealing College or private property.
  - 6. Endangering the health or safety of persons; and
  - 7. Possessing or using firearms, explosives, dangerous weapons, or substances not allowed on campus by law or by College policy (e.g., drugs, alcohol, tobacco, non-service animals, etc.).

Any acts that are disruptive to the College's normal operations will not be tolerated and may result in an immediate termination of the activity.

- B. Individuals may distribute pamphlets, booklets, brochures, and other forms of printed materials on the condition that such material is designed for informational (not commercial) purposes. Individuals distributing materials must provide a receptacle for the disposal of such materials. The College does not assume any obligation or liability for the content of such distributed material. Any signs used

may not be larger than three (3) feet by four (4) feet in size. Signs must either be held by participants or be freestanding signs that do not stick into the ground. No signs may be mounted on buildings, trees, or other College property.

- C. Individuals are responsible for the cleanliness and order of the area they use. Individuals shall leave the area in the same condition it was in before the activity. Individuals who damage or destroy College property shall be held responsible for such damage or destruction. This includes the campus buildings, sidewalks, lawns, shrubs, and trees.
- D. Individuals are subject to sanctions for failing to comply with these procedures or other College policies. Such sanctions may include, but are not limited to repairing, cleaning, painting, replacement costs, restitution (by order of a court), and being banned from future use. College Members may also be subject to College disciplinary action as outlined in the College policies and procedures. Individuals who violate these procedures may be issued a trespass warning and denied future access to College premises. Violations that require police intervention will be reported to the College's security forces.

## **VI. REQUESTING RESERVATIONS FOR USE OF DESIGNATED AREAS AND OTHER COLLEGE SPACES**

- A. The College does not restrict assemblies, speech, or other activities based on the content or viewpoint. The purpose of reservations is to ensure there is adequate space at the requested date and time and to ensure the health and safety of those on the College campus.
- B. All reservation requests should be submitted on the appropriate form to the Office of the Dean of Enrollment Services.<sup>2</sup> Reservations will cover only one (1) day at a time. Requests for standing dates (e.g., every Tuesday) will not be honored.
- C. The Office of Dean of Enrollment Services may deny a request to reserve space for an activity if:
  - 1. the applicant has not completed a reservation request form as required under this policy.
  - 2. the reservation request contains a material misrepresentation or materially false statement.
  - 3. the reservation request is not submitted within the required time frame.
  - 4. the applicant has been notified of damage to College property from use in the past and has not paid for repairs.
  - 5. the reservation request is for a time that conflicts with the time of another preexisting reservation and there will not be sufficient room for the requested reservation.

<sup>2</sup>Insert appropriate administrator or office (e.g., student life, etc.).

6. the request to use College Space is scheduled at a time that conflicts with another preexisting reservation or the use of College Space at the requested time will interfere with a regularly scheduled College Activity; or
7. the use or activity would present an unreasonable health or safety danger.

The denial to use a College Space or Designated Area may be appealed through the College's grievance and complaint policies.

## **VII. POLLING PLACES ON CAMPUS**

If campus buildings are used as public polling places, all activity must be in accordance with statutory and state/local Board of Elections requirements.

## **VIII. CITY SIDEWALKS<sup>3</sup>**

City sidewalks that run along the borders of or within the College's campus are public forums and are available to all members of the public. Use of city sidewalks must comply with federal and state laws as well as city ordinances.

**Adopted:** 08/08/2019

**Revised:** 07/2021; 01/06/2022

Legal Reference:

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<sup>3</sup>Optional, if the campus has city sidewalks on the perimeter or interior of campus.

**WILKES COMMUNITY  
COLLEGE**

**CAMPUS FREE  
SPEECH,  
DISTRIBUTION OF  
MATERIAL &  
ASSEMBLY  
REGISTRATION  
FORM**

**FORM  
2.3.5.1**

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Except as stated herein, Non-College Members shall be allowed to use Designated Areas to conduct protected First Amendment activities between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays when the College's general curriculum classes are in sessions. The Designated Areas are not available on weekends or when the College is closed. The College maintains the right to use the Designated Areas at any time, with or without prior notice, for College Use and such use will take priority over any other use.

If on the weekends the College is having an official College event or if a speaker or group is hosting an event that is open to the general public and/or is a matter of public concern, the Designated Areas, or Temporary Designated Area, if so established, will be open to Non-College Members at times established by the President or designee; provided, however, that the Designated Areas must be open at least one and one-half hours prior to and after the event.

Pursuant to Procedure 2.3.5.1 ("Procedure"), all Non-College Members must complete a Registration Form ("Form") and submit it to the Dean of Enrollment Services ("College Administrator") no earlier or later than three (3) business days prior to their activity on campus. The purpose of this Form is to make sure there is adequate space in the designated area during the day and time of your request and to allow the College to make any necessary plans prior to your use. The College will assign use of a designated area on a first come, first serve basis; however, the College may regulate hours of use to fairly accommodate multiple groups.

The College does not restrict speech and/or activities based on content or viewpoint. For more information and for a list of general rules and regulations, you can access the Procedure on the College website.

Name: \_\_\_\_\_

Requested Date and Time: \_\_\_\_\_

Brief Description of Activity: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Anticipated Number of People: \_\_\_\_\_

\*\*\*\*\*

(To be Completed by College Administrator)

Approved Date and Time: \_\_\_\_\_

Designated Area: \_\_\_\_\_

Signature: \_\_\_\_\_ College Administrator

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The President shall establish procedures concerning who is responsible for all College publications and pre-publication review of all promotional and marketing materials which pertain to the College or its programs and which are designed for public viewing. Materials under this Policy include, but are not limited to: brochures, handbooks, catalogs, multimedia and programs for special events. Instructional classroom materials generated and used by instructors in their classrooms are not subject to this Policy.

Adopted: 08/08/2019

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- I. The President, or the President's designee, shall review, before distribution, all official College publications. Such publications include, but are not limited to: advertisements, catalogs, brochures, flyers, manuals or handbooks, leaflets, news releases, special reports, newsletters, schedules, posters, displays, multimedia presentations, memos or mass mailed letters.
  - II. All publications must have prior approval of the respective project/program supervisor, be coherent in design and presentation and convey a positive image that supports the College's mission.
  - III. All College publications and advertisements printed with state or local funds should carry the statement that the College is an equal opportunity employer.
  - IV. College employees involved in the creation or production of any official or divisional publications should familiarize themselves with intellectual property and copyright laws before using another person's material in a publication.

Adopted: 08/08/2019

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- I. Campus bulletin boards are provided for employees and recognized student organizations. For purposes of this Policy a "recognized student organization" is defined as an organized student group that is recognized by the Student Government Association.
  - II. The use of campus bulletin boards by recognized student organizations or College employees is subject to the following general regulations:
    - A. All materials posted on campus bulletin boards must be directly related to College programs, events, clubs or services.
    - B. All posted materials must: a) be clear and legible; b) include the sponsoring club or College program/division/department name; c) include the date; and d) provide current contact information.
    - C. Posted materials shall not include language that is obscene or language that: a) incites criminal conduct; b) constitutes a clear and present danger; or c) causes a substantial disruption in the College's business operations.
    - D. All notices must be posted on a bulletin board. No notice, advertisement, document or signage of any kind may be affixed to any building, wall, window, door, street, sidewalk, traffic sign, campus signage, light post or pole, trash can, staircase, railing, tree or other vegetation or any other part of the campus. Campus bulletin boards are the sole designated location for posting communications.
    - E. Flyers may remain on a bulletin board for three weeks or two business days after the event or service advertised has ended, whichever is sooner. It is the responsibility of the recognized student organization or College employee to remove its advertisement in a timely manner.
  - III. Public Bulletin Boards are provided for the posting of community events, activities, jobs and resources.
  - IV. Any violation of these provisions shall result in the immediate forfeiture of the privilege of using campus bulletin boards and possible disciplinary action.
  - V. The College reserves the right to remove fliers and signage without notice if it is outdated or does not adhere to this Policy.

Adopted: 08/08/2019

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- I. The College's logo is the College's primary identifying element. It represents the College's brand and promotes immediate identification. The College's logo is to be used on all approved and reviewed College publications, both print and electronic, as well as on approved social media sites. The location of the logo on the document is usually determined by the design of the publication or advertisement. Unique logos for individual divisions, departments or programs are not permitted. However, the President may approve an addition to the College's logo to allow a department or program to distinguish its identity.
  - II. The College's official seal is reserved for official documents and publications representing the Board or the President. The seal may be used on publications and advertisements only by the President's expressed permission.

Adopted: 08/08/2019

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The College shall comply with the Americans with Disabilities Act of 1990, as Amended ("ADA"). To achieve compliance, the College shall:

- A. Provide notices concerning the ADA.
- B. Designate a responsible employee to coordinate ADA compliance.
- C. Ensure that existing facilities are readily accessible to or usable by individuals with disabilities through structural changes in facilities or through other methods that are equally effective to make services, programs and activities accessible.
- D. Eliminate eligibility criteria that screens out or tends to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any service, program or activity being offered.
- E. Administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- F. Take appropriate steps to ensure that communications with persons who are disabled are as effective as communications with others, including the furnishing of appropriate auxiliary aids and services.

The College may from time to time engage in an accessibility audit of its facilities and programs. The College will maintain the self-evaluation and make it available to the public for three (3) years. All allegations concerning disability discrimination or harassment shall be addressed through Policy 3.3.7 – Discrimination and Harassment (employees) or Policy 5.3.4 – Discrimination and Harassment (students).

Adopted: 08/08/2019

Legal Reference: 42 U.C.S. § 12101, P.L. 110-325

**I. GENERAL POLICY**

The College will retain and destroy records in accordance with this Policy and the approved [Record Retention and Disposition Schedule](#) (“the Schedule”) for community colleges adopted by the North Carolina Department of Cultural Resources and the North Carolina Department of Community Colleges.

This Policy deals with general College records. For more specific information regarding personnel and student records and clarification regarding electronic records, see:

- A. Policy 3.3.1 – Personnel Files.
- B. Policy 5.4.3 – Students Records – FERPA.
- C. Policy 7.3 – Electronic Records Retention.

**II. NORTH CAROLINA PUBLIC RECORDS ACT**

Unless otherwise exempt by law, all records made or received regarding the transaction of public business are public records pursuant to the North Carolina Public Records Act, as defined by the North Carolina Public Records Act, N.C.G.S. § 132-1 *et seq.* Records may not be deleted or otherwise disposed of except in accordance with the Schedule. The content of the record determines its retention requirement.

**III. RECORDS CUSTODIAN**

The College’s overall records custodian is Senior VP of Administration and inquiries regarding the College’s records should be directed to this office; however, inquiries regarding student records should first be made to the Registrar, and inquiries regarding personnel records should first be made to the Executive Director of Human Resources. For clarification as to electronic records, see Policy 7.3 – Electronic Records Retention. The College will only release information to individuals and organizations that demonstrate a legitimate, educational interest in the information or provide a direct service to the College.

**VI. LITIGATION HOLD**

A litigation hold is a directive not to destroy records which might be relevant to a pending or imminent legal proceeding. The President may establish a committee to oversee and monitor litigation holds; this committee may include the Vice President of the Information Technology Department (“IT”), the College’s legal counsel, and a member of the Administrative Team. In the case of a litigation hold, the committee shall direct employees and the IT Department, as necessary, to suspend the normal retention procedure for all related records.

**V. RECORD DISPOSITION**

Records may only be disposed of in accordance with the Schedule. Prior to the disposition of any record or record group after the applicable retention period, the records custodian will create and maintain a destruction log.

The president is authorized to adopt appropriate procedures to implement this policy.

Adopted: 08/08/2019

Revised: 01/07/2021, 04/07/2022

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq.*

Retention Schedule: <https://archives.ncdcr.gov/media/1013/open>

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## **I. SUBMITTING A PUBLIC RECORDS REQUEST:**

Wilkes Community College requires public information requests to be made in writing so we can keep proper records of the fulfillment of those requests. Public information requests may be submitted by email or mail to the following individuals:

### **For Student Information**

Michael Ward

Registrar

Email: [mrward284@wilkescc.edu](mailto:mrward284@wilkescc.edu)

### **For Employee Information:**

Sherry Cox

Executive Director of Human Resources

Email: [spcox072@wilkescc.edu](mailto:spcox072@wilkescc.edu)

## **II. COLLEGE ACKNOWLEDGEMENT AND RESPONSE:**

The College will only release information to individuals and organizations that demonstrate a legitimate, educational interest in the information or provide a direct service to the College. Individuals submitting a public records request will receive a notification via email within ten business days with confirmation that the request was received.

If the request is unclear or does not sufficiently identify the requested information, the requester will be contacted for clarification. If clarification is not received, the request may be denied.

The request will then be reviewed to ensure that the information requested is available and not restricted from public access. For a list of records that are considered confidential, see [North Carolina General Statute §132](#) and FERPA guidelines.

Wilkes Community College will make every effort to provide records within a reasonable timeframe. Delivery times will vary depending on factors such as:

- The size and volume of the request
- Whether the request requires additional preparation or review

Adopted: 01/07/2021

Revised: 01/07/2021

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq*;

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Personal use of College property, which includes but is not limited to: real property, vehicles, equipment, tools and supplies, is not permitted for personal use and gain. The use of College property off campus is only permitted in the performance of position responsibilities.

Adopted: 08/08/2019

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The President shall establish procedures for all information and news events which are to be presented to the news media and general public and shall designate a person or persons to be responsible for the preparation and dissemination of such materials.

Adopted: 08/08/2019

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The College provides equal employment opportunities to all employees and applicants for employment without regard to race, religion, color, national origin, sex, gender, gender identity, sexual orientation, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws. Upon request, the College will make reasonable accommodations for qualified individuals with disabilities so that they may be able to perform the essential functions of their job unless doing so would result in an undue burden for the College.

This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination and compensation.

Any inquiries, questions or clarifications regarding this policy should be made to the College's Director of Human Resources.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: Title VII of the Civil Rights Act of 1964; The Age Discrimination in Employment Act of 1967; Section 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990; The Genetic Information Nondiscrimination Act of 2008; Title IX of the Education Amendments of 1972; 1C SBCCC 200.95

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**I. FULL-TIME EMPLOYEES**

- A. The Board authorizes the President to hire all full-time College employees. The President shall inform the Board at the next regularly scheduled Board meeting of any new hires made since the last Board meeting.
- B. All newly hired full-time employees shall receive a letter of appointment stating that the employee shall serve a probationary period of at-will employment lasting one (1) academic year. After the probationary period, full-time employees may be eligible for annual employment contracts for at least nine (9) and no more than twelve (12) months dependent on the employee's duties. If an employee is hired after the academic semester has already begun and the employee's one-year probationary period ends during the subsequent academic year, the term of the employee's initial employment contract, if offered, shall only be for the remainder of that subsequent academic year. Nothing in this Policy or in the employee's letter of appointment shall entitle the employee to an employment contract or contract renewal.

The President is authorized to dismiss any full-time employee during that employee's probationary period for any reason deemed sufficient except for reasons related to the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation, status as a covered veteran or if the decision is otherwise a violation of state or federal law ("Impermissible Grounds"). The President's decision is final and not subject to Board appeal unless the employee believes his/her dismissal was solely based on Impermissible Grounds. If the employee believes the President's decision was solely based on Impermissible Grounds, the employee may appeal to the Board pursuant to Policy 3.3.6 – Right of Appeal.

**II. PART-TIME AND TEMPORARY EMPLOYEES**

- A. The Board authorizes the President or the President's designee to hire all part-time and temporary employees. The President shall inform the Board at the next regularly scheduled Board meeting of any new hires made since the last Board meeting.
- B. All part-time and temporary College employees shall receive a letter of appointment and shall serve as at-will employees. Nothing in this Policy or in the employee's letter of appointment shall entitle the employee to an employment contract.
- C. The President is authorized to dismiss any part-time or temporary employee for any reason deemed sufficient except for Impermissible Grounds. The President's decision is

final and not subject to Board appeal unless the employee believes his/her dismissal was solely based on Impermissible Grounds. If the employee believes the President's decision was solely based on Impermissible Grounds, the employee may appeal to the Board pursuant to Policy 3.3.6 – Right of Appeal.

### **III. MISCELLANEOUS PROVISIONS**

- A. The quality of the College's programs and services are dependent on the skills, commitment and enthusiasm of all of its employees. The Board seeks to employ the best qualified personnel available. In return, the Board expects its employees to accept and support the College's mission and vision. Specifically, all employees are expected to know the College's policies and procedures, devote their professional services and individual skills to the realization of the College's objectives and to discharge their duties in such a manner as to reflect positively upon the College
- B. No applicant will be considered for any employment position who does not complete and submit a College employment application form.
- C. Employment preference will be given to eligible veterans, their spouses or surviving spouses and surviving dependents as defined by N.C.G.S. § 128-15. This preference applies to initial employment, subsequent hiring, promotions, reassignments and horizontal transfers when two or more candidates are equally qualified for the position. To claim veterans' employment preference, all eligible veterans shall submit a Department of Defense Form 214 (Certificate of Release or Discharge from Active Duty) along with a College application for employment. To claim veterans' employment preference, eligible veterans must meet the minimum training and experience requirements for the position and must be capable of performing the duties assigned to the position.
- D. All employed instructional personnel shall meet Southern Association of Colleges and Schools/Advanced ED criteria.

**Adopted:** 08/08/2019

**Revised:** 01/06/2021; 01/06/2022

Legal Reference: G.S. 115D-20; G.S.128-15; 1D SBCCC 400.4; 1C SBCCC 300.3

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Wilkes Community College (WCC) recruits and employs the most competent curriculum faculty members qualified to accomplish the mission and goals of the institution.

When determining acceptable qualifications of curriculum faculty, WCC will give primary consideration to the highest earned degree in the discipline in accordance with the guidelines listed below. WCC will also consider competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes.

The WCC has adopted the Commission Guidelines for Curriculum Faculty Credentials, published by the Southern Association of Colleges and Schools for defining curriculum faculty qualifications:|

- a. Curriculum Faculty teaching associate degree courses designed for transfer to a baccalaureate degree:
  - doctorate or master's degree in the teaching discipline or a doctorate or master's degree with a minimum of 18 graduate semester hours in the teaching discipline.
- b. Curriculum Faculty teaching associate degree courses not designed for transfer to the baccalaureate degree:
  - a minimum of a bachelor's degree in the teaching discipline, or associate's degree and demonstrated competencies in the teaching discipline.
- c. In addition, the WCC will hire curriculum faculty that meet or exceed the following minimum qualifications for Certificate, Diploma and Transitional courses:
  - Curriculum Faculty teaching certificate or diploma courses that are not included in an associate degree:
    - program certificate or diploma of completion and significant demonstrated work experience.
  - Curriculum Faculty teaching certificate courses that are included in an associate degree:
    - associate's degree and demonstrated competencies in the teaching discipline.
  - Curriculum Faculty teaching transitional courses:
    - a minimum bachelor's degree in the teaching discipline related to their teaching assignment or related field.

It is the responsibility of the Selection Committee to recommend prospective full-time regular curriculum faculty finalists as outlined in Policy 3.1.2 Employment and Procedure 3.1.2.1.

All degrees earned by curriculum faculty and which fulfill the requirements of the Southern Association of Colleges and Schools Principles of Accreditation must be from a regionally accredited institution and the College is committed to recruiting and selecting curriculum faculty whose highest degree is earned from a broad representation of regionally accredited institutions.

WCC concurs with the Commission on Colleges that qualifications other than academic credentials (or combined with credentials) may be appropriate for teaching particular courses. For this reason, the College has put in place procedures for the review of curriculum faculty qualifications when justifications are deemed appropriate.

The official transcripts of curriculum faculty are maintained in the Human Resources Department.

Adopted: 10/08/2020

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## **I. DEFINITIONS**

- A. Full-Time Employee – any individual who occupies a College designated full-time position working forty (40) hours per week and works at least nine (9) months per year. All full-time positions are classified as either full-time faculty or full-time staff and exempt or non-exempt.
- B. Part-Time Employee with Benefits – any individual who is employed for thirty to thirty-nine (30 – 39) hours per week for at least nine (9) months per year. All part-time employees with benefits positions are classified as either part-time faculty or part-time staff.
- C. Part-Time Employee – any individual who is employed twenty-nine (29) hours or less per week. All part-time positions are classified as either part-time faculty or part-time staff.
- D. Full-Time, Temporary Employee – any individual who is employed in a full-time position (i.e., 40 hours or more per week) but the job is temporary (i.e., less than six (6) months except in extraordinary situations). All full-time, temporary employees are classified as exempt or non-exempt. For purposes of the Affordable Care Act, any full-time, temporary employee who is anticipated at the date of hire to work more than three (3) months during the academic year is considered a full-time employee for purposes of an offer of health insurance.
- E. Part-Time, Temporary Employee – any individual who is employed in a part-time position (i.e., 29 hours or less per week) but the job is temporary (i.e., less than six (6) months except in extraordinary situations).

## **II. HIRING PROCEDURES FOR FULL-TIME EMPLOYEES**

- A. The President or designee must authorize all full-time faculty and staff positions.
- B. The employee who supervises the vacant position (“Supervisor”) must analyze the position’s specific needs and, in consultation with the Executive Director of Human Resources (“Director”), develop a job description and vacancy posting. The job vacancy posting is submitted through the electronic system, PeopleAdmin.

The posting contains the following information:

- 1. Summary description of position
- 2. Essential duties of position

3. Minimum requirements for the position
  4. Preferred requirements for the position
  5. Anticipated employment date
  6. Deadline for receipt of applications
  7. Review date for applications to begin
  8. Equal Opportunity Employer/Affirmative Action statement
- C. The Supervisor and Director must determine the potential for qualified internal applicants and determine whether to advertise the position internally, externally or both. All full-time positions will be advertised unless the President, with input from the Supervisor, unilaterally appoints an employee to the position prior to the advertising phase.
- D. If the position is not filled internally, the Director must determine an external distribution list for the advertisement with input from the Supervisor. Minimally, full-time faculty and staff position vacancies will be advertised in media outlets in the College's service area and on the College's website. The North Carolina Community Colleges System Office will also be notified of all professional position vacancies.
- E. All employment applications are submitted electronically through the applicant tracking program, PeopleAdmin. The Human Resources Office shall receive all employment applications and review them according to the job posting. Applications will be accepted until the specified closing date on the announcement or until the position is filled if the vacancy announcement specifies such. The review will consist of determining whether the applicant meets the minimum qualifications for the position as stated in the vacancy announcement.
- F. The Human Resources Office will submit those applications meeting the minimum vacancy announcement requirements to the Selection Committee ("Committee") for consideration through the electronic applicant system.
- G. **Committee** - The purpose of the Committee is to provide a screening tool, provide objectivity in the interview process. Find applicants that meet or exceed requirements of the position and recommend applicants to fill the open vacancy.
1. The Committee generally consists of the Executive Director of Human Resources, Supervisor, two individuals from the division/department where the position reports and two individuals from outside that division/department. All Committee members must be approved by the President or designee.

2. The direct supervisor of the position being hired, or an appointed member of the committee will serve as the Chairperson for the committee.
3. The selection committee shall not consist of persons who are closely related such as husband, wife, mother, father, brother, sister or anyone that appears to have a conflict of interest.
4. The departing employee shall not serve on the committee for their replacement. Special cases may be granted with prior approval from the President.

**Committee for Internal Postings** - The selection committee will consist of three (3) members: person responsible for position, the vice president of the division, and the Executive Director of Human Resources.

**H. Committee Chairperson Responsibilities** - The responsibilities of the Selection Committee Chairperson include the following:

1. Leads the Committee;
2. Selects committee members with the assistance of the Executive Director of Human Resources;
3. Schedules meetings of Committee;
4. Provide each committee with a list of suggested questions to be used during the interview. Prior to interview, questions shall be approved by the Executive Director of Human Resources; and
5. Prepares committee recommendation. Forms will be provided by the Human Resources Office.
6. Once the position has been accepted by the applicant, the Supervisor for the position will make personal phone calls to the applicants who were interviewed but not selected to apprise them of the decision and to thank them for their interest in the position.

**I. Committee** - The Committee will screen all applications to determine the person(s) to be invited for an interview. The Human Resources Office will schedule the interview dates, times and location. The Committee will conduct the interviews with the selected candidates. All candidates shall be asked the same questions as others interviewing for the position. The only exception is if a member of the Committee has a follow-up question to an answer given that will help the Committee to better understand the answer.

*The hiring process is a highly sensitive and confidential process. It is critical that all selection committee members, and those associated with this activity, maintain the highest degree of confidentiality in order to preserve the integrity of the process. Committee members are required to maintain information in strict confidence and any attempts from outside sources to influence committee members should be reported immediately.*

- J. **Committee Recommendation** - Once all interviews have been completed by the committee, the Selection Committee will document its recommendation(s) and forward to the Executive Director of Human Resource, indicating the top one, two, or three candidates in rank order.

Human Resources initiates a formal background check for the prospective employee prior to forwarding the recommendation to the President. Refusal to consent to a criminal background check as required or candidates falsifying information on the application will result in the applicant not being offered employment, or if a conditional offer has been made, the offer will be withdrawn. Once the satisfactory background check is received, the Executive Director of Human Resources will forward the Committee's recommendation, application, salary determination, and background check to the President.

- J. **Employment Offer** - The President or designee will obtain personal/professional references on the applicant. The President may conduct an additional interview with the recommended candidate. Offers of employment are made by the President or designee to the applicant based on salary computations prepared by the Executive Director of Human Resources.

- K. **Announcement of New Employee** - Once the offer of employment has been accepted, the President will notify the Hiring Supervisor, Vice President of the Division, and Executive Director of Human Resources.

The Human Resources Office will send letters to the other applicants who were not selected for the position.

The Supervisor, Vice President of the Division, and Executive Director of Human Resources will determine the start date for the new employee. The new employee will meet with the Human Resources Office to complete the onboarding process and new hire information including employee benefits prior or on the first day of employment.

- L. For all senior level administrators who report directly to the President, the President may use the procedures outlined herein or develop other procedures for hiring for those positions.

### **III. HIRING PROCEDURES FOR PART-TIME AND ALL TEMPORARY EMPLOYEES**

- A. The employee who supervises the vacant position ("Supervisor") must analyze the position's specific needs and, in consultation with the Executive Director of Human Resources ("Director"), develop a job description and vacancy posting. The job vacancy posting is submitted through the electronic system, PeopleAdmin.

The posting contains the following information:

1. Summary description of position
  2. Essential duties of position
  3. Minimum requirements for the position
  4. Preferred requirements for the position
  5. Anticipated employment date
  6. Deadline for receipt of applications
  7. Review date for applications to begin
  8. Equal Opportunity Employer/Affirmative Action statement
- B. The appropriate Vice President and Senior Vice President of Finance and Administration must authorize the position through the electronic applicant tracking software prior to posting the position.
- C. All employment applications are submitted electronically through the applicant tracking program, PeopleAdmin. The Human Resources Office shall receive all employment applications and review them according to the job posting. Applications will be accepted until the specified closing date on the announcement or until the position is filled if the vacancy announcement specifies such. The review will consist of determining whether the applicant meets the minimum qualifications for the position as stated in the vacancy announcement.
- D. The Human Resources Office will submit those applications meeting the minimum vacancy announcement requirements to the Supervisor for consideration through the electronic applicant system.
- E. Once the Supervisor has selected an applicant to hire, the Supervisor will notify the Human Resources Office providing the name of applicant and proposed hire date.
- F. The Human Resources will contact the applicant to initiate a formal background check for the prospective employee and begin the onboarding process. Refusal to consent to a criminal background check as required or candidates falsifying information on the application will result in the applicant not being offered employment, or if a conditional offer has been made, the offer will be withdrawn.

Once the satisfactory background check is received and completion of the onboarding process, the Human Resources Office will notify the Supervisor that the employee may start work in their department. An employee shall not start work until the completion of all new hire paperwork is completed and Human Resources gives the clearance for hire.

**IV. BACKGROUND CHECKS****A. Positions that Require Background Checks**

A background check shall be part of the employment process for all employees and those employees transferred and promoted from within the College with the cost being paid by the College. Background checks are conducted for the purposes of protecting College assets and promoting a safe environment for employees and students.

**B. Background Check Procedures**

1. An employment offer to the successful candidate requiring a background check will be made contingent upon, or after successful completion of, the background investigation. The candidate shall be advised that the employment offer is contingent upon the College's receipt of a satisfactory background check or other applicable reports.
2. The Director will be responsible for working with a third-party provider to conduct background checks. The third-party provider is responsible for checking a range of sources depending on the position, including, but not limited to, criminal conviction records, civil litigation records and national sex offender registry.
3. A previous conviction does not automatically disqualify an applicant from consideration for employment. The following factors will be considered for an applicant with a criminal history in determining whether to hire the applicant and, when necessary, in determining the continued employment of an employee: a) the nature of the crime and its relationship to the position; b) the time since the conviction; c) the number, if more than one, of convictions; d) whether hiring the applicant would pose a risk to the College and College community; e) the actions and activities of the applicant since the conviction or other determination; and f) explanations and/or other information provided by the candidate and whether the candidate has demonstrated that s/he has the integrity or honesty to fulfill the duties of the position.
4. The discovery of either a job-related conviction(s) or falsified conviction(s) information or other information on the application may result in denial of employment. If an applicant fails to reveal any previous job-related conviction, s/he will likely be

disqualified from employment in that or any other position within the College for falsification of an application. The applicant or employee will be given an opportunity to review the results of the background investigation and will be given an opportunity to dispute the accuracy or completeness of any information contained in the report by contacting the third-party provider that conducted the background check.

5. The President will make the final decision concerning the employability of the applicant or, when necessary, the continued employment of an employee. Background checks will be maintained in a secure location and disposed of within five (5) years of the date of receipt.

## **V. PROMOTIONS**

In filling vacancies which occur at the College, consideration will be given to promoting qualified full-time employees from within the College. Supervisors and administrators shall anticipate routine retirement and attrition and routinely promote professional development opportunities enabling employees to assume greater responsibility where possible and feasible. Vacancy announcements shall be posted within the College in areas accessible to all employees. In the event an administrator wishes to discuss an open position with a full-time employee of another division, the immediate supervisor of the employee shall be notified in advance of such discussions. All recommended promotions and/or transfers shall be submitted in writing through appropriate supervisory channels to the President for final approval.

Adopted: 08/08/2019



## NEW EMPLOYEE CHECKLIST

Human Resources has emailed all the information to your personal email address provided on your application. Please review the email and complete all the requested steps.

You can also find everything you need on the college website at [www.wilkescc.edu](http://www.wilkescc.edu) or the Insider.

If you are unable to complete this checklist – see contact Human Resources.

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Retrieve email sent from HR to your personal email address provided on the application.   |
| <input type="checkbox"/> | Read the WCC Title IX and Sexual Misconduct Policy – Available from HR Website<br><a href="https://19cw0powsi320yelz2oewe9v-wpengine.netdna-ssl.com/wp-content/uploads/2015/08/7.07-POL-Sexual-Misconduct-Prohibited-Relationships-Non-Retaliation-Final-Copy-August-2017-Revisions..pdf">https://19cw0powsi320yelz2oewe9v-wpengine.netdna-ssl.com/wp-content/uploads/2015/08/7.07-POL-Sexual-Misconduct-Prohibited-Relationships-Non-Retaliation-Final-Copy-August-2017-Revisions..pdf</a> |
| <input type="checkbox"/> | Review the WCC Policies and Procedure – Available from HR Website<br><a href="https://19cw0powsi320yelz2oewe9v-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/1-Policies-and-Procedures-Revised-7-19-19.pdf">https://19cw0powsi320yelz2oewe9v-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/1-Policies-and-Procedures-Revised-7-19-19.pdf</a>  |
| <input type="checkbox"/> | Retrieve email sent from <u>TalentED</u> to your personal email address provided on the application.  |
| <input type="checkbox"/> | Sign into <u>TalentED</u> and attest to follow WCC Policies and Title IX and Sexual Misconduct as requested.<br>See email from Talent Ed for instructions.  |
| <input type="checkbox"/> | Sign into <u>TalentED</u> and complete all required forms, such as your W2 form.<br>See email from Talent Ed for instructions.  |
| <input type="checkbox"/> | Retrieve College <u>UserID</u> - See email from HR or <a href="http://www.wilkescc.edu/quickguide">www.wilkescc.edu/quickguide</a>  |
| <input type="checkbox"/> | Enroll in Password Reset - See email from HR or <a href="http://www.wilkescc.edu/quickguide">www.wilkescc.edu/quickguide</a>  |

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|--------------------------|---|
| <input type="checkbox"/> | Reset Password - See email from HR or <a href="http://www.wilkescc.edu/quickguide">www.wilkescc.edu/quickguide</a> (Enroll in Password Reset service first)   |
| <input type="checkbox"/> | Retrieve college email address - See email from HR or <a href="http://www.wilkescc.edu/quickguide">www.wilkescc.edu/quickguide</a>  |
| <input type="checkbox"/> | Find the link to the <u>iNsider</u> on the college website <a href="http://www.wilkescc.edu">www.wilkescc.edu</a> , located under Faculty and Staff. Sign in using new WCC email address and current password. Note this is where employee will find current announcements, links to forms, access to important WCC resources and accounts. |
| <input type="checkbox"/> | Office 365 is the main method of communication between the college and employees. Click the Office 365 link from the <u>iNsider</u> to access Microsoft Online Applications, including Outlook for email. To view or send emails, open the Outlook application in Office 365.   |
| <input type="checkbox"/> | Self-Service is where employees can find pay advises, W-2 Forms, and <u>other</u> employee related information. Click the Self-Service link from the <u>iNsider</u> .   |
| <input type="checkbox"/> | Get User ID badge if applicable – See <u>Pardue Library</u> .   |
| <input type="checkbox"/> | Get employee parking permit if applicable - See Business Office   |
| <input type="checkbox"/> | Sign up to receive campus alerts - See email from HR or click link <a href="https://www.getrave.com/login/wilkescc">https://www.getrave.com/login/wilkescc</a>  |
| <input type="checkbox"/> | Complete Data Security Awareness Training – Check WCC email or click the KnowBe4 icon from the <u>iNsider</u> . Must be completed within the first 30 days from hire date.  |
| <input type="checkbox"/> | Complete FERPA Training – Check WCC email or click the KnowBe4 icon from the <u>iNsider</u> . Must be completed within the first 30 days from hire date.  |
|                          | To report a technical issue, email <a href="mailto:help.desk@wilkescc.edu">help.desk@wilkescc.edu</a> .<br><br>Or view the How-Do-I section on the <u>iNsider</u> for helpful video tutorials.  |

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**I. EMPLOYMENT CLASSIFICATIONS**

- A. Full-Time Employee – any individual who occupies a College designated full-time position working forty (40) hours per week and works at least nine (9) months per year. All full-time positions are classified as either full-time faculty or full-time staff and exempt or non-exempt.
- B. Part-Time Employee with Benefits – any individual who is employed for thirty to thirty-nine (30 – 39) hours per week for at least nine (9) months per year. All part-time employees with benefits positions are classified as either part-time curriculum or part-time non-curriculum.
- C. Part-Time Employee – any individual who is employed twenty-eight (28) hours or less per week. All part-time positions are classified as either part-time faculty or part-time staff.
- D. Full-Time, Temporary Employee – any individual who is employed in a full-time position (i.e., 40 hours or more per week) but the job is temporary (i.e., less than six (6) months except in extraordinary situations). All full-time, temporary employees are classified as exempt or non-exempt. For purposes of the Affordable Care Act, any full-time, temporary employee who is anticipated at the date of hire to work more than three (3) months during the academic year is considered a full-time employee for purposes of an offer of health insurance.
- E. Part-Time, Temporary Employee – any individual who is employed in a part-time position (i.e., 29 hours or less per week) but the job is temporary (i.e., less than six (6) months except in extraordinary situations).

**II. WORKLOADS**

The President is hereby authorized to develop administrative procedures to establish workloads for employment categories consistent with this Policy.

Adopted: 08/08/2019

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**I. FULL-TIME FACULTY**

**A. FACULTY**

**1. WORKING HOURS**

Full-time faculty positions shall work a minimum of forty (40) hours each week and are expected to be scheduled on campus, remotely, or at their duty station five (5) days per week for no fewer than two (2) hours per day or evening. Faculty may work remotely one (1) day per week with prior approval by their chair. Refer to Policy 3.4.7 Telecommuting and Procedure 3.4.7 Telecommuting.

Full-time faculty employees are required to maintain one (1) office hour per course up to five per week (generally one (1) hour per day). The schedule of these hours shall be posted by the second week of classes and a copy shall be forwarded to the Vice President of Instruction. The purposes of office hours are to assist students, prepare for classes, plan and be available to other members of the College.

**2. WORKLOADS**

**a. Classroom Instruction**

Instructional schedules and loads are prepared jointly by the division dean and faculty members and approved by the Vice President of Instruction. Generally, contact hours range from 18-25 for most assignments but may total fewer or greater hours with up to 30 hours in specific instances when multiple labs and/or clinical experiences are involved. Among the factors that are considered in arriving at a reasonable and equitable load for each instructor are the following: a) number of preparations; b) number of students taught; c) nature of the subject/instruction; d) mode of instruction (including distance learning); e) technical/instructional assistance; f) team teaching; g) professional development; h) curriculum development; and i) other College assignments.

**b. Faculty Meetings, Committee Assignments, Commencement Ceremonies  
and Community Service**

The contractual obligation of full-time faculty employees includes service on committees, attendance at required meetings and participation in commencement ceremonies unless an exception is made by the senior instructional officer. Service on committees and attendance at meetings shall not substitute for required office hours. Community service is strongly encouraged for all College employees.

**c. Overloads/Underloads**

Every effort is made to avoid instructional overloads. When overloads occur and are approved in advance by the Vice President of Instruction, compensation may be made in the form of an underload in the subsequent term or by paying the instructor at his/her hourly rate (monthly salary multiplied by twelve and divided by 2080) for the hours deemed to be overload. All overload pay shall be reported to the President.

**II. DIVISION DEANS****1. DEFINITION**

A division dean is a full-time faculty employee selected by the President to oversee an instructional division. An instructional division is a group of instructional courses and/or programs as defined on the College's organizational chart.

**2. WORKLOAD**

The division dean is subject to the following workload, work schedule and salary consideration:

- a. The teaching load will be determined by the Vice President of Instruction.
- b. Maintain a weekly work schedule totaling forty (40) hours per week, generally five (5) days of eight (8) hours (8:00 a.m. to 5:00 p.m.) that may include one (1) remote telework day.
- c. Receive a salary supplement, to be determined on an annual basis, in addition to the salary specified for the full-time faculty employees. Such supplement shall apply only while the individual is serving as a division dean.

**IV. FULL-TIME STAFF****1. DEFINITIONS**

- a. Staff Employees is any full-time employee except a faculty member or division dean. All full-time staff employees are either exempt or non-exempt. Staff employees may work remotely one (1) day per week with prior approval by their supervisor. Refer to Policy 3.4.7 Telecommuting and Procedure 3.4.7 Telecommuting.

- b. Exempt are employees who are exempt from the Fair Labor Standards Act ("Act"). Exempt employees may be required to perform work over and above their assigned forty (40) hour work week when such duty is determined to be in the College's best interest. Exempt employees are not entitled to overtime pay or compensatory time for working more than forty (40) hours per work week.
- c. Non-exempt are employees who are not exempt from the Act are assigned a standard forty (40) hour work week by their immediate supervisor. Non-exempt employees are entitled to compensatory time for working more than forty (40) hours per work week.

## **2. COLLEGE WORKWEEK**

A normal College workweek is a regularly recurring period of one hundred sixty-eight (168) consecutive hours (7 consecutive 24-hour periods). Each workweek stands alone for purposes of hours worked. The official College workweek begins at 12:01 a.m. Sunday, continues for 7 consecutive days and ends at 12:00 midnight on Saturday.

Most College offices are open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday. Selected offices remain open Monday through Thursday evenings, with limited hours for specified periods on weekends. It is the responsibility of the immediate supervisor to ensure appropriate office coverage.

## **3. EMPLOYEE WORKWEEK**

All full-time, staff employees are expected to work a total of forty (40) hours per week (i.e., five (5) days of eight (8) hours (8 a.m. to 5:00 p.m.) per day) with a one-hour lunch break not to occur at the beginning or ending of the workday. The lunch break cannot be used for overtime compensation unless expressly approved by the senior administrator for a defined temporary period. Hours worked include all the time an employee is permitted to work for the College; that is time where the employee is required to be on duty including one (1) remote telework day or on the College's premises or at a prescribed workplace. Each employee is entitled to one 15-minute duty-free break during each 4-hour work period. These breaks should occur approximately mid-way through the work period and cannot be used to shorten the workday or be credited for overtime compensation. Remote work hours should be the same as the employee's normal work schedule unless a different schedule is approved by their immediate supervisor.

**4. FLEXIBLE SCHEDULING**

Employees may be assigned a workweek that differs from the standard workweek when the operation of the department requires the services of one or more employees at times other than from 8:00 a.m. to 5:00 p.m. In these cases, the immediate supervisor has the authority to make the assignments to ensure proper operation of the department.

**5. OVERTIME**

If it is necessary for a non-exempt employee to work more than forty (40) hours in a work week, the employee will be awarded compensatory time pursuant to Policy 3.1.4 – Compensatory Time.

Adopted: 08/08/2019

Revised: 05/09/2023, 08/22/2023

Legal Reference: Fair Labor Standards Act, 29 U.S.C. 201, *et seq.*; 1D SBCC 400.93(a)(2)

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**I. PART-TIME FACULTY EMPLOYEES**

Part-time adjunct faculty employees shall be limited to twenty-nine (29) hours per week inclusive of prep time, meetings and other College duties. For purposes of preparation time, the appropriate Division Dean shall set the number of hours for preparation time for each class taught by a part-time curriculum employee.

**II. PART-TIME STAFF EMPLOYEES**

Part-time staff employees with benefits shall not work more than thirty-nine (39) hours per week unless there are special circumstances requiring the extended hours for a short duration of time. Working more than (39) hours per week requires written authorization from the employee's immediate supervisor, appropriate Vice President, and Executive Director of Human Resources.

Part-time staff employees shall not work more than twenty-nine (29) hours per week unless there are special circumstances requiring the extended hours for a short duration of time. Working more than (29) hours per week requires written authorization from the employee's immediate supervisor, the appropriate Vice President, and Executive Director of Human Resources.

Adopted: 08/08/2019

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Compensatory time will be granted to a full-time, non-curriculum, non-exempt employee under the provisions of the Fair Labor Standards Act. If a non-exempt employee works more than forty (40) hours in a given work week, that employee shall receive compensatory time.

For accrual and use of compensatory time, the following rules shall apply:

- A. The employee's immediate supervisor must approve, in writing, any time over forty (40) hours per week prior to the employee working the time. Overtime work is discouraged and should only be implemented due to an emergency or extraordinary situation. Approved leave taken during a workweek (i.e., annual, sick, holiday, etc.) will not be counted as time worked for purposes of overtime.
- B. If it is necessary for an employee to work over forty (40) hours per week, one and one-half (1.5) hours of compensatory time shall be granted for each hour of overtime worked. The employee is responsible for accurately and honestly recording hours worked on time records and in accordance with College policy and practice. The employee's supervisor shall review and approve time records at the conclusion of each period to determine that all recorded overtime hours are accurate.
- C. Except in extreme circumstances and with the appropriate Vice President's approval, supervisors shall make sure that employees do not accrue more than forty (40) hours of compensatory time at any time and all accrued compensatory time must be used by the last day of the fiscal year (June 30th). If an employee fails to exhaust his/her compensatory time by the end of the fiscal year, the appropriate Vice President shall consult with the President to determine whether the unused accrued compensatory time shall be paid to the employee or if the College shall require the employee to use the leave at a time determined by the Vice President.
- D. Employees are required to use compensatory time prior to using any other accrued leave (annual, bonus, sick, etc.)
- E. The employee's immediate supervisor must approve the use of compensatory time. To the extent possible, compensatory time should be used within the pay period it was received. An employee who has accrued compensatory time and requests the use of such time must be permitted to take the time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the College's operations.
- F. In the event an employee leaves his/her College employment, the employee must, to the extent possible, exhaust all compensatory time before the last day of employment. Unused compensatory time must be paid at a rate of not less than the average of the employee's regular pay rate for the last three years of employment or the final regular rate received by the employee, whichever is greater.

Compensatory time may not be used to extend dates of retirement, resignation or other forms of severance from the College.

- G. Compensatory time shall be accumulated in quarter hours. The College shall round up to the nearest quarter hour when calculating compensatory time.
- H. Any work from home is not allowed to be counted as part of the forty (40) hour workweek and/or compensatory leave unless pre-approved by the employee's immediate supervisor and appropriate Vice President.
- I. Failure to follow the requirements set forth in this policy is grounds for disciplinary action, up to and including non-renewal or termination.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: 1C SBCCC 200.94; The Fair Labor Standards Act of 1938, as amended.

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The College recognizes that a retired state employee has valuable experience to offer. The College further recognizes that the age of the College and the longevity of many employees will predicate an increase in retirements.

The College may employ retirees of the State of North Carolina when such employment is necessary for the College's efficient and effective operation. Such employment will be authorized by the President. Retirees are subject to a mandatory six (6) month waiting period before re-employment may occur. A retiree of the Teachers' and State Employees' Retirement System ("TSERS") is subject to earnings limitations, as established in TSERS. Further, the College shall not arrange post-retirement employment with any person currently employed by the College, or other TSERS-participating agency or local government. A retiree may only be employed in an interim, part-time, temporary, or fee-for-service position and may not be employed in a position that requires membership in TSERS.

The purpose of this Policy is to define and authorize benefits to be available to employees in this classification when the restricted earnings will be less than the employee will earn under the College salary plan.

**A. Benefits – Leave Accruals**

Full-time employees who are also retirees of TSERS will earn annual leave and sick leave under the same guidelines as active full-time employees.

**B. Benefits – Longevity Pay**

A full-time employee who is also a retiree of TSERS is eligible for longevity pay subject to the earnings limitation.

**C. Health Insurance**

If a re-hired retiree returns to work and, as a result of the position and hours worked, qualifies for an offer of health insurance by the College, TSERS will transfer health insurance responsibilities back to the College and the retiree-employee will receive the legal, mandated health insurance coverage from the College as required by law.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: 1C SBCCC 300.4

- I. College shall not employ two (2) or more persons concurrently who are “closely related” in positions which would result in one person of such 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 closerelative.
- II. “Closely related” is defined to mean mother, father, brother, sister, son, daughter, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, grandfather, grandmother, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, first cousin, step-parent, step-child, step-brother/sister, guardian/ward or some person engaged in an amorous, physical or romantic relationship without the benefit of marriage that live in the same house.
- III. 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 otherrelative.
- IV. Board members shall not take part in any official action regarding the employment of a closely related family member that results in financial gain to the Board member. For any official action regarding the employment status of a family member that would result in the financial gain to the Board member, the Board member shall disclose the conflict to the full Board and will not take part in the official action unless otherwise allowed by law.
- V. Employees with the authority to recommend the hiring of another employee shall not recommend the hiring of another person with whom they are “closely related.”
- VI. The provisions of this section shall be prospective only with reference to appointments made after theadoption of this Policy.

Adopted: 08/08/2019

Legal Reference: 1C SBCCC 200.98

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The monthly and annual salaries or hourly rates of pay for full-time and part-time employees shall be established by the President consistent with the adopted salary plan and with the approval of the Board. Dependent upon available funds, salary increases shall be awarded on an annual basis (unless otherwise permitted) or upon promotion to a higher position. Legislated increases shall be granted according to requirements set forth by the General Assembly.

The College shall maintain in the Human Resources Department a salary determination plan (“Plan”) for full and part-time employees. The Plan shall address any provisions and/or criteria for salary determination; requirements for the annual salary review; and the establishment of any salary formulas, ranges, or schedules.

The Plan shall be reviewed annually in a manner consistent with the review of all the College’s policies and procedures. Upon request, the Executive Director of Human Resources shall review the Plan with any full or part-time employee.

Adopted: 08/08/2019

Legal Reference: 1C SBCCC 400.94

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The College recognizes the value of developing its personnel to their full potential. To that end, the College shall encourage the professional development of its employees and shall, in some cases, require professional development of an employee. Professional development shall be designated specifically in the College's evaluation process and shall be listed as one of the responsibilities of faculty and staff. Professional development shall be designated in the annual performance enhancement plan toward improving the quality of each individual's service to the College. Additionally, the College shall provide procedural opportunity for employees and supervisors to initiate employee objectives.

Institutional leave and pay shall be granted for participation at conferences, meetings and/or workshops only when the activity performed is directly related to the employee's job, recommended by the immediate supervisors and approved by the President. To be considered directly related to the employee's job, the activity shall be confirmed by the language in the job description for the position held by the faculty or staff member requesting the leave. Where the activity is not directly job related, the faculty or staff shall be required to obtain approval for annual leave. The final authority for granting institutional leave and/or pay for participation at conferences, meetings and/or workshops shall rest with the President.

Adopted: 08/08/2019

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## **F. SUBMISSION OF CREDENTIALS**

- A. All employee's credentials are on file in the Human Resources office.
- B. While employed at the College, employees are expected to report any new credentials to the Human Resources office each year.
- C. All employees must provide College transcripts to the Human Resources office for any new degree obtained with the submission of a new contract the following June.
- D. All college transcripts will be maintained in the Human Resources office.

## **II. CLASSES SPONSORED BY THE COLLEGE**

- A. Professional development activities' coordinators are expected to maintain a roster of workshop participants.
- B. Event sign-up is used for WCC sponsored professional development activities.
- C. The person hosting or conducting the workshop or professional development activity is responsible for obtaining an attendance roster.
- D. On the last day of a workshop, the attendance rosters for the workshop are to be submitted to the Professional Development office.
- E. A history of the professional development participation will be maintained by the Professional Development office.
- F. Rosters of attendance at college sponsored professional development activities will be maintained in the Professional Development office.

## **III. PROFESSIONAL DEVELOPMENT ACTIVITIES NOT SPONSORED BY THE COLLEGE**

- A. Examples of professional development events not sponsored by the College include conferences, workshops and seminars that do not occur on the College's campus.
- B. All employees are expected to obtain records of attendance for professional development activities during their annual Performance Enhancement Plan (PEP). It is the employee's responsibility to maintain a record of their professional development activities. The employee will list on the evaluation.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Cross Reference: Policy 3.1.8 Professional Development  
Policy 6.3.4 Financial Reimbursement

Legal Reference: 1C SBCCC 400.3: The Fair Labor Standards Act of 1938, as amended

**I. PRESIDENT SELECTION PROCESS**

- A. When a presidential vacancy occurs or is anticipated, the Board shall notify the System President and invite the System President or the System President's designee to meet with the board of trustees to discuss legal requirements and other procedural matters while also providing technical assistance to the Board as needed.
- B. In selecting the College's President, the Board shall, at minimum, consider general input from College and community stakeholders on the desired attributes of a college's president and evaluate more than one candidate for the position. The State Board may waive this requirement at the request of the Board if the State Board determines it is in the College's interest to do so.
- C. The Board shall submit at least one candidate to the System President for review at least ten business days prior to the next regularly scheduled SBCC Personnel Committee meeting or at least ten business days prior to a special called SBCC Personnel Committee meeting.
- D. While completing the review process, the System President or the System President's designee shall confirm that the Board completed a background check to include the following:
  - 1. Social security number verification,
  - 2. Criminal history check,
  - 3. Civil litigation history check,
  - 4. Education verification,
  - 5. Employment verification, and
  - 6. Personal credit history check.
- E. Upon completion of the review process, the System President shall present the name(s) of candidate(s) to the Personnel Committee of the SBCC for consideration and assessment.
- F. Following consideration and assessment of the candidate(s), the Personnel Committee of the SBCC or the SBCC shall authorize the System President to communicate the Personnel Committee's or the SBCC's assessment to the Board.
- G. The Board shall proceed with the final election process and submit the Board's final election to the SBCC for approval. The Board shall submit its recommendation in writing to the System President at least five business days prior to the next meeting of the SBCC.

- H. The SBCC shall act upon the Board's election at the SBCC's regularly scheduled meeting following receipt of the Board's election unless delayed for cause as determined by the SBCC.
- I. The System Office shall convey in writing to the chairman of the Board the SBCC's action on the Board's election. The action of the SBCC is final.
- J. Until the SBCC votes to approve the final candidate and communicates its approval to the College, the College may not publicly communicate or publicly confirm or deny the name of the final candidate submitted to the SBCC for approval.
- K. The Board shall not execute a contract prior to SBCC action to approve the Board's presidential election unless it has a provision specifying that the effective date of the contract is subject to the SBCC's approval of the presidential election.

## **II. CONTRACT**

The President shall receive a contract and the Board shall specify in the President's contract the contractual term, salary, additional benefits, if any, and contract termination procedures. The Board shall receive a copy of the President's contract and all addendums.

## **III. DUTIES**

The President is charged by the Board with full responsibility and authority for the College's operation pursuant to state and federal statutes, policies, rules and regulations and the Board's policies and procedures. The President shall be responsible for other duties as the Board may delegate and require.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: N.C.G.S. § 115D-20; IC SBCCC 300.1

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The College shall make available a comprehensive benefit package to all full-time employees and part-time employees with benefits and other employees as required by law.

The College reserves the right to amend or terminate any benefit plan at any time or require or alter the amount of employee premium contributions. Master plan contracts or documents will be maintained in the Human Resources Department. In the event of a contradiction of information in communications such as memorandum, brochures, or summary plan documents, the contract or master plan document shall govern.

Adopted: 08/08/2019

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College employees shall be afforded and offered the following benefits, based on the following classifications of employment:

**A. Full-Time Employees**

Full-time employees, including full-time employees serving in a probation period, will be afforded the following benefits:

1. All leave as specified in College Policy;
2. Longevity Pay, with requisite years of experience;
3. Employee Tuition Exemption;
4. Teachers' and State Employees' Retirement System ("TSERS") benefits. TSERS benefits include: retirement, long-term disability, short term disability, and life insurance;
5. Participation in the North Carolina State Health Plan (in accordance with State Health Plan laws and guidelines with employer contribution); and
6. Other optional benefits as specifically provided by the College or as may be required by State law.

**B. Part-Time Employees with Benefits**

Part-time employees with benefits will be afforded the following benefits:

1. Longevity Pay, with requisite years of experience;
2. Teachers' and State Employees' Retirement System ("TSERS") benefits. TSERS benefits include: retirement, long-term disability, short term disability, and life insurance;
3. Participation in the North Carolina State Health Plan (in accordance with State Health Plan laws and guidelines with employer contribution); and
4. Other optional benefits as specifically provided by the College or as may be required by State law.

**C. Part-Time Employees**

No benefits are offered.

**D. Full-Time Temporary Employees**

1. No benefits are offered during the first three (3) months.
2. Any full-time, temporary employee who works more than thirty (30) or more hours per week for a period of three (3) consecutive months during the academic year is considered a "full-time" employee and shall be offered health insurance in accordance with State Health Plan policies and guidelines.

**E. Part-Time Temporary Employees**

No benefits are offered.

Adopted: 08/08/2019

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To comply with the Patient Protection and Affordable Care Act, the College outlines the following procedures to determine which employees are treated as full-time employees for purposes of shared responsibility provisions of § 4980H of the Internal Revenue Code regarding health insurance coverage.

**A. Ongoing Employees**

1. An “ongoing employee” is defined as an employee who has been employed for at least one complete standard measurement period.
2. The Standard Measurement Period is a defined time period of not less than three (3) but not more than twelve (12) consecutive calendar months (as designated by the College). The Standard Measurement Period is eleven (11) consecutive calendar months beginning December 1<sup>st</sup> through October 31<sup>st</sup> of the following year.
3. The Administrative Period is the time between the Standard Measurement Period and the Stability Period used to determine which ongoing employees are eligible for health coverage and open enrollment. The Administrative Period begins each November 1<sup>st</sup> through December 31<sup>st</sup>.
4. The Stability Period is the period of time that allows employees who were determined to be “full-time” during the Standard Measurement Period to be treated as full-time employees for the purpose of an offer of health insurance coverage. The Stability Period will be January 1<sup>st</sup> through December 31<sup>st</sup>.

**B. New Employees**

1. A “new employee” is generally an employee who starts work in the middle of a Standard Measurement Period and would not have accumulated enough work history needed to complete a Standard Measurement Period. This “new employee” would be subject to an Initial Measurement Period.
2. The Initial Measurement Period is the period of time not less than three (3), but not more than twelve (12), consecutive months. The Initial Measurement Period for each new employee will start on the new employee’s first day of employment and last through the end of twelve (12) consecutive months.
3. The Administrative Period is the period of time from the end of the Initial Measurement Period through the end of the first calendar month beginning on or after the end of the Initial Measurement Period. The total length of this Administration Period will be one full month plus a partial month, depending on the end of employee’s Initial Measurement Period.

4. The Stability Period for such employees must be the same length as the Stability Period for ongoing employees. Therefore, the Stability Period for new employees will equal twelve (12) consecutive months beginning the first month after the Administrative Period. Once an employee, who has been employed for an Initial Measurement Period, has been employed for an entire Standard Measurement period, the employee must be reviewed for full-time status, beginning with that Standard Measurement Period, at the same time and under the same conditions as other ongoing employees. At this point, the “new employee” is now considered an “ongoing employee” and will have the same Standard Measurement Period as other “ongoing employees”.
5. The Initial Measurement Period and the following Standard Measurement Period will most likely overlap. Creating two separate measurement periods will ensure that an employee has the opportunity to become eligible for health coverage depending on their working hours in either period.

**C. Eligibility**

An employee who is employed on average of at least thirty (30) hours of service per week or one-hundred thirty (130) hours of service per calendar month over the course of any measurement period described above is eligible for an offer of health insurance benefits.

**D. Compliance and Reliance**

In compliance with § 4980H of the Internal Revenue Code, the College utilizes a reasonable method consistent with Notices 2011-36, 2011-73, 2012-17 and 2012-58. As additional guidance is issued, the procedures will be amended to ensure continued compliance with the Affordable Care Act.

Adopted: 08/08/2019

Legal Reference: § 4980H of the Internal Revenue Code; Internal Revenue Service Notices 2011-36, 2011-73, 2012-17, 2012-58

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- A. Upon completion of at least ten (10) years of total qualifying service with the College in a full-time, permanent position or part-time, permanent position (employed at least nine (9) months per year and for at least twenty (20) hours per week), an employee is eligible for Longevity Pay.
- B. Qualifying service is based on a month-for-month computation of employment with:
1. An institution in the North Carolina Community College System or a school administrative unit regardless of the source of salary and including state, local or other paid employment.
    - a. Employment for a full school year is equivalent to one full calendar year (credit for a partial year is given on a month-for-month basis).
    - b. In no event will an employee earn more than a year of aggregate service credit in a twelve (12) month period.
    - c. If an employee is in pay status for one-half (i.e., working, exhausting leave, workers' compensation, or military leave) or more of the regularly scheduled workdays in a month, credit shall be given for the entire month.
  2. Departments, agencies, and institutions of the State of North Carolina (e.g., State Department of Administration, North Carolina Department of Revenue, University of North Carolina, North Carolina Community College System, State Department of Public Instruction).
  3. Other governmental units which are now agencies of the State of North Carolina (e.g., county highway maintenance forces, War Manpower Commission, the Judicial System).
  4. County agricultural extension service.
  5. Local mental health, public health, social services, or civil preparedness agencies in North Carolina, if such employment is subject to the State Personnel Act.
  6. Authorized military leave.
    - a. Credit for military leave is granted only for persons who were employees of the State of North Carolina or other agencies listed in Section 2 (a) – (e) herein who were granted leave without pay:

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- i. for a period of involuntary service plus ninety (90) days or for a period of voluntary enlistment for up to four years, plus ninety (90) days, so long as they returned to employment in a covered agency within the ninety (90) days; or
      - ii. for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.
    - b. Employees who enlist for more than four years or who re-enlist shall not be eligible for longevity consideration for military leave.
    - c. Employees hospitalized for a service -connected disability or injury shall be granted additional leave without pay for the period of hospitalization plus ninety (90) days or for twelve (12) months, whichever is shorter. The hospitalization must commence before reinstatement into qualifying service for the provisions of this part to apply.
  - C. Aggregate service to the State of North Carolina for the longevity pay plan does not include:
    - 1. Temporary service, that is, service by an employee who works in a temporary position, or who is working temporarily in the absence of a full- time regular employee on leave of absence.
    - 2. Periods of out- of- state employment with other states, schools, colleges or universities.
    - 3. Periods of employment with agencies of the federal government.
    - 4. Periods of military service other than those categories described above.
    - 5. Periods of employment for employers other than the State of North Carolina even though credit in the North Carolina Retirement System has been purchased for such employment.
  - D. Annual longevity pay amounts are based on the length of aggregate service to the State of North Carolina, community colleges, and public schools as designated herein and a percentage of the employee's annual rate of pay on the date of eligibility.
    - 1. Longevity pay amounts are computed by multiplying the employee's annual base salary rate as of the eligibility date by the appropriate percentage, rounded to the nearest dollar, in accordance with the following table:

| YEARS OF AGGREGATE STATE SERVICE | LONGEVITY PAY RATE |
|----------------------------------|--------------------|
| 10 but less than 15 years        | 1.50 %             |
| 15 but less than 20 years        | 2.25%              |
| 20 but less than 25 years        | 3.25%              |
| 25 or more years                 | 4.50%              |

2. Longevity pay is not considered a part of annual base or contract pay nor is it to be represented in personnel and payroll records as part of annual base salary. (Salary increases effective on the same date as longevity eligibility date shall be incorporated in the base pay before computing longevity).
- E. The payment of longevity pay to eligible employees is automatic. Payment shall be made in a lump sum subject to all statutory deductions, during the monthly pay period in which the employee has satisfied all eligibility requirements.
1. Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.
  2. If an employee retires, resigns, dies, or is otherwise separated on or after the date of becoming eligible for a longevity payment, the full payment shall be made to the employee or to the estate of the employee in the event of death.
  3. If on the effective date of these procedures, an employee has completed the qualifying length of service but is between eligibility dates, longevity payment will be made on the next longevity anniversary date.
  4. If the employee has worked part but not all of one year since qualifying for longevity payment, the employee shall receive a prorated payment in the event of:
    - b. separation from the College, or
    - c. change in employment status to temporary part-time or to a position not covered in the Policy.
  5. If an employee separates from the College and receives a partial longevity payment and is employed by another community college, school administrative unit, or state agency, the balance of the longevity payment shall be made upon completion of additional service totaling twelve (12) months for an employee having a 12-month period of employment or upon

completion of a lesser term for a teacher other than a 12-month contract. The balance due is computed on the annual salary being paid at the completion of the requirement.

6. If an eligible employee at the time of separation has a fraction of a year toward the next higher percentage rate, payment shall be based on the higher rate; however, the basic eligibility for longevity requirement must have been satisfied before this provision can apply.
  7. Leave without pay in excess of half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date on a month-for-month basis.
- F. Longevity pay shall be made from the same source of funds in the same prorated amounts from which the employee's regular annual salary is paid (e.g., state, federal, local fund). The Trustees may provide longevity payments to employees from other than state allotted funds.
- G. The President or shall:
1. Determine the quality of qualifying service and the longevity anniversary date for each eligible employee.
  2. Furnish to the State Board, on forms prescribed by NCCCS, data necessary for a determination of the cost of the longevity pay plan from state funds.
- H. The State President shall determine the total cost of the longevity pay plan from data submitted by each community college. The State President shall advise the State Board whether funds available for longevity pay are adequate. If funds are not adequate, the State President shall submit a budget revision to the State Budget Officer requesting additional funds from other available sources within State Aid.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: 1C SBCCC 400.8

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The College may provide full or partial tuition funds for full-time employees to attend College classes depending upon budget availability. The employee must receive prior approval from his/her immediate supervisor and appropriate Vice President and the President before enrolling in the course.

The following conditions shall govern the approval of an employee's request for tuition exemption:

- A. Full-time employees are eligible to enroll in one course per semester.
- B. The course must be job-related and specific to the employee's job responsibilities.
- C. All courses will be on a reimbursable basis.
- D. Employees must pay for books and any other special fees associated with the course.
- E. Employees must complete the course successfully with a grade of "B" or better; or in a pass/fail course, the grade of "pass."
- F. The time an employee attends a class shall not be considered work time unless the President has first approved such a request.

All requests are subject to budget availability and may be suspended at any time by the Board or President.

Adopted: 08/08/2019

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- I. The College President shall be responsible for the administration of the leave program. The College's Human Resources office shall maintain leave records for all employees. The College will retain leave records for all separated employees for a period of at least five (5) years from the date of separation or longer as determined by applicable law.
- II. The following types of leave are authorized for the College's employees in accordance with state and federal law and these policies and procedures:

|                       |                          |
|-----------------------|--------------------------|
| Sick Leave            | Voluntary Shared Leave   |
| Annual Leave          | Parental Leave           |
| Educational Leave     | Family and Medical Leave |
| Civil Leave           | Community Service Leave  |
| Workers' Comp Leave   | Military Leave           |
| Bonus Leave           | Bereavement Leave        |
| Special Faculty Leave | Leave without Pay        |
| Adverse Weather       | Holidays                 |

- III. Absences from work during scheduled working hours shall be charged to the employee's appropriate leave account.
- IV. If an employee is unable to report for work, the employee shall notify the supervisor of the anticipated absence or tardiness as soon as possible stating the reason and the anticipated length of absence.

Adopted: 08/08/2019

Revised: 06/24/2020

**PROCEDURE:**

In instances of death of a faculty/staff member, trustee member, foundation board member, or elected official/manager within the college's service area, the following guidelines will be followed. In lieu of flowers, memorials will be made to the WCC Foundation.

|  | <b>WCC<br/>Notification</b> | <b>Card</b> | <b>Memorial</b>        |
|--|-----------------------------|-------------|------------------------|
| Current Full-time Faculty/Staff                      | Email/Insider               |             | \$50.00/WCC Foundation |
| *Immediate Family of Full-time Faculty/Staff         | Email/Insider               | X           |                        |
| Current Part-time Faculty/Staff                      | Insider                     | X           |                        |
| Retirees   | Insider                     | X           |                        |
| Current Trustees                                     | Email/Insider               |             | \$50.00/WCC Foundation |
| *Immediate Family of Current Trustees                | Insider                     | X           |                        |
| Former Trustees                                      | Insider                     |             | \$50.00/WCC Foundation |
| *Immediate Family of Former Trustees                 | Insider                     | X           |                        |
| Current Endowment Board Members                      | N/A                         |             | \$50.00/WCC Foundation |
| *Immediate Family of WCC Foundation Board Member     | N/A                         | X           |                        |
| Former WCC Foundation Board Members                  | N/A                         | X           |                        |
| *Immediate Family of Former Foundation Board Members | N/A                         | X           |                        |
| Elected Officials/Managers within Service Area       | N/A                         | X           |                        |
| *Immediate Family of Elected Officials/Mgrs.         | N/A                         | X           |                        |

\*Immediate Family – A person who is related to an employee and is a spouse, parent (biological or adoptive parent; an individual who stood in loco parentis; a step-parent; and in-law relationships), child (a biological child; an adopted child; a foster child; step-child; a legal ward; a child of an employee standing in loco parentis; and in-law relationships), sister or brother (biological, adoptive including step-, half-, or in-law relationships), grandparents, great grandparents, grandchildren, great grandchildren (including step relationships), and other dependents living in the employee's household.

Persons responsible for mailing sympathy cards:

|  |  |
|--|--|
| Faculty/Staff                          | Senior Administrative Assistant to the Senior VP of Administration |
| Board of Trustees                      | Executive Assistant to the President                               |
| Foundation Board                       | Executive Director of WCC Foundation                               |
| Elected Officials/Managers – Wilkes    | Executive Assistant to the President                               |
| Elected Officials/Managers – Ashe      | Vice President, Ashe Campus  |
| Elected Officials/Managers – Alleghany | Alleghany Center Director  |

Any acknowledgment of illness/hospitalization of current and former employees or death of a former employee resides within divisions.

Adopted: 08/20/2020

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**I. AMOUNT EARNED**

- A. A full-time employee working or on paid leave for one-half or more of the regularly scheduled workdays in any month shall earn eight (8) sick leave hours per month (ninety-six (96) sick leave hours per year for twelve (12) month employees).
- B. Unused sick leave may be used for credit towards retirement under the policies and regulations of the North Carolina Teachers' and State Employees' Retirement System.

**II. ADVANCEMENT**

The College may advance sick leave not to exceed the amount of sick leave an employee can earn during the current fiscal year. Such sick leave advancement must be approved in advance by the President or designee and will only be used in extraordinary situations.

**III. VERIFICATION**

The College may require a statement from a medical provider or other acceptable proof that the employee was unable to work for one of the accepted uses listed in Section IV.

**IV. ACCEPTED USES**

Sick leave may only be used for the following reasons:

- A. Illness or injury of the employee or the employee's immediate family. For purposes of this Policy, "immediate family" means the employee's spouse, parent, child, sibling, grandparent, or grandchild. This also includes all step, half, and in-law relationships;
- B. Bereavement Leave;
- C. Medical appointments for an employee or the employee's immediate family;
- D. Quarantine due to a contagious disease in the employee's immediate family living in the same house;
- E. The actual period of temporary disability due to childbearing and/or recovery therefrom or for the care of the mother or newborn during the mother's temporary disability; and
- F. Adoption of a child limited to a maximum of thirty (30) days.

**I. OTHER PROCEDURES****A. Leave Charges**

All sick leave shall be taken in one-hour increments. Only scheduled work hours shall be charged in calculating the amount of sick leave taken. Saturdays and Sundays are charged only if they are scheduled workdays.

Earned compensatory time must be used before using sick leave.

**B. Transfer of Leave**

An employee who transferred from a North Carolina public K-12 school, North Carolina community college, a UNC System University, or a state agency ("public employers") to the College shall be credited with any sick leave which s/he had at the end of employment with the public employer provided that his/her employment was continuous.

**C. Separation**

When an employee separates from College employment, the College shall not pay the employee for any accrued, unused sick leave. Sick leave must first be exhausted before going on leave without pay or extended illness. While an employee is exhausting sick leave, s/he earns all benefits for which s/he is entitled.

If an employee separates from College employment and is overdrawn on sick leave, the College shall make deductions from the employee's final pay check. All deductions shall be made in one-hour increments. As consideration for providing sick leave, employees voluntarily agree to such deductions from their final pay check.

**D. Reinstatement of Sick Leave**

Employees separated from College employment for reasons unrelated to disciplinary reasons shall be credited with all accrued, unused sick leave at the time of their separation if reinstated within one year from the date of separation.

**E. Recordkeeping**

The College shall maintain annual records for sick leave earned and taken for each employee. The College shall notify employees of their total sick leave balance at the end of each month. The College shall retain all sick leave records of all separated employees for a period of at least five (5) years from the date of separation.

Adopted: 08/08/2019

## **I. AMOUNT EARNED**

Each full-time employee who is working or on paid leave for one-half or more of the workdays in any month earns annual leave. Employees shall earn annual leave rate at the following rate:

| Years of Total State Service | Hours Granted Each Month<br>Based on 12 months | Hours Granted Each Year<br>Based on 12 months | Days Granted Each Year<br>Based on 12 months |
|------------------------------|--|---|--|
| Less than 2 years            | 8 Hours  | 96  | 12   |
| 2 but less than 5 years      | 9 Hours  | 108   | 13.5   |
| 5 but less than 10 years     | 11 Hours                                       | 132   | 16.5   |
| 10 but less than 15 years    | 13 Hours                                       | 156   | 19.5   |
| 15 but less than 20 years    | 15 Hours                                       | 180   | 22.5   |
| 20 years or more             | 17 Hours                                       | 204   | 25.5   |

## **II. MAXIMUM ACCUMULATION**

Annual leave may be accumulated without any applicable maximum until June 30th of each fiscal year. On June 30<sup>th</sup> of each fiscal year, or upon separation of service, any employee with more than 240 hours of accumulated annual leave shall have the excess (i.e., the amount over 240 hours) converted to sick leave.

## **III. ADVANCEMENT**

- A. Annual leave may be advanced by the approval of the Senior Vice President of Finance & Administration and President in an amount not to exceed what an employee can earn during the remainder of the fiscal year.
- B. For the first six (6) months of service, new employees can only earn annual leave as stipulated in Section I. Thereafter, an employee may be advanced the amount of leave s/he would earn during the remainder of the fiscal year.
- C. An employee desiring an advancement of annual leave must submit, in addition to the requested form, a statement of need outlining the circumstances which require use of as-yet-unearned annual leave. Each case will be assessed on its merits and considerations given as to the urgency of the request and the College's business needs.

## **IV. ACCEPTED USES**

The primary purpose of annual leave is to allow and encourage employees to renew their physical and mental capabilities and to remain a fully productive employee.

Annual leave may also be requested for other periods of absence for personal reasons, absences due to adverse weather conditions and for personal illness or illnesses in the immediate family when the employee has exhausted sick leave. Annual leave must be exhausted before an employee goes on leave without pay, except in cases of the birth or adoption of a child as covered under Policy 3.2.13 – Family and Medical Leave Act.

## **V. OTHER PROCEDURES**

### **A. Scheduling Annual Leave**

1. Staff: Annual leave shall be taken only upon authorization of the staff member's supervisor, who shall designate such time or times when it will least interfere with the College's efficient operation. Annual leave for staff must be requested in advance. A supervisor may deny a request to use annual leave if the leave would hinder the efficient operation of the College or the staff member has not provided reasonable notice of the request.
2. Faculty: Full-time instructors should take annual leave only during the periods when classes are not in session. If emergency or unusual circumstances necessitate the full-time instructor taking one or more annual leave days during the semester/term, the instructor shall obtain prior approval from his/her supervisor and the senior instructional officer and outline a plan for adequately covering the classes to be missed with college employees, appropriate substitutes, and/or appropriate assignments.

A full day's leave is normally eight hours for staff and faculty. When annual leave is taken for less than a full day, only scheduled work hours shall be charged in calculating the amount of annual leave taken. Annual leave must be taken in units of one hour. Weekends and/or holidays are charged only if they are scheduled workdays.

### **B. Separation from Employment**

1. Lump sum payment for annual leave is made only at the time of separation from employment. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of two-hundred forty (240) hours when separated from employment from the College due to resignation, dismissal, reduction-in-force, death or service retirement. Employees retiring on disability retirement may exhaust leave rather than be paid in a lump sum.
2. If an employee separates from employment and is overdrawn on

annual leave, deductions will be made from the final salary check. It will be deducted in full hour units, i.e., a full hour for any part of an hour overdrawn. As consideration for providing annual leave, employees voluntarily agree to such deductions from their final pay check.

3. Payment for annual leave may be made on the regular payroll or on a supplemental payroll, reflecting the number of days of leave and the amount of payment. Annual leave may be paid through the last full hour of unused leave.
  4. Retirement deductions shall be made from all annual leave payouts.
  5. The last day of work is the date of separation, except when an employee exhausts sick and annual leave before disability retirement.
- a. Transfer of Annual Leave

For new employees, the College accepts 80 hours of annual leave from other state agencies or local educational entities.

- b. Annual Leave Records

The College shall maintain records for annual leave earned and taken for each employee. The College shall notify employees of their total annual leave balance at the end of each month. The College shall retain all annual leave records of all separated employees for a period of at least five years from the date of separation.

It is the employee's responsibility to report any discrepancy or problem with his/her sick leave balance to Human Resources.

## **VI. SPECIAL FACULTY LEAVE**

- A. Special faculty leave resulted from an electronic processing error in annual leave accrual rates for employees with a contract period of less than twelve months that elected to have their contractual pay spread in installments over twelve months (e.g. nine-month faculty contracts paid over twelve months).
- B. Additional annual leave accumulated and credited to employees in error in excess of annual leave rates indicated in Part I of this policy have been credited to a special faculty leave account for affected employees.

- C. Special faculty leave shall be taken only upon advanced authorization of the immediate supervisor. Employee preferences should be considered, but college needs must be met when scheduling leave.
- D. Any available balance of special faculty leave must be exhausted before regular annual leave or sick leave may be used.
- E. Special faculty leave does not convert to sick leave or annual leave and may be carried over until used. Any unused special faculty leave remaining at termination of employment will be forfeited.
- F. Special faculty leave may not be transferred to another community college or state agency and is not available for use as voluntary shared leave.

Adopted: 08/08/2019

Revised: 01/12/2023

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Educational leave refers to the release from duties or time normally required of a full-time employee in carrying out his/her full load of assigned responsibilities for the purpose of furthering the employee's education. State funds may be used to pay employee salaries while they are on educational leave if the following criteria are fulfilled:

- A. The employee is employed full-time on a nine (9), ten (10), eleven (11), or twelve (12) month basis;
- B. The employee has been a full-time College employee for at least three (3) years;
- C. Any employee granted educational leave shall complete a promissory note and contract for the full amount of salary and benefits. The contract will include a provision that the employee will remain employed by the College for at least one year after the educational leave ends;
- D. An employee who fails to honor the contract shall be required to repay the full amount of salary and benefits expended for the educational leave. If the employee fulfills a portion of the contract but does not work the entire year after the educational leave, the employee shall be required to repay a pro-rata portion of the salary and benefits expended by the College for the educational leave; and
- E. Educational leave will not exceed a period of one (1) semester during a fiscal year.

Adopted: 08/08/2019

Legal Reference: 1C SBCCC 400.96

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An employee may be granted Educational Leave with pay (“leave”) provided all of the following conditions are met:

- A. The employee has submitted the appropriate leave request form. The form is available in the Human Resources Office.
- B. The employee is employed full-time on a 9, 10, 11, or 12---month basis and has been employed by the College for a minimum of three (3) years.
- C. The leave does not exceed eighty (80) business days during the leave period in any twelve (12) month period.
- D. The President has approved the leave.
- E. The employee is under contract (full-time) to return to the College the full year following the leave.
- F. An employee pursuing course work toward an advanced degree must attend an accredited institution.
- G. The College’s needs must take priority over any employee’s requested work schedule adjustments. Depending on the employee’s request and any supervisory recommendations, the College may impose additional conditions as needed and based on the situation.
- H. Requests for the leave are considered on a first come, first serve basis. Multiple requests in the same department are considered individually based on impact to the work area. Prior to the leave being granted, the division dean and appropriate Vice President must ensure that the employee’s duties and responsibilities are to be adequately performed during the employee’s absence.
- I. An employee who fails to honor the contract and does not return to work after the leave shall be required to repay the full amount of salary and benefits expended for the educational leave. If the employee fulfills a portion of the contract but does not work the entire year after the leave, the employee shall be required to repay a pro-rata portion of the salary and benefits expended by the College for the leave.
- J. Requests for leave must be submitted in a timely manner for planning purposes, preferably during the budgeting process or 180-days prior to the leave request.

- K. Employees may be considered for additional leave after completing two (2) consecutive years of employment subsequent to the completion of the prior leave.
- L. Employee shall provide verification of completion of course(s) taken (e.g., letters, certificates, transcripts, etc.).
- M. Requests which do not meet the criteria for leave may be addressed in Policy 3.2.17 - Leave Without Pay.

Adopted: 08/08/2019

For jury duty and other court attendance, it is the employee's responsibility to inform the immediate supervisor or Division Dean when the duty is scheduled and the expected duration. Employees shall provide notice of the required jury or court appearance as soon as practical.

### **I. JURY DUTY**

All employees who serve on a jury are entitled to civil leave with pay plus fees received for jury duty. The employee should report back to work as soon as jury duty is completed. She/he must report back to work the day following completion of the duty. If jury duty occurs on a scheduled day off, she/he is not entitled to additional time off.

### **II. COURT ATTENDANCE**

When an employee attends court in his or her official capacity as a College employee, the employee is entitled to civil leave with pay. The employee is required to give any fees received as a witness while serving in an official capacity to the College. (If court is on a day that would normally be an off-day, the time is to be considered as working time and included in total hours worked per week).

If an employee is a party or subpoenaed to appear as a witness in a court matter where the employee's appearance is not related to his/her College duties, the employee shall be allowed to take annual leave, compensatory leave or leave without pay for purpose of attending court.

Employees sued in their official capacities (or individual capacities but engaging in activities within the course and scope of their duties) shall be granted civil leave with pay.

**Adopted:** 08/08/2019

**Revised:** 01/6/2022

Legal Reference: 1C SBCCC 200.94

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The College shall follow rules and regulations in accordance with the Workers' Compensation Act, G.S. 97-77, and procedures as specified in the North Carolina Community Colleges Workers' Compensation Manual.

## **I. USE OF LEAVE DUE TO WORKERS' COMPENSATION INJURY**

When an employee suffers an accidental injury or contracts an occupational disease within the meaning of the North Carolina Workers' Compensation Act ("Act"), the employee is entitled to benefits provided by the Act. The employee is entitled to medical benefits and compensation for time lost from work due to the injury. The Act does not entitle an employee to job protection due to a workers' compensation injury.

If an employee is not able to work because of the accident, the Act requires a seven (7) day waiting period before the employee is eligible for weekly benefits. After the seven (7) day waiting period has expired, if an employee is not able to work because of the accident, an employee qualifies for compensation under the Act at the rate of sixty-six and two-thirds percent (66-2/3%) of an employee's average weekly wage, but no more than the amount established by the Act.

If the injury results in disability of more than twenty-one (21) calendar days from the date of disability, the Act provides that compensation shall be allowed for the seven (7) day waiting period. At any time during the period of disability, an employee may use accrued leave in order to make up the difference between the compensation provided under the Act and their average weekly wage.

## **II. RESPONSIBILITY OF EMPLOYER AND EMPLOYEE**

In accordance with N.C.G.S. 97-22, the employee or his/her representative must provide written notice of an accident to the employee's supervisor and to the Human Resources department as soon as possible. No compensation shall be payable unless such written notice is given within thirty (30) days after occurrence of the accident or death, unless reasonable excuse is made to the satisfaction of the North Carolina Industrial Commission ("Commission") for not providing adequate notice and the Commission is satisfied that the employer has not been otherwise prejudiced by the delay.

The College is required to report an employee injury to the Commission using I.C. Form No. 19. The injured employee is responsible for claiming compensation. A claim must be filed by the employee through the College with the Commission within two (2) years from the date of injury. Otherwise, the claim is barred by law.

**I. CONTINUATION OF BENEFITS**

- A. Performance Increase. Upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increases to which the employee is entitled.
- B. Annual and Sick Leave. While on workers' compensation leave, an employee will continue to accumulate annual and sick leave to be credited to his/her account for use upon return.

Accumulation of annual leave may in some cases exceed the 240-hour maximum as set forth in Policy 3.2.6. In those cases:

- 1. The maximum to be carried forward to the next fiscal year may be exceeded by the amount of vacation accumulated while the employee is out of work due to their workers' compensation injury. The excess may be used after returning to work or be added to the employee's remaining balance of leave carried until the end of the fiscal year following a full year after the employee's return to work, at which time the excess will be paid in a lump sum to the employee.
- 2. If the employee separates during the period that excess annual leave is allowed, the excess annual leave to be paid in a lump sum may not exceed the amount accumulated during the first twelve (12) months of when the employee is out of work and receiving workers' compensation benefit.

**C. Health Insurance**

While an employee is out of work and receiving compensation under the Act, the employee is in pay status and will continue coverage under the state's health insurance program.

**D. Retirement Service Credit**

While on workers' compensation leave an employee does not receive retirement credit. As a member of the state retirement system, the employee may purchase credits for the period of time on an approved leave of absence in accordance with the rules and regulations of said system. Upon request by the employee, the retirement system will provide a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost must be recomputed.

**II. RETURN TO WORK**

- A. When an employee who has been injured on the job and placed on workers' compensation leave has been released to return to work by the treating physician, the return to work shall be in accordance with the following:
1. When an employee has reached maximum medical improvement and has been released to unrestricted work by the treating physician, the institution shall return the employee to the original position he/she held prior to workers' compensation leave.
  2. When an employee has not reached maximum improvement and is ready to return to limited work duty with approval of the treating physician but retains some disability which prevents successful performance in the original position, the college shall provide work reassignment, if available, suitable to employee's capacity which is meaningful and productive as determined by the college. This work reassignment shall be a temporary assignment and shall not exceed 90 days without approval from the college's president. When the employee is able to return to unrestricted work with approval of the treating physician, the college shall return the employee to the original position held prior to workers' compensation leave.
  3. When an employee has reached maximum medical improvement and has been released to return to work by the treating physician, but has received a disability which prohibits employment in his/her previous position, the institution shall attempt, but is not required, to place the employee in another position suitable to the employee's capacity which is both meaningful and productive, and advantageous to the employee and the college. This work placement may be a permanent assignment or either a part-time or temporary assignment until a permanent assignment is found.
- B. In all situations addressed above, work placement efforts will continue for a period not to exceed 12 months. Any time an employee has reached maximum medical improvement, is taken off workers' compensation leave and is able to resume unrestricted work, but a position is not available, the employee shall be placed on leave without pay status.

While on leave without pay status, the employee may make arrangements to continue coverage under this health insurance plan. The employee is responsible for paying the total premium cost.

- C. In some cases, the extent of disability may be such that the employee will

be responsible for making the necessary arrangements with the North Carolina Division of Vocational Rehabilitation for such training as may be necessary to assist the employee to obtain suitable employment consistent with his/her performance capabilities.

- D. The Workers' Compensation Act does not speak to reemployment after an employee has been released by the treating physician to return to work. If an employee, who has been on workers' compensation leave, has reached maximum medical improvement and has been released to return to work by the treating physician, refuses suitable employment in keeping with his/her capacity, the president may implement dismissal procedures.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. Chapter 27 – Workers' Compensation Act

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The College may award bonus leave to full-time employees only when authorized by the General Assembly. The award of bonus leave may be prorated based on the months of employment the employee works.

- A. Scheduling Bonus Leave – Bonus leave may be used under the same circumstances as annual leave pursuant to Policy 3.2.6 and shall be taken only upon authorization of the employee's supervisor. Based on the College's staffing needs, an individual may be required to take bonus leave at a different time than the employee requested.
- B. Maximum Accumulation – There is no maximum accumulation of bonus leave.
- C. Transfer of Bonus Leave – Bonus leave may be transferred into the College from other state agencies or community colleges at the time of hire. Upon separation due to resignation, dismissal or a reduction-in-force, bonus leave is transferable to an employee's account with another state agency or community college.
- D. Separation – Payment of Bonus Leave:
  - 1. Lump sum payment for bonus leave is made only at the time of separation from the College service due to resignation, dismissal, reduction-in-force, death or service retirement.
  - 2. Employees retiring on disability may exhaust bonus leave rather than be paid in a lump sum.
  - 3. Payment for bonus leave may be made on the regular payroll or on a supplemental payroll, reflecting the number of days of bonus leave and the amount of payment. Bonus leave may be paid through the last full hour of unused bonus leave. Overdrawn annual or sick leave amounts may be deducted from bonus leave prior to payment.

Adopted: 08/08/2019

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During situations such as natural disasters, emergencies and/or inclement weather, the President or designee has the discretion to alter the College's operating schedule as needed. The President shall take steps necessary to deal with the situation and notify College employees.

**A. Use of Leave**

1. If the President or designee closes the College as a result of adverse weather or emergency, no employees will be required to take any leave. Essential employees (i.e., security, grounds, maintenance, etc.) who are required to work on closed days will be provided with comparable time-off at a later date with supervisor approval.
2. If the College is open but the employee believes s/he cannot make it to the designated work site safely, the employee will be required to do one of the following:
  - a. Make-up the time on a schedule approved by the employee's immediate supervisor, if feasible;
  - b. Take annual, bonus or compensatory leave; or
  - c. Payroll deduction for time lost.
  - d. Any make-up time must be completed before the end of the fiscal year.

**B. Loss of Instructional Time**

1. Coursework for missed academic classes due to inclement weather or an emergency closing will be made-up in one of the following ways:
  - a. Rescheduling the course at a time convenient to the faculty and students;
  - b. Documenting make-up through the use of an alternate assignment; or
  - c. Extending the semester by the time missed.

Adopted:08/08/2019

Cross reference: Policy 2.1.11

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Every effort will be made to make announcements regarding adverse weather/emergency closings as early as possible. Decisions impacting day classes will be made by 6:00 a.m. or earlier if possible. Decisions about evening classes will be made by 2:00 p.m.

Early College (“EC”) students should follow the county/city schools’ schedule. However, if the College is open, EC students should make every effort to attend their College classes.

Announcements regarding closures, or delayed schedules, will announced through the college’s campus alert system and be posted on the College’s website and on the following list of television/radio stations:

**Television – WXII, WBTW, WSOC, WGHP**

**Radio – WKBC, WWWC, WIFM, WABC, WTLK, WSKS (Ashe),  
WCOK  
(Alleghany)**

Adopted: 08/08/2019

Cross Reference: Procedure 2.1.11.1

## I. PURPOSE

The Voluntary Shared Leave Program ("Program") allows a College employee to voluntarily donate a portion of his/her leave to a fellow College employee who, due to that employee's serious or prolonged medical condition or that employee's immediate family member's serious or prolonged medical condition, has exhausted all his/her bonus, annual, and sick leave and is being placed on leave-without-pay status.

Based on the rules as contained herein, College employees may participate in the Program by:

- A. Donating annual, bonus or sick leave to an immediate family member in any State agency, public school or community;
- B. Donating annual or bonus leave to a coworker's immediate family member who is an employee in a State agency or public school provided the employee and coworker both work at the College; and/or
- C. Donating annual, bonus or sick leave to a non-immediate family member employee at a North Carolina community college.

## II. DEFINITIONS

**Donor** - the employee who donated leave.

**College Employee** - a permanent or probationary full-time or part-time employee that accrues sick and annual leave.

**Immediate Family Member** - a spouse, parent, child, brother, sister, grandparent or grandchild. The term also includes the step, half, foster and in-law relationship and dependent living in the employee's household.

**Recipient** - the employee or the employee's immediate family who receives leave.

**Serious or Prolonged Medical Condition** - a medical condition of an employee or his/her immediate family that will require his/her absence from duty for a period of at least twenty (20) consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences or if the employee has had a previous, but different serious or prolonged medical condition within the last twelve (12) months, the College may make an exception to the twenty (20) day period.

**III. LEAVE REASONS****A. Qualifying Reasons**

To receive voluntary shared leave, a prospective recipient must have complied with existing leave rules and:

1. Have a serious and prolonged medical condition (or a member of the employee's immediate family has a medical condition that requires the employee's absence for a prolonged period);
2. Apply for or be nominated to become a recipient;
3. Produce medical evidence to support the need for leave beyond the available accumulated leave; and
4. Be approved by the President or designee to participate in the Program.

A College employee on maternity leave may be eligible to receive voluntary shared leave to cover the period of disability related to the pregnancy and/or birth as documented by a physician.

**B. Non-Qualifying Reasons**

1. A College employee who is receiving benefits from the Disability Income Plan of North Carolina ("DIPNC") is not eligible to participate in the Program. Shared leave may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.
2. An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in the voluntary shared leave program. Use of donated leave under the workers' compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.
3. This Policy does not apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, but not all inclusive. Each case, however, must be examined and decided based on its conformity to this Policy's intent and must be

handled consistently and equitably.

4. Voluntary shared leave cannot be used for parental care of a newborn child absent a documented prolonged health condition.

#### **IV. APPLICATION FOR LEAVE**

A prospective recipient may apply or be nominated by a fellow employee to participate in the Program. The application may be in the form of a letter or statement to the Executive Director of Human Resources. The request must include a description of the medical condition, the estimated duration of the illness and, in most cases, a certification from a physician. After review of the current leave status and eligibility by the Executive Director of Human Resources, the request will be presented to the President or designee for approval.

#### **V. LEAVE CONTRIBUTION AND DONATION**

- A. An employee may begin using voluntary shared leave after all available bonus, annual and sick leave has been exhausted. While using voluntary shared leave, employees continue to earn leave.
- B. The amount of voluntary shared leave a recipient may receive is one thousand forty (1,040) hours per year (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, the President or designee may grant continuation, on a month-to-month basis, to a maximum of two thousand eighty (2,080) hours, if the President or designee would have otherwise granted leave without pay.
- C. A College employee donating sick leave to an immediate family member may donate up to one thousand forty (1,040) hours but may not reduce the donor's sick leave account below forty (40) hours. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave. The minimum amount of sick leave to be donated is four (4) hours.
- D. A College employee may donate up to five (5) days of sick leave to a non-immediate family member employee of a North Carolina community college. The combined total of sick leave donated to a recipient from non-immediate family member donors shall not exceed twenty (20) days per year. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave. The minimum amount of sick leave to be donated is four (4) hours.
- E. The minimum amount of annual and/or bonus leave that may be donated per recipient is four (4) hours per year. The maximum amount of annual leave

that may be donated:

1. May not be more than the amount of the donor's annual accrual rate; and
  2. May not reduce the donor's annual leave balance below one-half of the yearly annual leave accrual rate.
  3. Bonus leave may be donated without regard to the above limitations on annual leave.
- F. All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to sixty (60) calendar days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.
- G. To donate voluntary shared leave, a donor must, at the time of donation:
1. Be an active employee (not separated);
  2. Be in a position that earns leave; and
  3. Have sufficient leave balances.

## **VI. UNUSED SHARED LEAVE**

### **A. End of Medical Condition**

Any unused leave at the expiration of the medical condition, as determined by the President or designee, shall be treated as follows:

1. The recipient's sick leave account balance shall not exceed a total of forty (40) hours (prorated for part-time employees).
2. Any additional unused donated leave shall be returned to donor(s) on a pro-rata basis and credited to the leave account from which it was donated.

### **B. Separation from Service**

If a recipient separates from service due to resignation, death, or retirement, participation in the Program ends. Unused leave shall be returned to the donor(s) on a pro-rata basis and credited to the same account from which it was donated.

**C. Transfer**

If a recipient transfers to another North Carolina state agency, public education system or community college, unused voluntary shared leave shall be returned to the donor(s) and credited to the same account from which it was donated.

**VII. CONFIDENTIALITY**

An employee's medical information is confidential. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition (or the family member) needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.

**VIII. INTIMIDATION OR COERCION PROHIBITED**

An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which the employee may have with respect to donating, receiving, or using leave under this Program. Such action shall be grounds for disciplinary action, up to and including, dismissal.

Adopted: 08/08/2019

Legal Citation: G.S. 115D-25.3; 1 SBCC 200.94(c); 25 NCAC 01E.1301-.1307; 25; NCAC 01E.0707; S.L. 2016-94, § 36.19

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## **I. OVERVIEW**

Pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), any eligible employee may be granted up to a total of twelve (12), or in some cases twenty-six (26), weeks of unpaid, job-protected family and medical leave in any twelve (12) month period for one or more of the following reasons:

- A. For the birth of a child and to care for the child after birth, provided the leave is taken within a twelve (12) month period following birth;
- B. For the employee to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a twelve (12) month period following adoption;
- C. For the employee to care for the employee's child, spouse or parent, where that child, spouse or parent has a serious health condition;
- D. Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position;
- E. Because of any qualifying exigency where the employee's spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation; or
- F. Because of the need to care for a family member or next of kin who has been injured while serving in the armed forces. For this provision, the amount of FMLA is up to twenty-six (26) weeks within a twelve (12) month period.

## **II. DEFINITIONS**

The following definitions shall apply to this policy:

- A. "Eligible employee" means an employee who has been employed: (a) for at least twelve (12) months by the College; and (b) for at least one thousand two hundred fifty (1250) hours of service with the College during the previous twelve (12) month period.
- B. "Health care provider" means:
  - 1. Doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State in which the doctor practices; or

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2. Any of the following individuals as long as they are authorized to practice medicine in the State and are performing within the scope of their practice as defined under the state law:
- a. Podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife and clinical social worker;
  - b. A health care provider from whom the College's group health plan's benefit manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
  - c. A health care provider listed above who is authorized to practice in accordance with the laws of that country and who is performing within the scope of his/her practice as defined under those laws.
  - d. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:
    - i. inpatient care in a hospital, hospice or residential medical care facility;
    - ii. a period of incapacity of more than three (3) consecutive days that also involves continuing treatment by a health care provider; continuing treatment means one in- person visit to a health care provider within the first seven (7) days of incapacity and either a second visit within the first thirty (30) days or a regimen of continuing treatment under the supervision of a health care provider;
  - e. any period of incapacity due to pregnancy or for pre-natal care;
  - f. chronic conditions requiring treatment;
  - g. permanent/long-term conditions requiring supervision; or
  - h. multiple treatments for non-chronic conditions.

C. Family Definitions

- 1. "Son or daughter" includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is: (1)

under eighteen (18) years of age; or (2) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

2. "Spouse" means a partner joined in marriage recognized by the State of North Carolina or any other state, including common law marriages.
3. "Parent" means the biological, step, adoptive or foster parent or an individual who stood *in loco parentis* to an employee when the employee was a child. This term does not include parent's "in-law".

#### D. Military Service Member Definitions

1. "Next of kin" of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of FMLA military caregiver leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.
2. "Military service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
3. "Qualifying exigency" means short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.
4. "Active duty or call to active duty" means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, and 12406 of Title 10 of the United States Code, Chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation.

**III. PROCEDURE****A. Paid/Unpaid Leave**

When applicable, all eligible employees are required to use appropriate accrued paid leave (i.e., annual, bonus, compensatory and sick leave) for any portion of FMLA leave. All benefits accrue during any period of paid leave; however, no benefits or seniority will be accrued during a period of unpaid FMLA leave. Any use of paid leave runs concurrent with FMLA leave and counts toward the FMLA leave entitlement.

Holidays occurring during an FMLA period of a full week count toward the FMLA leave entitlement. Holidays occurring in a partial week of FMLA do not count toward the FMLA leave entitlement unless the employee was scheduled to work on the holiday.

**B. Intermittent Leave or Reduced Work Schedule**

Under certain circumstances, FMLA leave may be taken intermittently or on a reduced leave schedule which reduces the regular workday or workweek. If the employee's request for intermittent leave or leave on a reduced work schedule is foreseeable because of a planned medical treatment, the College may transfer the employee temporarily to another position for which the employee is qualified and which better accommodates recurring periods of leave. The alternative position must have equivalent pay and benefits. There is no limit on the size of an increment of leave when intermittent or reduced leave is taken. The College may limit leave increments to the shortest period of time that the payroll system uses to account for absences or leave, provided it is one (1) hour or less. An employee may not be required to take more FMLA leave than necessary to address the circumstances that precipitated the need for the leave.

**C. Notices****1. Notice to Employer**

In all instances where the employee is required to provide the College notice of requested FMLA leave, the employee shall inform the Human Resources department and his/her immediate supervisor. It is the responsibility of the employee to explain the reasons for FMLA leave in sufficient detail as to allow the College to determine that the leave qualifies under the FMLA. If the employee fails to adequately explain or document FMLA qualifying reasons for the leave after a request by the College, leave may be denied. Where the necessity for FMLA leave for the birth or placement of a child is foreseeable, the employee shall notify the College at least thirty (30) days before the date

the leave is to begin or the employee's intention to take such leave. In other cases, the employee shall provide such notice as soon as practicable. For foreseeable leave where it is not possible to give as much as thirty (30) days' notice, "as soon as practicable" means at least verbal notification within one (1) or two (2) business days of when the need for leave becomes known to the employee. An employee shall provide at least verbal notice sufficient to make the College aware that the employee needs FMLA leave and the anticipated timing and duration of the leave. The College may also require an employee to comply with the College's usual and customary notice and procedural requirements for requesting leave. If the employee fails to give timely advanced notice when the need for FMLA leave is foreseeable, the College may delay the taking of FMLA leave until thirty (30) days after the date the employee provides notice to the College of the need for FMLA leave. An employee may not be entitled to FMLA leave if he or she fails to provide adequate notice of the leave and certification of the medical condition as provided within this policy and the law.

## **2. Notice to Employee**

Within five (5) business days of the employee notifying the College of the need for FMLA leave, the College shall give the employee a written notice detailing the specific rights, expectations and obligations of the employee on FMLA leave. The College shall use the U.S. Department of Labor model notice form. Within five (5) business days after receiving sufficient information to determine whether the need for leave is FMLA qualifying, the College shall give the employee notice that informs the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. The College shall use the U.S. Department of Labor model designation form.

## **D. Medical Certification**

Any request for FMLA leave for a serious health condition shall be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse or parent of the employee as appropriate. Such medical certification should be attached to the employee's request for FMLA leave, or in the case of unforeseen leave, generally within two (2) business days after the leave begins. In the case of foreseeable leave, the College may delay the taking of FMLA leave to an employee who fails to provide timely certification after being requested by the College to furnish such certification (within fifteen (15) calendar days, if practicable) until the required certification is provided. In the case of unforeseeable leave, if the employee does not provide the medical certification within a reasonable time under the pertinent circumstance, the College may delay the continuation

FMLA leave. If the employee never produces the required medical certification, or if the certification does not confirm the existence of a serious health condition as defined under FMLA, then the leave is not FMLA leave. In any case in which the College has reason to question the appropriateness of the leave or its duration, the College may request certification at some later date. If the College has reason to doubt the validity of the certification provided, the College may require, at its expense, that the eligible employee obtain the opinion of a second (or third) health care provider. Second and third opinions are not permitted for the military caregiver leave.

If the College deems a medical certification to be incomplete or insufficient, the College must specify in writing what information is lacking and give the employee seven (7) calendar days to cure the deficiency.

The College may not ask for recertification any more frequently than every thirty (30) days. If the initial certification is for more than thirty (30) days, the College must wait for the initial leave period set forth in the certification to run before asking for recertification. Recertification may only be required when employees are taking leave for their own serious health conditions. Under the qualified exigency leave, the College may not request recertification of the covered service member's active duty or call to active duty orders. Also, recertification is not permitted for the military caregiver leave.

The College's representative contacting the health care provider must be a health care provider, human resource professional, a leave administrator, or a management official, but in no case may it be the employee's direct supervisor. Further, the College may not ask health care providers for additional information beyond that required by the medical certification form.

**E. Confidentiality**

All records and documents relating to medical certifications, recertification or medical histories of an employee or an employee's family members shall be maintained in a separate medical file from the employee's personnel file and shall be treated as confidential medical records in accordance with the Americans with Disabilities Act of 1990 ("ADA").

**F. Fitness-for-Duty/Notice of Intent to Return to Work**

The College may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The College shall require that the employee provide reasonable notice within two (2) business days, where foreseeable, of a change in circumstances or duration of FMLA leave. As a

condition of restoration for any employee who has taken FMLA leave for the employee's own serious health condition (except for intermittent leave), the College shall require each such employee obtain (at the employee's expense) and present certification from the employee's health care provider, with regard to the particular health condition that caused the employee's need for FMLA leave, that the employee is able to resume work, if such certification is job-related and consistent with business necessity. The College may delay restoration to employment until an employee submits a required fitness-for-duty certification. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated.

#### **G. Restoration to Work**

Except as provided under "Exemption" below, any eligible employee who takes approved FMLA leave shall be entitled upon return from such leave:

1. To be restored by the College to the same position of employment held by the employee when the leave commenced; or
2. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the College will review such situations on a case-by-case basis under the ADA.

#### **Exemption:**

If the employee is a salaried FMLA-eligible employee who is among the highest paid ten percent (10%) of all College employees (i.e., a "key employee"), the College may deny restoration of such employee if the denial is necessary to prevent substantial and grievous economic injury to the operations of the College, and after notification to the employee to that effect, the employee elects not to return to employment.

Taking FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, an employee is not entitled to the accrual of any seniority or employment benefits during unpaid FMLA leave.

**H. Group Health Coverage**

The College shall maintain the employee's coverage under any group health plan (as defined in the FMLA regulations) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire FMLA leave period. However, the College may recover the premium that it paid for maintaining such group health plan coverage for the employee under certain circumstances set forth in the Notice provided to employees when they request FMLA leave. The College's obligation to maintain health insurance coverage ceases under FMLA if an employee's premium payment is more than thirty (30) days late, after the College has provided written notice to the employee, mailed at least fifteen (15) days before coverage is to cease, that the payment has not been received.

**I. Miscellaneous**

An employee's entitlement to benefits other than group health benefits during a period of FMLA leave shall be determined by the College's policy regarding benefits for other types of leave (paid or unpaid, as appropriate). Maintenance of health insurance policies that are not a part of the College's group health plan (where no contributions are made by the College) is the sole responsibility of the employee.

The College shall not interfere with an eligible employee's rights under the FMLA, shall not discharge or otherwise discriminate against employees who exercise such rights, and shall not retaliate against employees who file, initiate or otherwise assist in charges or investigations against the College.

**J. Posting and Requirements**

The Executive Director of Human Resources or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

Adopted: 08/08/2019

Legal Reference: Americans with Disabilities Act of 1990, 42 U.S.C. 12101, *et seq.*;  
Family and Medical Leave Act of 1993, 29 U.S.C. 2601, *et seq.*, 29  
C.F.R. pt. 825

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## **I. POLICY**

In recognition of the State's interests in supporting its employees who wish to volunteer in schools, communities, institutions of higher education, State agencies, and not-for-profit organizations, and recognizing the commitment of State employees to engage in volunteer service, Community Service Leave, within the parameters outlined below, may be granted to:

- A. parents for involvement with their child in the schools (as defined below)
- B. any employee for volunteer activity in the schools (as defined below); or
- C. any employee for volunteer activity in a not-for-profit Community Service Organization (as defined below), or
- D. any employee for volunteering in a State of North Carolina Public University, Community College System or State agency provided that the service is outside of the employee's normal scope of duties and responsibilities and that the employee is not receiving any form of compensation for the services rendered.

In addition, there are special provisions (Section 5, Page 20) for granting Community Service Leave to:

- A. any employee for tutoring and mentoring in public or private schools, or
- B. any employee to volunteer in a literacy program in any public school

## **II. DEFINITIONS**

The following definitions shall apply to this policy:

- A. Community Service - The act of supporting citizens of North Carolina through volunteer service.
- B. Volunteer - A person who willingly chooses to perform hours of service for civic, charitable or humanitarian reasons without promise or expectation of compensation for services provided.
- C. School (public or private) - An organization that is authorized to operate under the laws of the State of North Carolina and is:
  - 1. an elementary school,
  - 2. middle school,
  - 3. high school, or
  - 4. a licensed child care program
- D. Public University - A constituent institution of the University of North Carolina.

- E. Community College - An educational institution that is a member of the North Carolina Community College System.
- F. State Agency - A State government agency that is authorized to operate under the laws of the State of North Carolina.
- G. Child - A son or daughter who is:
  - 1. a biological child,
  - 2. an adopted child,
  - 3. a foster child,
  - 4. a step-child,
  - 5. a legal ward,
  - 6. a child of an employee standing in loco parentis.
- H. Community Service Organization - A not-for-profit, non-partisan community organization which is designated as an IRS Code 501(c)(3) agency, or a human service organization licensed or accredited to serve citizens with special needs including children, youth, and the elderly.

### **III. COVERED EMPLOYEES AND CREDITS**

- A. With approval of the supervisor, an employee is eligible for Community Service Leave as follows:
  - Full-time - 24 hours per calendar year\*
- B. The twenty-four hours (24) of paid leave shall be credited to each employee on July 1 of each year, unless the employee chooses one of the special provision options for volunteering in a literacy program or tutoring/mentoring.
- C. Newly hired employees shall be credited with leave immediately upon their employment, prorated at two hours per month for the remainder of the calendar year. Separated employees that are re-employed within the same calendar year are credited Community Service Leave the same as newly hired employees; however, the combination of re-employment credit hours and total hours used prior to separation in the same calendar year cannot exceed the annual 24- hour maximum leave benefit.
- D. The maximum amount of leave is 24 hours. Any leave hours not taken before June 30 will be forfeited.

### **IV. WHAT IS DEFINED AS COMMUNITY SERVICE**

Community service, for this purpose, is:

- A. meeting with a teacher or administrator concerning the employee's child,
- B. attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or

artistic program,

- C. performing school-approved volunteer service approved by a teacher, school administrator, or program administrator,
- D. performing a service for a community service organization
- E. performing volunteer service for a public university\*\* that is approved by a university administrator or other authorized university official;
- F. performing volunteer service for a community college that is approved by a community college administrator or other authorized community college official, or
- G. performing volunteer service for a State agency\*\* that is approved by the agency head or his/her designee.

\*\*An individual shall not be considered a volunteer if the person is otherwise employed by a State agency or State university to perform the same type of service as those for which the person proposes to volunteer.

## **V. APPROVAL OF LEAVE**

- A. Employees must receive approval from their supervisor to use this leave.
- B. The supervisor may require that the leave be taken at a time other than the one requested, based on the needs of the College.
- C. Leave shall only be requested and approved for community service that occurs during the employee's regularly scheduled hours of work.
- D. Employees who regularly work early morning, evening or night shift with a shift schedule in excess of a regular 8-hour shift may allow the use of community service leave in situations where the employee's participation in community service outside of the normal work schedule significantly impacts the employee's normal sleep period.
- E. The College may require acceptable proof that leave is being utilized in accordance with the purpose of this policy.
- F. Reasonable travel time may be included in approved time for community service, but only for the time that intersects the employee's regular work schedule.
- G. The majority of the leave shall be used for direct volunteer service.

## **VI. INTER-AGENCY TRANSFER**

If an employee transfers to another State agency, any balance of this leave not used shall be transferred to the new agency. The employee should secure approval from the new

supervisor to continue with that option prior to the transfer.

**VII. NOT CUMULATIVE**

Leave not taken by the end of the calendar year is forfeited; it shall not be carried into the next calendar year.

**VIII. SEPARATION**

Employees shall not be paid for any such unused leave upon separation.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. 95-28.3

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This is a temporary policy approved by the President/Board of Trustees in accordance with North Carolina Session Law 2023-14. This temporary procedure/policy is effective retroactively from July 1, 2023, and shall remain in place until a formal policy is adopted by the State Board of Community Colleges and the College's Board of Trustees. This temporary procedure/policy expires on the effective date of a permanent policy adopted by the Board of Trustees.

- I. For the purpose of this procedure/policy, the following definitions shall apply.
  1. "Child" means a newborn biological Child or a newly-placed adopted, foster or otherwise legally placed Child under the age of 18, whose Parent is an eligible employee.
  2. "Parent" means:
    - a. the mother or father of a Child through birth or legal adoption; or
    - b. an individual who cares for a Child through foster or other legal placement under the direction of a government authority.
  3. "Public safety concern" means a significant impairment to the College's ability to conduct its operations in a manner that protects the health and safety of students, employees, or other individuals on the Collegecampus.
  4. "Qualifying event" means when an employee becomes a Parent to a Child.

## **II. Eligibility for Paid Parental Leave**

1. Employees who become Parents via childbirth, adoption, foster care, or another legal placement are eligible for Paid Parental Leave if:
  - a. Employee is in a permanent, time-limited, or probationary appointment.  
Temporary employees are not eligible for Paid Parental Leave.
  - b. At the time of the qualifying event, the employee meets each of the following conditions:
    - o For the immediate 12 preceding months, the employee has been employed without a break in service by the College in a permanent, time-limited, or probationary appointment. Periods of worker's compensation or short-term disability months preceding the qualifying events do not make the employee ineligible for Paid Parental Leave. Further, periods of leave without pay for illness, educational purposes, vacation, or other reasons deemed by the President shall not constitute a break in service.

- o The employee has been in pay status with the College for at least 1,040 hours during the previous 12-month period. Exhaustion of Family and Medical Leave does not affect eligibility for Paid Parental Leave.

**III. Leave Available to Full-Time Employees**

1. Full-time employees eligible for Paid Parental Leave may take, in their discretion, up to the following amounts of leave:
  - a. Eight weeks of paid leave after a parent gives birth to a child.
  - b. Four weeks of paid leave after any other qualifying event.
2. Each week of paid parental leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differentials, premium pay, or overtime.

**IV. Leave Available to Part-Time Employees**

1. Part-time employees must be eligible for Family and Medical Leave (FML) by being in pay status for at least 1,040 hours in the previous twelve-month period to receive Paid Parental Leave.
2. Part-time employees eligible for Paid Parental Leave may take, in their discretion, a prorated leave amount of:
  - a. Four weeks of paid leave after a Parent gives birth to a Child.
  - b. Two weeks of paid leave after any other qualifying event.
3. Each week of Paid Parental Leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differentials, premium pay, or overtime.

**V. Use of Other Leave**

1. Paid parental leave is in addition to any other leave authorized by this state or federal law, or policies established by the College, provided that the paid parental leave:
  - a. Shall not be counted against or deducted from an eligible employee's sick, vacation, or other accrued leave; and
  - b. Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601 et seq, provided the employee received appropriate notice.

**VI. Requesting Use of Paid Parental Leave**

1. Eligible employees may take Paid Parental Leave in one continuous period or may take intermittent use of Paid Parental Leave. Requests for intermittent use of Paid Parental Leave are subject to the College's approval as stated in Paragraph (4) of this section.
2. Whenever possible, eligible employees shall notify the College's Human Resources Department at least 10 weeks in advance of their intention to use Paid Parental Leave. Employees may withdraw their request for Paid Parental Leave at any time.
3. Absent unusual circumstances, the employee shall be required to comply with all other College leave request procedures.
4. The College will not deny, delay, or require intermittent use of Paid Parental Leave to employees who gave birth and seek to use Paid Parental Leave in one continuous period.
5. For all other employees not subject to Paragraph (4) above, the College may delay providing Paid Parental Leave or may provide Paid Parental Leave intermittently if it determines that providing the leave will cause a public safety concern at the College. For example, the extension of Paid Parental Leave to an eligible employee who did not give birth may constitute a Public Safety Concern if:
  - a. Providing the Paid Parental Leave would result in College staffing levels below what is required by federal or state law to maintain operational safety;
  - b. Providing the Paid Parental Leave may impact the health or safety of staff, students, or other individuals on the College's campus; and
  - c. The College has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
6. If the College determines that it must delay Paid Parental Leave, or make Paid Parental Leave intermittent, because of a public safety concern under paragraph (4) above, the College shall provide Paid Parental Leave as soon as practical following the Qualifying Event.
7. If both Parents are eligible employees of the College, each may receive Paid Parental Leave. Both Parents may take their leave simultaneously or at different times, pending no Public Safety Concern.

**VII. Leave Usage**

1. Paid Parental Leave may be used only once for a Qualifying Event within a 12-month period. The fact that a multiple birth, adoption, or other legal placement occurs (e.g.,

the birth of twins or adoption of siblings) does not increase the total amount of Paid Parental Leave granted for that event.

2. Unused Parental Leave is forfeited 12 months from the date of the Qualifying Event.
3. Paid Parental Leave shall not accrue or be donated to another employee.
4. Employees shall not be paid for the parental leave upon separation from the employer. Parental leave shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.
5. Leave usage must be recorded in the same required increments as all other leave under College policy.
6. If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available accrued leave shall be utilized in accordance with the College's leave policies. Paid Parental Leave shall not be used prior to the Qualifying Event policy approved by the President/Board of Trustees in accordance with North Carolina Session Law 2023-14. This temporary procedure/policy is effective retroactively from July 1, 2023, and shall remain in place until a formal policy is adopted by the State Board of Community Colleges and the College's Board of Trustees. This temporary procedure/policy expires on the effective date of a permanent policy adopted by the Board of Trustees.

Adopted: 06/24/2020 when recommended

Revised: 07/01/2023

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## **PROCEDURE**

### **I. ELIGIBILITY**

An employee's eligibility for Paid Parental Leave shall be made based on the employee's months of service and hours of work as of the date of the qualifying life event. Employees who become parents via birth, adoption, foster or other legal placement are eligible if:

- Employee is full time.
- Employee has been continuously employed by the State of North Carolina for the immediate 12 preceding months.

Eligibility determinations are made as of the date that the child is born or placed via adoption, foster, or other legal placement. Note: Other legal placement does not include parental custody cases or legal assignments as a Guardian ad Litem (GAL).

If both parents are Eligible State Employees, each may receive Paid Parental Leave. Both parents may take their leave simultaneously or at different times.

### **II. LEAVE AMOUNT**

Eligible employees shall receive:

- A. Eight (8) weeks (320 hours) of Paid Parental Leave to eligible employees who have given birth; or
- B. Four (4) weeks (160 hours) of Paid Parental Leave to eligible employees to care for and bond with a newborn or recently adopted, foster, or otherwise legally placed child.

### **III. LEAVE USAGE**

Paid Parental Leave may be utilized as follows:

- Paid Parental Leave may be used only once for a qualifying event within a twelve-month period. The fact that multiple births, adoption, or other legal placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of Paid Parental Leave granted for that event.
- Unused Paid Parental Leave is forfeited twelve (12) months from the date of the birth or legal placement, whichever comes first.
- Paid Parental Leave shall not accrue or be donated to another state employee.
- Eligible employees may request intermittent use of Paid Parental Leave subject to the College's approval.
- Each week of Paid Parental Leave is compensated at 100 percent of the

employee's regular, straight-time weekly pay (to exclude shift differential, premium pay, or overtime).

- Paid Parental Leave shall not be counted against or deducted from the eligible employee's accrued leave balances.
- Unused Paid Parental Leave is not compensable if an employee separates from employment with the College.
- Leave usage must be recorded in the same required increments as all other leave time.
- If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available leave balances shall be utilized in accordance with the College's leave policy. Paid Parental leave shall not be used before the qualifying event.

#### **IV. FAMILY AND MEDICAL LEAVE**

Paid Parental Leave runs concurrently with Family and Medical Leave (FML), as applicable.

- Employees using Paid Parental Leave are afforded the remaining job protection under FML for an absence up to a total of twelve (12) weeks (480 hours). They may charge vacation or sick leave or take leave without pay to cover the additional absence.
- An employee shall be eligible for Paid Parental Leave even if the employee has exhausted her/his FML time consistent with the law covering FML.
- If an employee becomes eligible for FML while on Paid Parental Leave, the employee must apply for and use FML and the leave runs concurrently with FML.

#### **V. EMPLOYEE RESPONSIBILITY**

Eligible employees:

- Whenever possible, shall be required to submit to notify their immediate supervisor ten (10) weeks in advance of their intention to use Paid Parental Leave and complete the required paperwork for the Human Resources Department.
- May withdraw their request for Paid Parental Leave at any time.
- Shall be required to comply with agency leave request procedures, absent unusual circumstances.
- Must submit the requested certification of eligibility documents in order to receive Paid Parental Leave within thirty (30) days of the birth or adoption or as soon as it becomes available.
- Shall be required to submit documentation providing that they will use Paid Parental Leave for a Qualifying Event. The College may take appropriate action if there is evidence that the employee fraudulently requested, used, or otherwise abused Paid Parental Leave. This action may include revoking approval and disciplinary action up to and including dismissal.

**VI. CERTIFICATION OF ELIGIBILITY FOR PAID PARENTAL LEAVE**

Eligible employees shall be required to certify that they will use Paid Parental Leave to give birth to a child or will use Paid Parental Leave to care for or bond with a child. If Paid Parental Leave will run concurrent with Family Medical Leave, employees may be required to submit documentation (if applicable).

Official documents may include but not limited to:

| <b>Qualifying Event</b> | <b>Acceptable Documentation</b>  |
|-------------------------|--|
| Adoption                | <ul style="list-style-type: none"><li>• Adoption Order</li><li>• Proof of Placement</li></ul>  |
| Birth                   | <ul style="list-style-type: none"><li>• Birth Certificate or Report of Birth</li><li>• Certified DNA Results</li><li>• Custody Order</li></ul> |
| Foster Placement        | <ul style="list-style-type: none"><li>• Proof of Placement</li><li>• Foster Care Placement Agreement</li><li>• Custody Order</li></ul>         |
| Other Legal Placements  | <ul style="list-style-type: none"><li>• Proof of Placement</li><li>• Foster Care Placement Agreement</li><li>• Custody Order</li></ul>         |

Documents provided must show the date of birth or date of placement, if placement was other than the date of birth. The name of the legal parent must appear on the birth certificate, a legal document establishing paternity or a legal document establishing adoption.

**VII. COLLEGE RESPONSIBILITY**

The College shall:

- Upon receiving a request for Paid Parental Leave and documentation of the birth or placement, the agency must notify the employee of his or her eligibility status within ten (10) business days.

Adopted: 06/24/2020

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Pursuant to federal and state law, military leave shall be granted to College employees for certain periods of service in the uniformed services.

- A. Military Leave with pay shall be granted to members of the uniformed services of the U.S. Armed Forces for certain periods of active duty training and for State military duty. Such leave shall be granted to full-time, part-time, regular, provisional, trainee, and probationary employees for up to one hundred twenty (120) working hours per federal fiscal year (Oct. 1 – Sept. 30) for any type of active duty not considered to be “Extended Active Duty”.
- B. Leave with Pay for Reserve Active Duty. Members of the uniformed services reserve components who are called to “Involuntary Active Duty” shall receive up to thirty (30) calendar days of leave with pay. After the thirty (30) day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee’s annual College salary, if military pay is the lesser.
- C. Retention and Continuation of Benefits During Leave with and without Pay. Retention and/or continuation of benefits are dependent upon the type and duration of leave granted and is determined on an individual basis.
- D. Additional Leave Requirements. Members of the uniformed services are granted leave with pay for infrequent special activities in the interest of the State when so ordered by the Governor or his/her authorized representative. Members shall be granted leave with pay for active State duty for periods not exceeding thirty (30) consecutive calendar days; for periods in excess of thirty (30) calendar days, employees shall be entitled to military leave with differential pay.
- E. Military Leave without pay shall be granted for the following periods:
  - 1. Regularly scheduled unit assemblies usually occurring on weekends and referred to as “drills”;
  - 2. Duties resulting from disciplinary actions imposed by military authorities;
  - 3. Unscheduled or incidental military activities such as volunteer work at military facilities, unofficial military activities, etc.;
  - 4. Inactive duty training, “drills” performed for the convenience of the member, such as equivalent training, split unit assemblies, make up drills, etc.;
  - 5. Extended active duty for a period not to exceed five (5) years;

6. Full time National Guard duty (usually a three (3) year contract);
7. Initial active duty for training (initial enlistment); and/or
8. Certain periods of incapacity in a medical facility resulting from injuries sustained while on active or inactive duty.

- F. Reinstatement/Reemployment from Military Duty. Members of the uniformed services shall have reinstatement/reemployment rights as defined by prevailing law and/or guidelines established by Federal and State law.

No agent or employee of the College shall discriminate against any College employee or applicant for employment because of their membership, application for membership, performance of service, application for service, or obligation for service in the Uniformed Services. The President is authorized to develop procedures consistent with this policy.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: Uniformed Services and Reemployment Act of 1994; N.C.G.S. 127A-116; and 25 NCAC 01E.0802-.0821; 1C SBCCC 400.7

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All full-time employees shall be granted up to 24 hours (three (3) working days) for bereavement leave for the death of an immediate family member. For purposes of this Policy, “immediate family member” means the employee’s spouse, parent, child, sibling, grandparent and grandchild. This also includes all step, half and in-law relationships.

Any leave taken beyond the 24 hours must be charged to annual, sick, or leave without pay. An employee should notify his/her immediate supervisor when a death in the immediate family occurs. If leave is taken beyond the three days of bereavement leave, the employee and supervisor must ensure that the employee’s job duties are adequately covered.

Adopted: 08/08/2019

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Leave without pay may be granted to an employee for: a) educational purposes which will better equip the employee for the performance of his/her duties and responsibilities; b) to do special work for the federal/state government in cases of emergency or when the College is to profit by the experience gained or the work performed; c) for vacation purposes; d) for reasons specified in College policy; or e) for other reasons deemed justified by the appropriate Vice President and the President or otherwise required by law.

### **I. MAXIMUM AMOUNT**

Leave without pay normally shall not exceed twelve (12) months. Any exception to this should be agreed upon by the appropriate Vice President, and the President. For military leave without pay, see Policy 3.2.15 – Military Leave.

### **II. EMPLOYEE RESPONSIBILITY**

The employee shall apply in writing to his or her supervisor for leave without pay at least two (2) weeks prior to such leave. The employee is obligated to return to duty within or at the end of the time granted. If the employee finds s/he will not return to work, the employee must notify the College immediately. Failure to report to work at the expiration of a leave without pay, unless an extension has been requested, shall be treated as a resignation.

### **III. COLLEGE RESPONSIBILITY**

The decision to grant leave without pay is an administrative one for which the Vice President and President must assume full responsibility. Factors to consider are workload, need for filling employee's job, chances of employee's returning to duty and chances of the College's ability to reinstate employee to a position of similar status and pay. If it is necessary to fill a position vacant by leave without pay or if it is necessary to terminate an employee on leave without pay, the position may be filled by a temporary or permanent appointment provided the employee on leave without pay is notified of such action immediately.

### **IV. RETENTION OF BENEFITS**

While on leave without pay, the employee shall retain all accumulated annual leave and sick leave and time earned towards salary increments; however, the employee ceases to earn any additional sick or annual leave on the date leave without pay begins except in cases where an employee is receiving worker's compensation benefits. The employee also ceases to earn time toward salary increments except while on military leave, educational leave or while receiving worker's compensation benefits.

**V. PAYMENT FOR NON-WORKDAYS – SHORT PERIODS OF LEAVE  
WITHOUT PAY**

A short period of leave without pay is a period of not more than 10 workdays. An employee on leave without pay for a short period is entitled to be paid for non-workdays (weekends and holidays), if they are scheduled to work that day and only when he or she is in pay status at least half the day immediately preceding or following the non-workdays.

Adopted: 08/08/2019

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The College shall designate and observe certain days each year as holidays. All eligible employees will be given a day off with pay for each holiday as stated herein.

- A. The President designates the holidays to be observed. The holiday schedule shall not exceed twelve (12) paid holidays per academic year.
- B. A holiday that occurs on a Saturday or Sunday generally will be observed by the College on either the preceding Friday or following Monday.
- C. An eligible employee is a full-time employee who:
  - 1. Is in pay status through the day on which the holiday is scheduled; or
  - 2. On a leave of absence without pay but was in pay status for half or more of the workdays in the month.
- D. The College recognizes that some eligible employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the College's regular holiday schedule. In such cases, eligible employees may take other earned leave for those reasons if it does not unduly disrupt the College's business and is approved by the employee's immediate supervisor.
- E. The College retains the right to schedule work on a holiday for some or all eligible employees should it become necessary and critical to the College's operation. In such cases, the employee will be given the time-off at another time on a hour-for-hour basis unless the Fair Labor and Standards Act stipulates otherwise. For purposes of this Policy, a holiday is a total of eight (8) hours.
- F. In the event the College must establish an alternative operational schedule, an alternative holiday schedule may be developed in keeping with the College's operational needs provided that all employees are given the same number of holidays and the holidays do not exceed twelve (12) days. The alternative holiday schedule must be approved by the President prior to any observed holidays.
- G. When a holiday falls during a week in which an employee is taking FMLA leave for the entire week, the entire week is counted toward the employee's FMLA entitlement. However, if the employee is also using accrued paid leave during FMLA leave, the employee will not be charged accrued leave on the holiday. If the College closes for an extended holiday lasting a week or more while an

employee is taking FMLA leave, the extended holiday does not count against the employee's FMLA leave entitlement.

H. Wilkes Community College observes of the following holidays:

| Holidays                           | Number of Days |
|------------------------------------|----------------|
| New Year's Day                     | 1              |
| Martin Luther King's Birthday      | 1              |
| Easter Holidays                    | 1              |
| Memorial Day (Observed)            | 1              |
| Independence Day                   | 1              |
| Labor Day                          | 1              |
| Veterans Day (Observed New Year's) | 1              |
| Thanksgiving Day and Day After     | 2              |
| Christmas Eve, Day and Day After   | 3              |

Adopted: 08/08/2019

Legal Citation: 1C SBCCC 200.94(a)(d)

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**I. Purpose**

Personal Observance Leave may be used by eligible employees on any day of significance to the employee, including days of cultural, religious, or personal importance.

**II. Eligibility**

All full-time employees who earn annual and sick leave will receive Personal Observance Leave ("leave"). Part-time employees will not receive this leave.

Newly hired employees are eligible for leave upon their hire date.

**III. Amount of Leave**

- A. Full-time employees will receive eight (8) hours of Leave each fiscal year. The Leave will be credited to employees on July 1<sup>st</sup> of each year.
- B. The Leave has no cash value and does not carry over each year. Leave unused within a fiscal year is forfeited.
- C. This leave may not be transferred to other employees.
- D. If an employee separates from the College and moves to another State agency within the year, unused leave may be transferred if the new agency accepts the leave.

**IV. Use of Leave**

- A. This leave may be used on any single day of significance to the employee, including but not limited to days of cultural and/or religious importance. The day in which leave is taken does not have to be a day from the employee's own religious or cultural background.
- B. Employees may use this leave prior to exhausting any accumulated compensatory leave or other leave available to the employee.
- C. This leave will not be applied to negative leave balances. This leave cannot be donated under the Voluntary Shared Leave policy.

**V. Approval of Leave**

- A. Employees will follow the current leave request procedure for requesting this leave.
- B. Supervisors will honor this leave request unless the use of the leave will create a

disruption in the College's operation, in which case the supervisor may require the leave be taken at a time other than the time requested.

- C. Supervisors may not require a justification of the employee's request to use the leave.
- D. It is the responsibility of the employee and their supervisor to ensure all leave is reported accurately.

Legal Citation: Executive Order No. 262, §5 (June 6, 2022)

Adopted: 10/13/2022

Effective: 11/1/2022

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The Executive Director of Human Resources, or designee, shall maintain all employees' personnel files. The College shall maintain in individual personnel files only those records which are required or necessary and relevant to accomplish legitimate personnel administrative needs.

**I. PUBLIC INFORMATION**

The following information on each college employee is public information and shall be open for inspection:

- A. Name;
- B. Age;
- C. Date of original employment or appointment;
- D. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession;
- E. Current position;
- F. Title;
- G. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation and all other forms of compensation);
- H. Date and amount of each increase or decrease in salary with the College;
- I. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position or classification with the College;
- J. Date and general description of the reasons for each promotion with the College;
- K. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the College. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board of trustees setting forth the specific acts or omissions that are the basis of the dismissal; and
- L. The office or station to which the employee is currently assigned.

Any person, including College personnel, may have access to the information listed above for the purpose of inspection, examination and copying during regular business hours Monday through Friday. Access to personnel files may be arranged by contacting the Executive Director of Human Resources for an appointment. If an individual wishes to have a reproduced copy of the information, the College may require a reasonable duplication fee. All College personnel shall be entitled to one (1) free copy of their personnel file.

**II. CONFIDENTIAL INFORMATION**

All information other than the information listed in Section I is confidential and shall not be open for inspection and examination except to the following persons:

- A. The employee, applicant for employment, former employee, or his/her properly authorized agent, who may examine his/her own personnel file at all reasonable times in its entirety except for letters of reference solicited prior to employment;
- B. The President, other supervisory personnel and legal counsel for the President;
- C. The Board of Trustees and the Board's attorney;
- D. A party by authority of a subpoena or proper court order may inspect and examine a particular confidential portion of an employee's personnel file;
- E. An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the College to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purposes of assisting in a criminal prosecution nor for purposes of assisting in a tax investigation.
- F. The President may, in his/her discretion, or shall at the direction of the Board of Trustees, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or non-employment of any applicant, employee or former employee and the reasons for such action and may allow the personnel file of the person or any portion to be released or inspected to any person or corporation provided that the Board of Trustees has determined that the release of the information is essential to maintaining the integrity of the Board of Trustees or to maintaining the level or quality of services provided by the College. Prior to releasing the information or making the file or any portion available to a person or corporation pursuant to this subsection, the President shall prepare a memorandum setting forth the circumstances which s/he and the Board deem to require the disclosure and the information to be disclosed. The memorandum shall be retained in the files of the President and shall be a public record.

Each individual requesting access to confidential personnel information will be required to submit satisfactory proof of identity.

### **III. OBJECTING TO RECORDS IN PERSONNEL FILE**

An employee, former employee or applicant for employment who objects to materials in his/her personnel file may place in the file a statement relating to the materials the employee considers to be inaccurate or misleading. An individual may seek the removal of material(s) from his/her file through Policy 3.3.8 – Grievance.

### **IV. MEDICAL AND IMMIGRATION INFORMATION**

Pursuant to the Americans with Disabilities Act, all medical information, including workers' compensation history and requests for reasonable accommodation for a disability, medical insurance information and medical documentation for FMLA and other types of

leaves related to an employee's medical condition shall be kept separate from an employee's personnel file and shall be disclosed only as follows:

- A. To supervisors who may be told only about work restrictions for an applicant or employee;
- B. To first aid and safety officials where emergency treatment might be required; and
- C. To government officials charged with enforcement of disability law.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. 115D-27 through -28

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## **I. EMPLOYEE DEVELOPMENT PLANS AND EVALUATIONS**

An employee development and evaluation process has been established to ensure relevant feedback between faculty and staff and the respective supervisors. This evaluation procedure is designed and intended to offer suggestions for improvement and develop strategies for the attainment of specific goals or the revision of related processes.

All employees will be evaluated annually. Each year, every full-time employee will have a pre-evaluation conference with his/her supervisor. An outcome of this conference will be a development plan to evaluate the performance of the employee and to develop strategies for improvement. The Personnel Office will be responsible for coordinating and monitoring the evaluation process and may implement a timeline for the evaluation process.

Development plans and evaluations will be retained in the personnel file.

Supervisors may only use evaluation instruments that have been approved by the Personnel Office. The President may use a different evaluation instrument and procedures when evaluating employees reporting directly to the President; however, these employees shall be evaluated annually.

In addition to the above, all curriculum employees may be evaluated by students through course evaluations.

## **II. PRESIDENT'S EVALUATION**

The Board shall evaluate the performance of the President annually. The evaluation instrument and methodology shall be selected by the Board, but at a minimum, the evaluation shall include the following categories:

- A. General Administration
- B. Relationship
  - 1. Internal relationships with faculty, staff, students, and trustees.
  - 2. External relationships with business and industry, the media, governmental bodies and the general public.
- C. Personal Attributes
- D. Personnel Administration
- E. Fiscal and Facilities Administration
- F. Academic Administration

Prior to June 30<sup>th</sup> each year, the Board shall submit, in writing, to the State Board a report of the President's evaluation with the following information:

- A. The time period for which the President was evaluated and the date the evaluation was completed.
- B. Description of the methodology used for the evaluation.
- C. Certification that the evaluation included a written assessment of the President's performance in each of the categories identified in Section II(A)-(F) herein.
- D. Certification that the full Board received a copy and discussed the evaluation results, and the results were discussed with the President.
- E. Certification that the full Board received a copy of and reviewed the President's contract if the President has a contract.
- F. A listing of Board members in attendance at the meeting when the President's evaluation was conducted; and
- G. Certification that appropriate action has been taken if the President's performance is less than satisfactory in any of the categories identified in the evaluation.

If the President has a contract, the Board shall note in the meeting minutes that they have reviewed the President's contract.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: 1C SBCC 300.2

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- I. Using the evaluation document entitled “Performance Enhancement Plan – Faculty Employee” (PEP), each full-time faculty employee shall be evaluated annually. The evaluation process provides opportunity for self- assessment by instructors, for evaluation by students, for observation of classroom instruction and online courses and for assessment by division chair/dean with review by the senior instructional officer.
  - II. Full-time faculty are required to complete the self-assessment section of the PEP and to forward this section to the member’s supervisor. This assessment is based upon the employee’s performance during the last twelve (12) months. The employee shall also complete his/her assessment of the supervisor’s performance form which is forwarded to the faculty member’s supervisor’s supervisor.
  - III. Following the deadline for students to withdraw from a course in a given semester, evaluations by students are conducted for both full-time and part- time faculty employees. These evaluations encompass class, laboratory, and clinical experiences. All courses and sections will be evaluated by students.
  - IV. Upon the conclusion of the course evaluation period and submission of final grades, faculty employees will be able to access their evaluation results by logging into the CES tool. In addition, their respective chairs/directors and deans can review the evaluation outcomes. For full-time faculty, this will be discussed during the review conference between the faculty member and the department chair/dean and a summary will be incorporated into the Performance Evaluation Plan(PEP).
  - V. Each full-time faculty member will be observed in the classroom, laboratory, or clinical setting at least once each year. This observation may be conducted by the division chair and/or division dean or, if approved by the dean, a peer colleague. Each part-time faculty member will be observed in the classroom, laboratory, or clinical setting during the first semester of teaching and as deemed appropriate by lead instructor/chair/dean thereafter. This observation may be conducted by the lead instructor and/or division chair. A summary of the review of classroom instruction is prepared by the reviewer and shared with the faculty member. The time for the observation will be arranged with the instructor; however, other observations may occur at any time. For full-time faculty, the summary becomes a part of the PEP and is discussed by the instructor and the department chair/dean at the review conference. For part- t

time faculty, the classroom observation will be housed within the division.

- VI. The department chair or division dean shall complete the PEP and hold a review conference with the full-time faculty member. The self-assessment of the instructor, the summary of student evaluations, the summary of the observation of classroom instruction, and the chair's or dean's evaluation summary are considered when the department chair/dean and the instructor meet to discuss performance, the attainment of goals for the previous year, and to set goals for the upcoming year. Any instructor whose performance is judged to need improvement shall be informed at this time. Signatures on the professional enhancement plan are obtained and an opportunity to request a review with the next level administrator is presented.

The division dean will approve the individual's performance enhancement plan which routes to the Vice President of Instruction.

- VII. Upon arrival of the Vice President, the employee's PEP is forwarded to the Executive Director of Human Resources. A copy of the individual's plan with all signatures shall be filed in the employee's permanent personnel file.

Evaluation instruments may be obtained via performance management system or from the Human Resources Office.

Adopted: 09/01/2023

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- I. Using the electronic evaluation system, each full-time staff employee will complete a Performance Enhancement Plan – Staff Employee (PEP) annually with the process beginning mid-January of each year. The evaluation process provides opportunity for self-assessment by the employee, an assessment of the employee by the supervisor, a joint opportunity for employee and supervisor to initiate employee objectives and a professional development plan for the next year. In addition, the process provides for an evaluation of the supervisor by the employee.
  - II. By March 15<sup>th</sup>, the employee shall also complete the employee's assessment of supervisor's performance through the electronic evaluation system. The Human Resources Office will prepare a confidential summary and send the employee's supervisor's supervisor.
  - III. By March 15<sup>th</sup>, the employee is required to complete the self-assessment section of the PEP through the electronic evaluation system.
  - IV. Between March 15<sup>th</sup> and April 15<sup>th</sup>, the supervisor will meet with the employee to review the supervisor's assessment of the employee's performance and other sections of the PEP. These include the self-assessment section, the objectives for the next year, the plan for the employee's professional development, and any optional summary comments made by either the employee or the supervisor. In addition, at this meeting, the employee and supervisor conduct a review of the position description to ensure that the essential functions outlined are consistent with the needs of the college in fulfilling its mission and appropriate to the requirements of the individual employee. Signatures are obtained and an opportunity to request a review with the next level administrator is presented.
  - V. By April 15<sup>th</sup>, the supervisor will review and approve the PEP. The PEP is routed to the employee's senior supervisor and/or vice president to review and approve.
  - VI. For the evaluation of supervisory positions, the senior supervisor will review the employee's assessment of supervisor's performance document from each employee. The confidential summary report compiled by the Human Resources Office will be discussed at the PEP review conference with the supervisor. The report will give a summary review of their direct reports. Individual employees will not be identified.
  - VII. Upon review and approval of the senior supervisor, the PEP is routed to the

Executive Director of Human Resources for review.

- VIII. After the review of the Executive Director of Human Resources, the PEP is complete and filed within the electronic evaluation system. If the PEP is less than satisfactory, the Executive Director of Human Resources will forward to the President for review.
- IX. Evaluation documents may be obtained via electronic evaluation system or from the Human Resources Office.

Adopted: 08/08/2019

Revised: 01/01/2023

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All College employees shall adhere to the following Code of Conduct. Failure to adhere to the Code of Conduct may subject the employee to disciplinary action, suspension or dismissal as outlined in Policy 3.3.4 – Employee Disciplinary Action, Suspension and Dismissal or, for cases of unlawful discrimination or harassment, Policy 3.3.7 – Discrimination and Harassment. Employees may be disciplined for conduct that occurs outside of work if such conduct brings disrepute to the employee or College or negatively affects the employee’s ability to perform his or her job.

All employees shall:

- A. Comply with all statutes, regulations and Board of Trustee policies.
- B. Direct all complaints regarding the work environment to the appropriate supervisors and/or file grievances instead of acting to undermine or diminish the authority of co-workers and supervisors.
- C. Avoid confrontations with co-workers or students, including but not limited to, engaging in actions or conversations which the employee knows or should know will result in an actual disruption.
- D. Comply with all administrative directives in a timely and professional manner, including written directives regarding specific issues or behaviors.
- E. Perform all assigned and/or accepted extracurricular and non-instructional duties in a timely and professional manner.
- F. Participate in and complete any required professional development activities required by the College.
- G. Attend and participate in all required staff meetings and other required meetings
- H. Complete and transmit all required reports and other documentation in a timely and professional manner.
- I. Dress appropriately for job duties and in accordance with college policy and supervisor’s directives.
- J. Arrive to work on time.
- K. Maintain a courteous and professional attitude when working with other staff members, students and visitors.
- L. Exercise proper care and maintenance of College property
- M. Avoid conflicts of interest.

The following are examples of professional and personal conduct that may serve as grounds for disciplinary action, including suspension, demotion or termination. This list is illustrative and not all-inclusive.

**A. PERFORMANCE OF DUTIES**

- A. Inadequate performance and/or failure to perform duties.
- B. Physical or mental incapability for performing duties.
- C. Improper use of College property or equipment.

- D. Failure to maintain satisfactory and harmonious working relationship with the public and/or employees.
- E. Improper use of leave.
- F. Failure to report for duty at the assigned time and place.
- G. Failure to obtain or maintain a current license, certificate or credential required by law as a condition for employment.
- H. Refusal to accept a reasonable and proper assignment from an authorized supervisor.

**B. PERSONAL CONDUCT**

- A. Gross misconduct, immorality and/or lascivious behavior that has a negative impact on the College and/or on the employee's ability to perform their job.
- B. Conviction, arrest, indictment or charge that: (i) poses a threat to the physical safety of students or personnel; (ii) demonstrates that the employee does not have the integrity or honesty to fulfill his or her employment duties with the College; and/or (iii) creates a substantial disruption to the ordinary operation of the College.
- C. Improper use, misappropriation and/or theft of College property (including College funds).
- D. Falsified job information or omitting material information in order to secure employment with the College.
- E. Participation in any action that would in any way seriously disrupt or disturb the College's normal operations.
- F. Trespassing at any trustee or employee's home for the purpose of harassing or forcing dialogue or discussion from the occupants.
- G. Willful damage or destruction of College property.
- H. Willful acts that would endanger the lives and property of others.
- I. Possession of unauthorized firearms or lethal weapons on the College's property.
- J. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
- K. Reporting to work under the influence of alcohol or an illegal or unauthorized controlled substance or partaking of such items while on the campus.
- L. Acceptance of gifts in exchange for favors or influences related to the College.
- M. Disclosing confidential information from official records to an unauthorized person or entity.
- N. Engaging in employment or activities that constitute a conflict of interest to the College.
- O. Taking part in political management or political campaigns prohibited by law.
- P. Any form of unlawful discrimination or harassment.

- Q. Deliberately or willfully making false, misleading or ambiguous statements in connection with any official College business, official records or about College employees or students.
- R. Violent acts, threats of violence (direct or implied), stalking, or physical intimidation towards College employees or students.
- S. Violating the College's technology acceptable use policies and procedures.
- T. Violations of College policies and procedures.

## **C. EMPLOYEE RELATIONSHIPS**

### **A. PROHIBITED RELATIONSHIPS**

Romantic or sexual relationships between College employees in a direct supervisor/supervisee relationship are prohibited. This prohibition shall continue as long as the employees remain in a direct supervisor/supervisee relationship. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

A romantic or sexual relationship between College employees not in a supervisor/supervisee relationship that impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College is prohibited. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

### **B. EMPLOYEE/STUDENT RELATIONSHIPS**

Romantic or sexual relationships between College employees and students are prohibited if:

- the student is an Early College highschool student or
- the student is enrolled in the Career and College Promise Program or
- the student is under the age of eighteen or
- 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 violating this provision will be subject to disciplinary action up to and including termination of employment.

A romantic or sexual relationship between a College employee and student not in an academic relationship that impairs the College employee's

effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College is prohibited. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

### **C. RETALIATION IS PROHIBITED**

Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, coercion or any other type of discrimination in response to an individual's report or participation in investigation or conduct processes. It is a violation to retaliate against any person making a report of gender-based/sexual misconduct or against any person cooperating in the investigation, including testifying as a witness. For the purposes of this policy, retaliation includes:

- intimidation;
- threats;
- harassment; and/or
- any other adverse action taken against any such reporting party or third party.

All persons have the right to raise concerns, to ask questions about WCC's policies prohibiting sex or gender misconduct and sexual violence, and to participate in investigations without fear of retaliation. All persons also have the right to submit a report about retaliatory acts.

Retaliation toward a student or employee who reports sexual misconduct is strictly prohibited. Any act by a respondent, employee, other students or their agents, of reprisal, interference, restraint, discrimination, coercion or harassment against any person using these procedures shall constitute a policy violation and shall be subject to prompt, appropriate and significant disciplinary action.

Retaliation should be reported immediately to the Title IX Coordinator, a Deputy Coordinator, or Campus Police.

Adopted: 08/08/2019

Revised: 08/06/2020

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Employees shall notify their immediate supervisor and the Executive Director of Human Resources if they are convicted, arrested, indicted or charged (including citations) for any offense other than a minor traffic offense (e.g. parking, speeding). Notice must be in writing and provide all relevant facts regarding the arrest, conviction, indictment or charge. Notice must be provided within one (1) business day of the conviction, arrest, indictment or charge.

For purposes of these procedures, a "conviction" means the entry in a court of law or military tribunal of (1) a plea of guilty, nolo contendere, no contest or the equivalent; (2) a verdict of guilty; or (3) a prayer for judgment continued or a deferred prosecution.

Employees may be disciplined, up to and including termination, if the conviction, arrest, indictment or charge: (i) poses a threat to the physical safety of students or personnel; (ii) demonstrates that the employee does not have the integrity or honesty to fulfill his or her employment duties with the College; and/or (iii) creates a substantial disruption to the ordinary operation of the College.

Adopted: 08/08/2019

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All disciplinary action is intended to be progressive in nature. However, the type of disciplinary action will be based on the factual situation as well as the nature, severity and type of offense. If warranted by the facts and situation, even for first time offenses, administrators/supervisors may recommend dismissal.

Except for serious misconduct and performance issues and as stated elsewhere in the policy, employees shall receive two (2) warnings for minor performance or conduct issues. The first is an oral warning with a follow-up letter from the supervisor to the employee documenting the deficiencies in performance or conduct which were discussed and the improvement(s) required. The second warning is a performance improvement plan (PIP) which will serve notice upon the employee that a continuation of the deficiencies in performance or conduct may result in disciplinary action, which may include dismissal.

The President may delegate authority under this policy to another College administrator, such as a Vice President or Executive Director of Human Resources. Any reference to the President in this policy, is also a reference to the President's designee.

## **I. WARNINGS**

### **A. Oral Warnings with Follow-Up Letter**

1. The employee's supervisor shall meet with the employee and review with the employee exactly what is expected of them and explain to the employee how they have not met the College's expectations.
2. The supervisor shall provide the employee an opportunity to explain their actions.
3. The supervisor shall make recommendations for corrections and establish a reasonable period of time for the employee to correct the issues.
4. The supervisor shall provide the employee a letter/email regarding the oral warning and the College's expectations. A copy of the letter, and all subsequent letters, shall be included in the employee's personnel file.

### **B. Performance Improvement Plan (PIP)**

After giving an oral warning and allowing for a reasonable period of time to correct the issues outlined in the supervisor's follow-up letter/email to the employee, if the employee has not corrected the issues, the supervisor shall meet with the employee for the purpose of delivering a PIP. The purpose of the PIP is to define areas of improvement in work performance. During the period of the PIP, the employee will be monitored to access if appropriate improvement is

being made. The PIP is to allow the employee to demonstrate improvement and commitment to WCC.

The PIP shall further document the continuing issues and shall state that if the employee does not immediately correct the issues, the employee may be subject to additional disciplinary action up to and including termination/dismissal. Before issuing the PIP to the employee, the President, Executive Director of Human Resources, and any intermediate superior/supervisor will review the contents of the PIP. A copy of the PIP, and all subsequent letters, will be included in the employee's personnel file.

**C. Serious Misconduct**

For serious misconduct, as determined by the President, an employee may be subject to termination or other disciplinary action without first receiving oral or written warnings.

**II. SUSPENSION**

Suspension may be used in two ways: as an independent discipline action or in conjunction with an investigation and dismissal proceedings.

**A. Independent Discipline Action**

1. If a supervisor determines that an employee's actions warrant suspension, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate Vice President and Executive Director of Human Resources. The Vice President shall review the report and provide his/her written recommendation to the President.
2. The President has the authority to suspend an employee with or without pay as a disciplinary action and may delegate this authority to the Executive Director of Human Resources, a Vice President or other College administrator. The President or designee may make such determination without a recommendation from a supervisor and/or Vice President. The President or designee may choose other disciplinary action relevant to the nature of the situation.
3. The President shall meet with the employee and give the employee an opportunity to be heard. After hearing from the employee, the President shall make a determination regarding the suspension, whether it shall be paid or unpaid and the length of the suspension. The President, Executive Director of Human Resources, or the employee's supervisor shall inform the employee of the President's determination. The

President shall prepare a follow-up written statement providing the circumstances and facts which led to the suspension. A copy of the letter shall be included in the employee's personnel file. In cases where the employee's continued presence on campus is not in the College's best interest or a health or safety issue, the President may immediately suspend the employee with pay. Prior to changing any paid suspension to unpaid suspension, the President shall meet with the employee and provide the employee with an opportunity to be heard.

4. When an employee is suspended, they shall leave the College property at once and not be allowed to return until the end of the suspension unless authorized by the President.
5. Failure of the employee to report back to work when requested, or at the suspension expiration date, will be considered a voluntary resignation of employment and any subsequent reinstatement or re-employment shall be on the basis of new employment.

**B. Suspension to Allow for an Investigation**

The President or designee may suspend an employee, with pay, for up to ninety (90) days while conducting an investigation as to whether the employee engaged in conduct that would warrant dismissal or other disciplinary action. At the end of the ninety (90) day period, the President shall dismiss the employee, reinstate the employee or implement another disciplinary action. For good cause, the President may extend the ninety (90) day suspension period.

**III. DISMISSAL**

**A. Contract Full-time Employees**

1. Contract employees are full-time employees who are issued a contract. An employment contract is an agreement or term of hire from Wilkes Community College to an employee that sets the terms and conditions of their employment.
2. The President has authority to dismiss a contract employee pursuant to the provisions of this section. The President may delegate this authority to a Vice President, Executive Director of Human Resources or another College administrator.
3. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall recommend termination to the appropriate Vice

President who shall, after meeting and consulting with the supervisor and Executive Director of Human Resources, provide the recommendation to the President. If necessary, the President or designee shall suspend the employee pursuant to Section II (B). As necessary, the President or designee may further investigate the matter.

4. At the conclusion of any investigation and after review of the recommendation, the President or designee shall either dismiss the matter or meet with the employee and present him/her with a written notice of charges and provide the employee with an opportunity to respond. If, after the written notice of charges meeting, the President or designee decides to dismiss the employee, the President will provide the employee with written notice that the employee is being dismissed and the reasons for the dismissal. The notice shall be included in the employee's personnel file.
5. If the President's designee made the decision to dismiss an employee, the employee may appeal the decision to the President. Any request for appeal must be submitted in writing and received by the President's office within ten business (10) days. Any request for appeal must state the grounds on which the appeal is based. The President may choose to meet with the employee or render a decision based on the written record. The President's decision is final and may not be appealed to the Board of Trustees. If the President made the decision to dismiss the employee, the President's decision is final and may not be appealed.
6. For serious misconduct and performance issues, the President may skip any of the procedures in subsection 1 and immediately meet with the employee and provide a written notice of charges.
7. The President will notify the Chair of Board of Trustees and Chair of Personnel Committee at or before its next regular meeting of any final action to terminate an employee.

**B. At-Will Employees**

1. At-Will employees are in general part-time employees who complete a timesheet and do not receive a contract for their services. For example, at-will employees are tutors, Walker Center staff, police/security officers, etc.
2. At-Will employees may be terminated on any basis that is not discriminatory or otherwise unlawful. The President has authority to terminate at-will employees and may delegate this authority to any Vice President, Executive Director of Human Resources, or other Senior College administrator.

3. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall recommend dismissal of the employee to the appropriate Vice President (VP).
4. If the supervisor and VP agree that the employee's actions warrant dismissal, the supervisor and/or VP will confer with the Executive Director of Human Resources.
5. If the decision is made to dismiss the employee, the supervisor (and/or the VP) and Executive Director of Human Resources will notify the employee of their dismissal. The supervisor will send documentation to the Executive Director of Human Resources.
6. If the President's designee made the decision to dismiss an employee, the employee may appeal the decision to the President. Any request for appeal must be submitted in writing and received by the President's office within ten business (10) days. Any request for appeal must state the grounds on which the appeal is based. The President may choose to meet with the employee or render a decision based on the written record. The President's decision is final and may not be appealed to the Board of Trustees. If the President made the decision to dismiss the employee, the President's decision is final and may not be appealed unless to President's actions were impermissible based on a violation of state or federal law or if the actions were based on the employee's race, religion, color, natural origin, sex, sexual orientation, gender identity, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws (see Policy 3.3.6 Right to Appeal).

**Adopted:** 08/08/2019

**Revised:** 01/06/2022, 08/15/2024

Cross Reference: Policy 3.3.6 – Right of Appeal

## I. DEFINITIONS

**Non-renewal** means the decision not to offer a new contract at the end of the current contract period.

**Impermissible Grounds** means the use of the employee's race, religion, color, national origin, sex, gender identity, sexual orientation, age, disability, genetic information, political affiliation, or status as a covered veteran in accordance with all applicable federal, state and local laws; or if the decision is otherwise a violation of state or federal law.

## II. NON-RENEWAL PROCESS

At least ten (10) business days prior to the end of the contract period, the President or designee will notify (via hand-delivery, certified mail and/or campus email), the employee who will not be offered a new employment contract. The College may non-renew the employee's contract for any reason that is not based on Impermissible Grounds. The failure of the College to provide notice of non-renewal prior to the expiration of any contract does not entitle the employee to a new contract.

An employee may not appeal the decision to non-renew the employee's contract. However, the employee may request the President reconsider the nonrenewal and may submit information and/or documentation in support of the employee's request. The President's decision is final.

If an employee continues working beyond the term of any contract and the College and employee have not entered into a new or extended contract, the employee shall become an at-will employee and the College or employee may terminate the employment relationship at any time subject to any state or federal laws.

## III. RESIGNATIONS

Any employee who does not wish to be nominated for re-employment should notify the appropriate Vice President, Executive Director of Human Resources, and the President in writing at least thirty (30) calendar days prior to the expiration of the current contract. The President, or designee, may accept the resignation without providing notice of the acceptance to the employee.

In cases where, in lieu of disciplinary action and dismissal, the employee tries to unilaterally resign, the President does not need to accept the resignation and may continue with the disciplinary and dismissal process.

Adopted: 08/08/2019

Revised: 01/06/2022, 08/15/2024

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## **I. RIGHT OF APPEAL**

- A. In cases of suspension without pay or dismissal pursuant to Policy 3.3.4, contract non-renewal pursuant to Policy 3.3.5, or reduction in force pursuant to Policy 3.3.9, an eligible employee (as outlined in each Policy) has a right to appeal the President's decision and must do so within ten (10) business days of the action taken<sup>1</sup>. Appeals must be submitted in writing to the President who shall forward the appeal to the chair of the Board of Trustees. The employee must articulate the grounds for the appeal in the notice. Further, the employee shall state in the notice whether the employee has or is seeking legal counsel for the appeal.
- B. No later than ten (10) business days from the President's receipt of the employee's written appeal, unless mutually agreed by the parties, the Personnel Committee ("Committee") of the Board of Trustees shall conduct a hearing pursuant to Section II. The employee's failure to inform the President that they have retained legal counsel for the appeal at least three (3) business days prior to the hearing shall be automatic grounds for a continuance of the hearing if so desired by the College.
- C. No later than ten (10) business days from the date of the hearing, the Committee shall provide the employee with its written determination to uphold, reject or modify the President's decision. The determination shall be included in the employee's personnel file. If the employee is reinstated, they shall receive all lost wages from the date of the suspension without pay and/or dismissal unless otherwise decided by the Committee.
- D. At the next regularly scheduled Board of Trustees' meeting, the Committee shall report its determination to the full Board of Trustees.

## **II. HEARING PROCEDURE**

- A. The hearing shall be conducted with only the members of the Committee, the employee, the President and other appropriate College administrators and relevant witnesses. The employee, the Committee, and the President may also be represented by legal counsel. If an employee chooses to have counsel present, the employee is responsible for retaining and paying for those services. The Board's legal counsel shall act as a procedural officer during the hearing and give

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<sup>1</sup> Note – appeals for contract non-renewals and reduction in force will only be allowed if the employee is alleging that the action is based on Impermissible Grounds (as defined in Policy 3.3.5 and Policy 3.3.9).

advice to the Committee regarding necessary rulings and matters of due process. A Committee member who has a significant conflict of interest or bias should disqualify himself/herself or be excused by the Committee's adoption of a motion to disqualify. For purposes of the appeal, a majority of the Committee members must be present. The Committee will make an audio recording of the hearing and a copy of the audio recording will be made available to the employee upon request. If the employee wants a transcription of the proceeding, the employee is responsible for the cost of and to arrange for the transcription.

- B. Strict rules of evidence or procedure do not apply to appeal hearings before the Committee. The Committee may consider any and all evidence that it determines to be fair and reliable. All witnesses may be questioned and cross-examined by the Committee members, the employee and the President. The Committee will be the sole judge of the weight given to specific evidence and the credibility of all witnesses. The conduct of the hearing shall be under the Committee chair's control.
- C. The burden is on the employee to demonstrate that they did not violate the Employee Code of Conduct or engage in the reason(s) underlying the disciplinary action or employment termination or, in appropriate cases, that the President's determination was based on illegal discrimination.
- D. At least five (5) business days prior to the hearing, the parties shall exchange all documentary evidence that the parties plan on using at the hearing. The President shall be responsible to assemble all the documents and make each Committee member and the parties a packet for the hearing. The packet must contain the following in this order: a) a copy of these Procedures; b) a copy of the President's written determination that is being appealed; c) a copy of the employee's request for appeal to the Committee; d) the President's documents for the hearing, if any; and e) the employee's documents for the hearing, if any. The President shall provide the employee a copy of the packet prior to the hearing.
- E. The hearing shall begin with the President's presentation of evidence. The President's presentation of evidence is limited to one (1) hour unless extended by the Committee Chair. The President, or their legal counsel, shall present and examine their witnesses and evidence. The Committee will have an opportunity to question the witnesses and review the submitted evidence. The employee may cross-examine the President's witnesses and the time used by the employee to cross-examine witnesses shall not count against the President's one (1) hour of time.

At the conclusion of the President's presentation of evidence, the employee will present their evidence. The employee's presentation of evidence is limited to one

- (2) hour unless extended by the Committee Chair. The employee, or their legal counsel, shall present and examine their witnesses and evidence. The Committee will have an opportunity to question the witnesses and review the submitted evidence. The President may cross-examine the employee's witnesses and the time used by the President to cross-examine witnesses shall not count against the employee's one (1) hour of time.
- G. At the conclusion of the employee's presentation of evidence, the President will be given five (5) minutes to present a closing statement. Following the President's closing statement, the employee shall be given five (5) minutes to present a closing statement.
- H. At the conclusion of the hearing, the Committee will deliberate in closed session and will inform the parties, in writing, of its determination to uphold, reverse or modify the President's decision no later than ten (10) business days from the hearing.
- I. The Chair of the Personnel Committee shall notify the full Board of Trustees of the Committee's decision. The Personnel Committee's decision is final.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

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**I. Notice of Nondiscrimination**

Wilkes Community College (WCC), in compliance with and as required by Title IX of the Education Amendments Act of 1972 and its implementing regulations (“Title IX”) and other civil rights laws, as well as in furtherance of its own values as a higher education institution, does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, or access to, or employment in, its programs and activities.

Discrimination and harassment are antithetical to the values and standards of the WCC community and are incompatible with the safe, healthy environment that the WCC community expects and deserves and will not be tolerated. WCC is committed to providing programs, activities, and an education and work environment free from discrimination and harassment. WCC is also committed to fostering a community that promotes prompt reporting and fair and timely resolution of those behaviors.

Inquiries concerning discrimination or harassment on the basis of sex may be referred to WCC’s Title IX Coordinator or Deputy Title IX Coordinator. Exhibit A (page A-1) to this document provides their contact information.

Inquiries concerning discrimination or harassment based on a protected characteristic or status other than sex may be referred to the Deputy Title IX Coordinators (for students) or Title IX Coordinator (for employees). Exhibit A provides their contact information.

Individuals may also make inquiries regarding discrimination or harassment to the U.S. Department of Education’s Office for Civil Rights by contacting the District of Columbia Office, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; Phone 800-421-3481; email: [OCR@ed.gov](mailto:OCR@ed.gov).

**II. Prohibition of Sex Discrimination and Harassment, Retaliation, and Providing False Information or Interfering with a Grievance Process**

This Policy prohibits discrimination and harassment on the basis of sex. WCC strongly encourages the prompt reporting of, and is committed to timely and fair resolution of, complaints of sex discrimination and harassment.

Sexual Harassment, as defined by Title IX and herein, is a specific type of sex discrimination/harassment that includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking and that WCC addresses using its Title IX Sexual Harassment Grievance Procedures, as required by Title IX.

This Policy also prohibits Retaliation, as defined by Title IX and herein. Complaints alleging Retaliation may be filed with the Title IX Coordinator or Deputy Title IX Coordinators and, at the discretion of the Title IX Coordinator or Deputy Title IX Coordinators, may be addressed under WCC's Title IX Sexual Harassment Grievance Procedures or other grievance procedures adopted by WCC.

Additionally, any individual who knowingly files a false Formal Complaint or who interferes with a WCC grievance process may be subject to disciplinary action. Interference with a grievance process may include, but is not limited to, attempting to coerce, compel, or prevent an individual from providing testimony or relevant information; removing, destroying, or altering documentation relevant to an investigation; or providing false or misleading information to WCC officials who are involved in the investigation and/or resolution of a Formal Complaint, or encouraging others to do so.

### **III. Reporting and Period of Limitations**

Any person (whether or not alleged to be the victim) may report sex discrimination or harassment, including Sexual Harassment, in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator or Deputy Title IX Coordinators listed in Exhibit A, or by any other means that results in the Title IX Coordinator or a Deputy Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

In addition to the Title IX Coordinator and Deputy Title IX Coordinators, WCC has designated the following employees as individuals with the authority to institute corrective measures on behalf of WCC: President, Vice Presidents, Deans. Accordingly, these employees are *required* to report discrimination and harassment on the basis of sex to the Title IX Coordinator or a Deputy Title IX Coordinator.

WCC *strongly encourages* all employees and other members of the WCC community to promptly report concerns regarding suspected or known discrimination/harassment on the basis of sex to the Title IX Coordinator or a Deputy Title IX Coordinator.

Additionally, WCC has designated the following employees as confidential resources for students.

| <b>Name</b>   | <b>Contact Information</b>   |
|---|--|
| Mike Roope, EdS, LCMHC<br>Director of Counseling and<br>Career Services | 336-838-6147<br><a href="mailto:mroope085@wilkescc.edu">mroope085@wilkescc.edu</a> |
| Amber Cook, MSW, LCSWA<br>Counselor                                     | 336-838-6229<br><a href="mailto:alcook636@wilkescc.edu">alcook636@wilkescc.edu</a> |

Information about sex discrimination or harassment shared with these confidential resources typically will not be reported to other WCC personnel (including the Title IX Coordinator or Deputy Title IX Coordinators), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). (Confidential resources may report *non-identifying* statistical information to the Title IX Coordinator or a Deputy Title IX Coordinator for recordkeeping and compliance purposes.)

WCC will address allegations of sex discrimination and harassment appropriately no matter the length of time that has passed since the alleged conduct. However, WCC strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay may compromise the ability to investigate, particularly if the individuals involved in the alleged conduct are no longer WCC students or employees.

#### **IV. Applicability of Policy and Grievance Procedures**

This Policy applies to any allegation of sex discrimination or harassment made by or against a student or an employee of WCC or a third party, regardless of sex, sexual orientation, sexual identity, gender expression, or gender identity.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of Sexual Harassment in WCC's Education Program or Activity (as defined herein).

WCC will address allegations of other types of sexual harassment (i.e., that do not meet the definition of Title IX Sexual Harassment) by: (1) using other student and employee conduct disciplinary procedures deemed appropriate by the Title IX Coordinator or Deputy Coordinators in consultation with other WCC administrators; and/or (2) Supportive Measures, which are defined and discussed in more detail herein.

#### **V. Rights of Parents**

When a student Complainant or Respondent is a minor or has a guardian appointed and their parent or guardian has the legal right to act on the student's behalf, then the parent or guardian may file a Formal Complaint on behalf of the student, although the student would be the "Complainant." In such a situation, the parent or guardian may exercise the rights granted to the student under this Policy, including requesting Supportive Measures and participating in a grievance process. Similarly, the parent or guardian may accompany the student to meetings, interviews, and hearings during a grievance process to exercise rights on behalf of the student, while the student's Advisor of choice may be a different person from the parent or guardian. Whether or not a parent or guardian has the legal right to act on behalf of an individual would be determined by state law, court orders, child custody arrangements, or other sources granting legal rights to parents or guardians.

Additionally, FERPA and its implementing regulations address the circumstances under which a parent or guardian is permitted to inspect and review a student's education records. However, in circumstances in which FERPA would not grant a party the opportunity to inspect and review evidence in connection with a grievance process, pursuant to Title IX and its implementing

regulations, the student has an opportunity to do so, and a parent or guardian who has a legal right to act on behalf of the student has the same opportunity.

#### VI. **Definitions Applicable of Policy and Grievance Procedures:**

Capitalized terms used herein are defined as follows.

**“Actual Knowledge”** means notice of Sexual Harassment or allegations of Sexual Harassment to WCC’s Title IX Coordinator, Deputy Title IX Coordinators, President, Vice Presidents, or Deans. **“Notice”** as used in this paragraph includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator or a Deputy Title IX Coordinator.<sup>1</sup>

**“Clery Act”** refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

**“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, irrespective of whether a Formal Complaint has been filed.

**“Consent”** is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor’s age; persons with mental disabilities, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are

<sup>1</sup> This standard is not met through imputation of knowledge based solely on vicarious liability or constructive notice. This standard also is not met when the only individual with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one to whom notice of Sexual Harassment or allegations of Sexual Harassment constitutes Actual Knowledge.

Incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Harassment.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness and readiness to continue and capacity to Consent. Neither party should make assumptions about the other's willingness and readiness to continue.

**“Day”** means a business day, unless otherwise specified.

**“Education Program or Activity”** means all of WCC's operations and includes (1) locations, events, or circumstances over which WCC exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred; and (2) any building owned or controlled by a student organization that is officially recognized by WCCShortened Name.

**“Education Record”** has the meaning assigned to it under FERPA.

**“FERPA”** is the Family Educational Rights and Privacy Act, a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 C.F.R. § 99. FERPA protects the privacy of student Education Records. FERPA grants to eligible students the right to access, inspect, and review Education Records, the right to challenge the content of Education Records, and the right to consent to the disclosure of Education Records.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that WCC investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in WCC's Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator or a Deputy Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator/Deputy Coordinators in Exhibit A. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

**“Incapacitated”** means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

**“Respondent”** means an individual who has been reported to be the perpetrator of conduct alleged to constitute Sexual Harassment.

**“Retaliation”** means (1) any adverse action (including direct and indirect intimidation, threats, coercion, discrimination, or harassment (including charges for conduct violations that do not involve sex discrimination or harassment or Sexual Harassment but that arise out of the same facts or circumstances as a report or complaint of sex discrimination or harassment or a report or Formal Complaint of Sexual Harassment) that is (2) threatened or taken against a person (a) for the purpose of interfering with any right or privilege secured by Title IX; or (b) because the person has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Title IX.<sup>2</sup>

**“Sexual Harassment”** means conduct on the basis of sex that satisfies one or more of the following:

- (1) an employee of WCC conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. (commonly referred to *quid pro quo* harassment);
- (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to WCC’s Education Program or Activity; or
- (3) **“Sexual Assault,”** as defined in 20 U.S.C. § 1092(f)(6)(A)(v): an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

**“Dating Violence,”** as defined in 34 U.S.C. § 12291(a)(10): violence committed by a person—(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship;

**“Domestic Violence,”** as defined in 34 U.S.C. § 12291(a)(8): felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by as defined in 34 U.S.C. § 12291(a)(8): felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by

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<sup>2</sup> Retaliation does not include (1) the exercise of rights protected under the First Amendment; (2) charging an individual with making a materially false statement in bad faith in the course of a grievance proceeding (provided, however, that a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith); or (3) good faith actions lawfully pursued in response to a report of prohibited conduct.

a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

**“Stalking”** as defined in 34 U.S.C. § 12291(a)(30): engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

**“Supportive Measures”** are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant and/or a Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to WCC's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or WCC's educational environment or deter Sexual Harassment.

Supportive Measures may include but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. WCC will maintain as confidential any Supportive Measures provided to a Complainant or a Respondent, to the extent that maintaining such confidentiality would not impair WCC's ability to provide the Supportive Measures. The Title IX Coordinator and Deputy Title IX Coordinators are responsible for coordinating the effective implementation of Supportive Measures.

Adopted: 08/14/2020  
Reinstated 02/13/202

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**IMPORTANT INFORMATION FOR INDIVIDUALS WHO MAY BE VICTIMS OF  
SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING:**

If you or someone you know may have been a victim of the behaviors listed above or any other type of violence, you are strongly encouraged to seek immediate assistance.

**ASSISTANCE CAN BE OBTAINED 24 HOURS A  
DAY, 7 DAYS A WEEK, FROM  
THE WCC POLICE DEPARTMENT  
(LOCATED IN/AT CLASSROOM BUILDING #7 AND AVAILABLE  
BY PHONE AT 336-838-6275).**

During business hours (8:00 a.m. to 5:00 p.m., Monday through Thursday; 8:00 a.m. to 3:00 p.m., Friday), you are also strongly encouraged to contact one of the following individuals:

| WHO TO CONTACT                             | POPULATION SERVED   | CONTACT INFORMATION  |
|--|---|--|
| Sherry Cox, Title IX Coordinator           | Faculty/Staff   | 336-838-6422<br><a href="mailto:spcox072@wilkescc.edu">spcox072@wilkescc.edu</a>     |
| Scott Johnson, Deputy Title IX Coordinator | Curriculum and Workforce Development & Community Education Students | 336-838-6141<br><a href="mailto:sajohnson3@wilkescc.edu">sajohnson3@wilkescc.edu</a> |

For additional information about seeking medical assistance and emotional support, as well as important contact information for local law enforcement agencies, hospitals, and other resources, see Exhibit A at the end of this document.

**A. APPLICABILITY, COMPLAINT INTAKE, AND OVERARCHING PROVISIONS**

**1. Applicability of Grievance Procedures**

As noted above, these Grievance Procedures apply to allegations of Sexual Harassment in WCC's Education Program or Activity (and to related Retaliation, at the discretion of the Title IX Coordinator or a Deputy Title IX Coordinator). WCC treats Complainants and Respondents

equitably by providing remedies to a Complainant where WCC makes a determination of responsibility for Sexual Harassment against a Respondent under these Grievance Procedures and also by following these Grievance Procedures before imposing any disciplinary sanctions against a Respondent for Sexual Harassment.

**2. Obligation to Respond and Initial Outreach to Complainant**

When WCC has Actual Knowledge of Sexual Harassment (or allegations thereof) against a person in the United States in its Education Program or Activity, WCC is obligated to respond and to follow Title IX's specific requirements, which are addressed and incorporated in these Grievance Procedures.

Promptly upon receiving allegations of Sexual Harassment against a person in the United States in WCC's Education Program or Activity, the Title IX Coordinator or a Deputy Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a Formal Complaint and to explain to the Complainant the process for filing a Formal Complaint.

**3. Filing of a Formal Complaint**

As noted in the Definitions section above, a Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that WCC investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in WCC's Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator or a Deputy Title Coordinator in person, by mail, or by electronic mail, by using the contact information listed in Exhibit A. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint.

When the Title IX Coordinator or a Deputy Title IX Coordinator believes that, with or without the Complainant's desire to participate in a grievance process, a non-deliberately indifferent response to the allegations requires an investigation, the Title IX Coordinator/Deputy Title IX Coordinator has the discretion to initiate the grievance process by signing a Formal Complaint. Where the Title IX Coordinator/Deputy Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator/Deputy Title IX Coordinator is not a Complainant or otherwise a party under these Grievance Procedures. Furthermore, initiation of a Formal Complaint by the Title IX Coordinator/Deputy Title Coordinator is not sufficient alone to imply bias or that the Title IX Coordinator/Deputy Title IX Coordinator is taking a position adverse to the Respondent.

Once a Formal Complaint is initiated, an alleged victim will be referred to as a "Complainant," and an alleged perpetrator will be referred to as a "Respondent."

**4. Notice of Allegations**

Upon receipt of a Formal Complaint, the Title IX Coordinator or Deputy Title IX Coordinator will provide the Complainant and any known Respondent written notice of these Grievance Procedures and of the allegations of conduct potentially constituting Sexual Harassment,

including sufficient details known at the time and with at least five days to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.

The written notice will include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice also will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and that at appropriate junctures the parties and their advisors may review and inspect evidence collected during the investigation. Additionally, the written notice will inform the parties of WCC's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, WCC decides to investigate allegations of Sexual Harassment involving the Complainant or Respondent that are not included in the original written notice of allegations, WCC will provide notice of the additional allegations to the parties whose identities are known.

## **5. Dismissal**

WCC will investigate the allegations in a Formal Complaint; however, WCC *will* dismiss a Formal Complaint or a portion of the allegations therein if (1) the conduct alleged in the Formal Complaint, even if substantiated, would not constitute Sexual Harassment; (2) at the time of filing the Formal Complaint the Complainant was not participating in or attempting to participate in WCC's Education Program or Activity; (3) the conduct alleged in the Formal Complaint did not occur in WCC's Education Program or Activity; or (4) the conduct alleged in the Formal Complaint did not occur against an individual in the United States. Such a dismissal may take place at the conclusion of the investigation or at any time prior to the conclusion of the investigation.

Additionally, WCC *may* dismiss a Formal Complaint or a portion of the allegations therein if (1) the Complainant notifies the investigating Title IX Coordinator or Deputy Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed at WCC; or (3) despite efforts to do so, WCC is unable to gather evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In the event the investigating Title IX Coordinator or Deputy Title IX Coordinator determines that dismissal of a Formal Complaint or a portion of the allegations is appropriate, the investigating Title IX Coordinator or Deputy Title IX Coordinator will promptly notify the parties in writing of the dismissal and the reasons for it. Dismissal does not impair WCC's ability to proceed with any appropriate investigatory or disciplinary actions under the Sex Discrimination and Harassment Policy or another WCC policy or procedure and/or to provide Supportive Measures to the parties.

Either party may appeal a decision to dismiss a Formal Complaint or a portion of the allegations on the following grounds by submitting a written appeal to the investigating Title IX Coordinator or Deputy Title IX Coordinator five days of the issuance of the written notice of the dismissal: (1) procedural irregularity that affected the decision to dismiss; (2) new evidence that was not reasonably available at the time of dismissal and that could affect the outcome of the matter; or (3) the investigating Title IX Coordinator or Deputy Title IX Coordinator or other participant in the dismissal having a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the decision to dismiss.

The investigating Title IX Coordinator or Deputy Title IX Coordinator will promptly notify the other party of the appeal, and the non-appealing party may submit a response to the appeal within three days of notification of the appeal.

The Title IX Coordinator will appoint an appeal officer and will contemporaneously share the appeal officer's name and contact information with the Complainant and the Respondent.

Within two days of being provided the contact information for the appeal officer, the Complainant, or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias on the part of the appeal officer. The Title IX Coordinator will consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

The Title IX Coordinator will forward the Formal Complaint and any documents upon which the dismissal decision was based, as well as the appeal and any response to the appeal to the appeal officer.

Within seven days of receipt of those materials, the appeal officer will determine whether any of the grounds for appeal warrant overturning or modifying the dismissal. The decision by the appeal officer is final.

## **6. Advisors**

The Complainant and the Respondent may be accompanied to any meeting or proceeding under these Grievance Procedures by the advisor of their choice, who may be, but is not required to be, an attorney. WCC will not limit the choice or presence of the advisor for either the Complainant or the Respondent in any meeting or grievance proceeding. Advisors, however, are not allowed to disrupt any such meeting or proceeding or to speak on behalf of the Complainant or the Respondent, with the exception of cross-examination during any hearing conducted under these Grievance Procedures, which must be conducted by an advisor and never personally by the Complainant or the Respondent.

Parties must provide the name and contact of their advisor to the investigating Title IX Coordinator or Deputy Title IX Coordinator in writing as soon as reasonably possible and must provide updated information if their advisor changes. All advisors will be required to assent to

WCC's Expectations for Advisors. If a party does not have an advisor present at the hearing, WCC will provide, without any charge to that party, an advisor of WCC's choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Absent accommodation for a disability, the Complainant and the Respondent may not be accompanied by more than one advisor or by other individuals during meetings or proceedings under these Grievance Procedures.

#### **7. Amnesty**

WCC considers the reporting and adjudication of Sexual Harassment to be of paramount importance. WCC does not condone underage drinking or the use of illegal drugs; however, WCC may extend amnesty to Complainants, Respondents, witnesses, and others involved in a grievance process from punitive sanctioning for illegal use of drugs and/or alcohol when evidence of such use is discovered or submitted in the course of a grievance process. Similarly, WCC may, in its discretion, provide amnesty for other conduct code violations that are discovered in the course of a grievance process.

#### **8. Timing**

WCC will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occurs in as timely and efficient a manner as possible. The timelines set forth in these Grievance Procedures are guidelines and may be altered for good cause with written notice to the Complainant and the Respondent of any delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; natural disasters, pandemic restrictions, and similar occurrences; or the need for language assistance or accommodation of disabilities.

WCC will strive to complete its investigation and resolution of a Formal Complaint (not including an appeal, if applicable) within 90 days of the receipt of the Formal Complaint, absent extenuating circumstances. Hearings generally will take place within 20 days of the conclusion of the investigation. Within seven days of the conclusion of the hearing, both the Complainant and the Respondent will receive a final outcome letter.

Either party may request an extension of any deadline by providing the investigating Title IX Coordinator or Deputy Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The investigating Title IX Coordinator or Deputy Title IX Coordinator will review the request and will make a determination with regard to the request within three days.

#### **9. Written Notice of Meetings**

WCC will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

**10. Effect of Corollary Criminal Investigation**

WCC's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, WCC will implement any appropriate Supportive Measures and will evaluate the need for other actions necessary to assist or protect the Complainant, the Respondent, and/or the WCC community.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate a matter is determinative of whether Sexual Harassment has occurred in the eyes of WCC.

**11. Emergency Removal and Administrative Leave**

WCC may remove a Respondent from WCC's Education Program or Activity on an emergency basis, provided that WCC first undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and does so in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

Additionally, WCC may place a non-student employee Respondent on administrative leave during the pendency of WCC's response to allegations of Sexual Harassment provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

**12. Effect of Respondent Withdrawal, Graduation, or Resignation During Grievance Process**

At the discretion of WCC, a Respondent who withdraws or resigns from WCC during the pendency of a grievance process under these Grievance Procedures may be barred from WCC property and WCC activities and events and may be ineligible for re-enrollment or to be re-hired. If a Respondent completes all requirements to graduate during the grievance process, WCC may hold the Respondent's diploma until full resolution of the Formal Complaint.

**13. Privacy and Disclosure**

Except as may be permitted by FERPA or as required by law or to carry out any investigation or resolution of sex discrimination or harassment allegations, WCC will keep private the identity of any individual who has made a report or complaint of sex discrimination or harassment (including any individual who has made a report or filed a Formal Complaint of Sexual Harassment), any Complainant, any Respondent, and any witness.

WCC may report alleged Sexual Harassment to local law enforcement if warranted by the nature of the allegations at issue, and WCC administrators will share information regarding alleged Sexual Harassment, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar Sexual Harassment, and address the

effects of the Sexual Harassment. Additionally, information regarding alleged Sexual Harassment may be used as a statistical, anonymous report for data collection purposes under the Clery Act.

To comply with FERPA, Title IX, and other applicable laws and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, grievance processes carried out under these Grievance Procedures are not open to the general public. Accordingly, documents prepared in connection with such processes; documents, statements, or other information introduced in interviews, meetings, and proceedings; and the final outcome letter may not be disclosed outside of those processes except as may be required or authorized by law.

As permitted by and subject to the limitations of FERPA, WCC reserves the right to notify parent(s) or guardian(s) of a student Respondent of the outcome of any investigation involving that Respondent, redacting names of any other students who do not consent to the disclosure of their information. At the written request of a party, WCC may include a party's advisor on communications and share access to documents, including the investigation report. This access is subject to the advisor's acknowledgment and agreement to maintain the confidentiality of the documents.

While WCC strongly encourages parties to maintain privacy in connection with a grievance process, WCC does not prohibit parties from discussing the allegations under investigation or in any way inhibit the parties from gathering or presenting relevant evidence. In addition, WCC's policy does not prohibit disclosure of the final outcome letter by either the Complainant or the Respondent.

#### **14. Conflicts of Interest, Bias, and Training**

WCC will ensure that any individual designated by WCC as a Title IX Coordinator, Deputy Title IX Coordinator, investigator, or decision-maker under these Grievance Procedures does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If any employee designated to participate in the investigation or resolution of a Formal Complaint is the Respondent or a relevant witness, then the Title IX Coordinator will appoint another employee to perform their duties. (If the Title IX Coordinator is the Respondent, then the President will appoint another qualified person to perform their duties.)

WCC also ensures that the Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and advisors receive training, as applicable, on the definition of Sexual Harassment; the scope of WCC's Education Program or Activity; how to conduct an investigation and grievance process, including hearings, and appeals; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

WCC further ensures that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, and that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Additionally, WCC ensures that decision-makers receive training on any technology to be used at live hearings.

Materials used to train the Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and advisors will not rely on sex stereotypes and promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

**15. Burden of Proof**

At all times, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on WCC, not on either of the parties.

**16. Presumption of No Responsibility until Determination**

Respondents are presumed to be not responsible for alleged Sexual Harassment until WCC makes a determination regarding responsibility pursuant to these Grievance Procedures.

**17. Objective Evaluation of All Relevant Evidence: Credibility Determinations**

The investigators and decision-makers under these Grievance Procedures will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

**18. Academic Freedom**

WCC affirms its commitment to academic freedom but notes that academic freedom does not allow any form of Sexual Harassment. WCC recognizes that an essential function of education is a probing of opinions and an exploration of ideas, some of which, because they are controversial, may cause students and others discomfort. This discomfort, as a product of free academic inquiry within a faculty member's area(s) of expertise, shall in no way be considered or construed to constitute Sexual Harassment. Academic inquiry may involve teaching, research and extramural speech. Furthermore, nothing in this document shall be interpreted to prohibit bona fide academic requirements for a specific WCC program or activity. When investigating complaints that a party or the Title IX Coordinator/Deputy Title IX Coordinator believes may involve issues of academic freedom, the investigating Title IX Coordinator or Deputy Title IX Coordinator will consult with the Vice President of Instruction with respect to contemporary academic practices and standards.

**19. Documentation**

WCC will retain documentation (including but not limited to any Formal Complaint, notifications, recording or transcripts of interviews, investigative report, written findings of fact, petitions for appeal, notifications of decisions (including the final outcome letter), audio recordings of hearings, and written communication with the Complainant and Respondent), for no less than seven years.

**20. Consolidation of Formal Complaints**

WCC may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in these Grievance Procedures to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

**21. Individuals with Disabilities**

WCC will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in WCC’s grievance processes. Student requests for accommodation must be made to the Director of Disability, Inclusion, & Diversity. All other requests for accommodation must be made to the Executive Director of Human Resources.

**B. THE INVESTIGATION****1. Appointment of Investigators and Challenging of the Same**

Unless a Formal Complaint is dismissed, one or more members of the Title IX Coordinator/Deputy Title IX Coordinator team will initiate the investigation. The lead investigator will contemporaneously share their names and contact information with the Complainant and Respondent.

Within two days of receiving notification from the lead investigator, the Complainant or the Respondent may identify to the lead investigator in writing any alleged conflicts of interest or bias on the part of the assigned investigators. The lead investigator will review this information with the Title IX Coordinator/Deputy Title IX Coordinator team and will promptly assign different investigators if the Title IX Coordinator/Deputy Title IX Coordinator team determines that a material conflict of interest or material bias exists.

**2. The Investigators’ Activities**

Upon receipt of the Formal Complaint, the investigators will promptly begin their investigation, taking such steps as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); summarizing such interviews in writing; collecting and reviewing relevant documents; visiting, inspecting, and taking or reviewing photographs of relevant sites; and collecting and reviewing other relevant evidence.

**3. The Investigative Report and Evidence Review**

The investigators will prepare a written investigative report that fairly summarizes relevant evidence and includes items such as the Formal Complaint, written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of relevant evidence, and summaries or copies of relevant electronic records.

Prior to the completion of the investigative report, the investigators will send to each party and the party's advisor, if any, an electronic or hard copy of any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including (1) any evidence upon which WCC does not intend to rely in reaching a determination regarding responsibility; and (2) both inculpatory and exculpatory evidence.

The parties have ten days from the time that the evidence is provided to submit to the investigators a written response to the evidence. In the response, the parties may address the relevancy of any evidence that the parties believe should be included in or excluded from the investigative report and may also address any further investigation activities or questions that they believe are necessary. If a party wishes to submit additional evidence at this stage, they should explain how the evidence is relevant and why it was not previously provided.

The investigators will review and consider the parties' written submissions and may conduct additional investigative activities as appropriate prior to finalizing the investigative report. The need for additional investigative activities may result in a delay or extension to the timelines set forth in these Grievance Procedures.

At least ten days prior to the hearing, the investigators will send an electronic or hard copy of the investigative report to each party and the party's advisor, if any. Any response a party wishes to make to the investigative report may be included in that party's pre-hearing statement, which is discussed more below in Section 2C.05.

Due to the sensitive nature of the investigative report, neither the parties nor their advisors may copy, publish, photograph, print, image, record or in any other manner duplicate the report. Parties who violate these restrictions may be disciplined, and advisors who violate these restrictions may be disciplined and/or be barred from further participation in the grievance process.

Nothing in this document restricts the ability of either party to discuss the allegations under investigation or to gather, preserve, and/or present relevant evidence.

#### **4. Submission of Evidence: Expert Witnesses**

Any evidence that the parties wish for the hearing officer to consider should be presented to the investigators as early as possible during the investigation process. Evidence that is not submitted in a timely manner and prior to finalization of the investigative report may be excluded from the hearing at the discretion of the hearing officer.

Similarly, all relevant witnesses should be identified to the investigators as early as possible during the investigation. The hearing officer generally will not call or consider written statements from witnesses who were not identified to investigators and interviewed during the investigation. However, in their discretion and for good cause, the hearing officer may choose to consider information from witnesses who were not interviewed during the investigation.

Any party who wishes to present testimony from an expert witness should identify that witness by providing the witness's name, contact information and a summary of (1) the witness's qualifications to offer expert testimony; and (2) any opinions the witness expects to offer related to the allegations or evidence. Any evidence upon which the witness relies must be provided to the investigators and will be made available to the other party and their advisor, as well as to any expert witness the other party has identified. This information must be provided as early as possible in the investigation and in no event later than finalization of the investigative report. The parties must make any expert witnesses available to be interviewed by investigators and to testify at the hearing. If an expert witness is not available to provide live testimony at the hearing, the hearing officer must disregard any information submitted by that expert.

**5. Treatment Records**

WCC will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent.

**C. HEARING AND APPEALS****1. The Formal Resolution Process**

Unless a Formal Complaint is dismissed, following the investigation the appointed hearing officer will conduct a hearing in which they may question the Complainant, the Respondent, and any witnesses whose testimony the hearing officer deems relevant. During the hearing, the hearing officer and the parties may also question the investigators as necessary to clarify information provided in the investigative report.

**2. Appointment of the Hearing Officer and Challenging of the Same**

The Title IX Coordinator will appoint a lead hearing officer and two employees to serve on the hearing panel for student cases. The hearing panel will serve as the decision-maker regarding responsibility and determine sanctions. The Title IX Coordinator will appoint a hearing officer for employee cases. The hearing officer will serve as the decision-maker regarding responsibility. The President will determine sanctions. The Title IX Coordinator will contemporaneously share the hearing officer's name and contact information with the Complainant and the Respondent. The Title IX Coordinator will provide to the hearing officer the Formal Complaint, all evidence directly related to the allegations, the parties' written responses to the evidence, and the investigative report.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the hearing officer or hearing panel. The Title IX Coordinator will promptly assign a different hearing officer or hearing panel member if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

**3. Notice of the Hearing**

Promptly after the appointment of the hearing officer and no less than seven days prior to the hearing, the hearing officer will provide concurrent written notice to the Complainant and the Respondent setting forth the date, time, and location of the hearing. Any modifications to the hearing date, time, or location will be provided in writing to both parties prior to the date of the hearing.

**4. Pre-Hearing Submissions**

Each party may submit a written statement to the hearing officer that includes any response the party wishes to make to the investigative report. Each party's pre-hearing statement must be submitted at least five days prior to the hearing. The hearing officer will share the statement with the other party, who may submit a response within two days.

**5. Failure to Appear**

If any party, advisor, or witness fails to appear at the hearing after having been provided proper notice of the hearing as set forth above, then absent extenuating circumstances the hearing officer will proceed with the hearing and issuance of their responsibility determination and, as applicable, sanction recommendation. WCC will provide an advisor to any party who attends the hearing unaccompanied.

**6. Evidentiary Matters**

A Title IX hearing does not take place within a court of law and is not bound by formal rules of evidence.

Evidence of and questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted at the hearing, with the following exceptions: (1) if the questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally investigated or found responsible for such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged Sexual Harassment at issue before the hearing officer, provided that the Respondent has not been found "not responsible" by WCC in a proceeding related to such conduct.

WCC will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent. Questions and/or evidence that constitute or seek disclosure of information protected under a legally recognized privilege are not permitted, unless the person holding the privilege has waived the privilege in writing.

WCC will make the evidence that the investigators provided to the parties for their review and inspection prior to finalization of the investigative report available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

#### **7. Conduct of the Hearing and Questioning of Witnesses and Parties**

The hearing will be conducted with parties in separate rooms, using technology to ensure that each party can see and hear any party or witness answering questions. At the discretion of the hearing officer, the hearing may be conducted partially or entirely remotely, with any or all participants participating virtually.

The Complainant and the Respondent will have equal opportunity to address the hearing officer, if desired, and both the hearing officer and the parties' advisors will have the opportunity to question the other party and any witnesses, including investigators and expert witnesses. The hearing officer will first ask any questions of each party and each witness through direct examination. After the hearing officer has completed direct examination, the advisor for each party will have an opportunity to conduct a cross-examination of the other party and/or the witnesses. Any questions that a party has for a witness or the other party must be posed by the party's advisor. A party's advisor will not have the opportunity to question the party for whom they serve as advisor.

Before a party or witness answers a cross-examination question, the hearing officer will determine whether the question is relevant and allowed under these Grievance Procedures. For example, the hearing officer may exclude as not relevant duplicative questions or questions posed solely to harass a witness or the other party. The hearing officer will explain any decision to exclude a question.

If a party does not have an advisor present at the hearing, WCC will provide an advisor, at no cost to the party, to conduct cross-examination on behalf of that party.

Members of the WCC community are expected to provide truthful testimony, and any member of the WCC community who knowingly provides false information during this process is subject to discipline.

#### **8. Unavailability or Refusal to Testify or Submit to Cross-Examination**

The Respondent and/or the Complainant may choose not to testify at the hearing; however, the exercise of that option will not preclude the hearing officer from making their responsibility determination and, as applicable, sanction recommendation regarding the Formal Complaint. Also, if a party or witness does not submit to cross-examination at the hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility or, as applicable, recommendation regarding sanctions. The hearing officer will not draw an inference regarding responsibility or sanctions based solely on a party's or witness' absence from the hearing or refusal to testify or submit to cross-examination.

**9. Recording**

WCC will record the hearing. This recording will be the only recording permitted of the proceedings and will be the property of WCC. The parties and the appeal officer may use the recording as part of the appeal process. Reasonable care will be taken to ensure a quality recording; however, technological problems that result in no recording or in an inaudible one will not affect the validity of the outcome of a hearing.

**10. The Determination of the Hearing Officer Regarding Responsibility**

Following the hearing, the hearing officer will determine whether the evidence establishes that it is more likely than not<sup>1</sup> that the Respondent committed Sexual Harassment. The hearing officer will render a finding of “Responsible” or “Not Responsible” and will provide the rationale for the decision. If the Respondent is found “Responsible,” the hearing officer will specify the specific type(s) of Sexual Harassment for which the Respondent is found “Responsible” (for example, Sexual Assault, Stalking, etc.). When feasible, the hearing officer will orally communicate the finding of “Responsible” or “Not Responsible” to the parties on the day of or day following the hearing. Additional information regarding the decision, including the rationale and sanctions (if applicable) will be communicated in the final outcome letter (as described below).

**11. Determination of Sanctions**

If the hearing officer concludes that the Respondent is “Responsible,” they will appropriate sanctions to be imposed on the Respondent. The sanctions will be determined within the context of the sanctioning guidelines, the Respondent’s disciplinary history, the institution’s handling of similar cases, and other relevant factors.

Sanctions following a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline, or both. Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for students may include, but are not limited to, expulsion or suspension from WCC, disciplinary probation, social restrictions, suspension or revocation of admission, suspension or revocation of degree.

Other potential sanctions for Respondents may include, but are not limited to, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as community service, reflection paper(s), and/or fines) as deemed appropriate by the hearing officer.

In determining sanctions, the hearing officer will consider whether a sanction will bring an

<sup>1</sup> In other words, the standard of proof will be the preponderance of the evidence standard.

end to, prevent a recurrence of, and remedy the effects of the Sexual Harassment. The hearing officer also will consider the impact of separating a student from their education. The appropriate sanctions for Sexual Assault generally will include at a minimum a period of separation from WCC.

**12. Implementation of Sanctions**

Sanctions generally are effective immediately upon issuance of the final outcome letter described below. However, if necessary to protect the welfare of the Complainant, Respondent, or WCC community, the hearing officer may determine that any sanctions are effective at any time after the conclusion of the hearing and continue in effect until the issuance of the final outcome letter.

**13. Final Outcome Letter**

Within seven days after the hearing, the hearing officer will issue a final outcome letter through the Title IX Coordinator to the Respondent and Complainant simultaneously.

The final outcome letter will (1) name the Respondent; (2) identify the allegations potentially constituting Sexual Harassment; (3) describe procedural steps taken from the filing of the Formal Complainant through the determination; (4) provide findings of fact in support of the hearing officer's determination; and (5) provide a statement of rationale for the result as to each allegation, including the responsibility determination and any sanctions.

**14. Appeals**

The Complainant or the Respondent may appeal the decision of the hearing officer regarding responsibility and/or the sanction(s) imposed on the Respondent.

The following are the only permissible grounds for an appeal of the hearing officer's responsibility determination: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the determination and that could affect the outcome; and (3) the Title IX Coordinator, Deputy Title IX Coordinator, an investigator, or the hearing officer had a conflict of interest or bias that affected the outcome.

Sanctions may only be appealed on the ground that the severity is incommensurate to the gravity of the Sexual Harassment for which the Respondent was found responsible.

Appeals must be submitted in writing to the Title IX Coordinator within five days from the date of the final outcome letter. The Title IX Coordinator will promptly inform the other party of the filing of the appeal. The other party will have three days from such notification to submit a written response to the appeal.

**15. Appointment of the Appeal Officer and Challenging of the State**

The Title IX Coordinator will appoint an appeal officer and will share the appeal officer's name and contact information with the Complainant and the Respondent.

Within two days of being provided the contact information for the appeal officer, the Complainant, or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias on the part of the appeal officer. The Title IX Coordinator will consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

**16. Appellate Review**

The Title IX Coordinator will share the Formal Complaint, the investigative report, the hearing recording, all statements introduced at the hearing, any other evidence considered by the hearing officer, the hearing officer's written findings, and the written appeal submissions with the appeal officer. In addition, if an appeal raises procedural issues, the Title IX Coordinator may provide the appeal officer additional information relevant to those issues.

Within ten days of the receipt of the appeal the appeal officer will determine (a) that the decision of the hearing officer should stand; or (b) that the decision of the hearing officer should be overturned and will issue a written explanation of that result and the rationale behind it.

In the event that the appeal officer determines that the decision of the hearing officer should be overturned, the appeal officer will specify, after consultation with the Title IX Coordinator and other WCC administrators as necessary, the appropriate steps to be taken to come to a final resolution of the Formal Complaint (which may include another hearing before the same hearing officer or a different one).

Adopted: 08/10/2020

Reinstated: 02/13/2025

**EXHIBIT A**

**Suggested Actions for People Who Have Experienced Sexual Harassment**

If you have experienced Sexual Harassment, WCC's first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal or WCC complaint.

**1. Ensure Your Physical Safety.**

You may seek help from **local law enforcement agencies** or by contacting the WCC **Police Department**. The WCC Police Department can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Officers are on duty at the WCC Police Department 24 hours a day, seven days a week.

**2. Seek Medical Assistance and Treatment.**

Local options for medical care include Wilkes Medical Center (336-651-8100), Ashe Memorial Hospital (336-846-0748), and Alleghany Memorial Hospital (336-372-5511). It is crucial that you obtain medical attention as soon as possible after a sexual assault, for example, to determine the extent of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 120 hours.

Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charges at a later date.

It is advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before an evidence collection kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

**3. Obtain Emotional Support**

**The Counseling Center (located in Student Services Office, Alumni Hall)** can help students sort through their feelings and begin the recovery process. The professionals at the Counseling Center are trained to provide crisis intervention on short-term and emergency issues. The Counseling Center can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with

counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students' records, and will not be reported to other WCC personnel.

Employees may contact the Executive Director of Human Resources for a counseling referral.

#### **4. Obtain Information/Report Misconduct**

You are encouraged to report incidents of sexual assault to WCC's Title IX Coordinator or a Deputy Title IX Coordinator (even if you have filed a report directly with law enforcement). The Title IX Coordinator or a Deputy Title IX Coordinator can help you access resources and can provide you with support and information, including information on WCC's procedures for investigating and addressing instances of sexual assault.

#### **5. Resources**

##### **a. Title IX Coordinator/Deputy Title IX Coordinators:**

| WHO TO CONTACT                             | POPULATION SERVED   | CONTACT INFORMATION  |
|--|---|--|
| Sherry Cox, Title IX Coordinator           | Faculty/Staff   | 336-838-6422<br><a href="mailto:spcox072@wilkescc.edu">spcox072@wilkescc.edu</a>         |
| Scott Johnson, Deputy Title IX Coordinator | Curriculum and Workforce Development & Community Education Students | 336-838-6141<br><a href="mailto:sajohnson366@wilkescc.edu">sajohnson366@wilkescc.edu</a> |

##### **b. Confidential Resources**

| Name   | Contact Information  |
|--|--|
| Mike Roope, EdS, LMCHC<br>Director of Counseling and Career Services | 336-838-6147<br><a href="mailto:mroope085@wilkescc.edu">mroope085@wilkescc.edu</a> |
| Amber Cook, MSW, LCSWA<br>Counselor                                  | 336-838-6229<br><a href="mailto:alcook636@wilkescc.edu">alcook636@wilkescc.edu</a> |

##### **c. Campus Police**

|                              |  |
|------------------------------|--|
| Earl Byrd<br>Chief of Police | 336-838-6481<br><a href="mailto:vebyrd23@wilkescc.edu">vebyrd23@wilkescc.edu</a>     |
| Craig Greer<br>Sergeant      | 336-838-6515<br><a href="mailto:cjgreer844@wilkescc.edu">cjgreer844@wilkescc.edu</a> |

**d. Community Resources**

|  |   |
|--|---|
| A Safe Home for Everyone (A.S.H.E.)<br>626 Ashe Central School Rd., Unit 1<br>Jefferson , NC 28640<br>Office: 336-982-8851<br>Crisis: 336-246-5430<br><a href="http://www.ashechildren.org">www.ashechildren.org</a> | D.A.N.A. (Domestic Abuse is Not Acceptable)<br>Alleghany County Crisis Line:<br>336-372-DANA (3262)<br>Toll Free: 866-261-DANA (3262)<br><a href="http://www.danaservices.com">www.danaservices.com</a> |
| OASIS (Opposing Abuse with Service,<br>Information, and Shelter)<br>225 Birch St.<br>Boone, NC 28607<br>Phone: 828-264-1532  | Shelter Home of Caldwell County<br>Caldwell County: 828-758-0888<br>Alexander County: 828-635-8850<br><a href="http://www.shelterhomecc.org">www.shelterhomecc.org</a>                                  |

The College strives to make its campuses inclusive and a safe and welcoming learning environment 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, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status, sex, sexual orientation, gender, gender identity, gender expression.

## I. DEFINITIONS

The following definitions shall apply to this Procedure and shall be collectively referred to herein as "Unlawful Discrimination".

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. 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.
- B. 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.

Harassment may include but is not limited to: threatening or intimidating conduct directed at another because of the individual's Protected Status; ethnic slurs, negative stereotypes and hostile acts based on an individual's Protected Status.

- C. Protected Status:** race, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status, sex, sexual

orientation, gender, gender identity, gender expression.

- D. Standard of Evidence:** the College uses the preponderance of evidence as the standard for proof of whether a violation occurred. In the student due process hearing and employee grievance process, legal terms like “guilt,” “innocence” and “burden of proof” are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the alleged Perpetrator either “responsible” or “not responsible” for violating these Procedures.

## **II. STATEMENTS OF PROHIBITION**

### **A. Prohibition of Retaliation.**

The College strictly prohibits punishing students or employees for asserting their rights to be free from Unlawful Discrimination. Retaliation against any person participating in connection with a complaint of Unlawful Discrimination is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figures or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against any employee or student found to have retaliated against another.

### **B. Prohibition of Providing False Information.**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Unlawful Discrimination.

## **III. REQUESTING ACCOMMODATIONS**

### **A. Students.**

Students with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College’s Office of Disability Services. Information provided by students is voluntary and strict confidentiality is maintained. All requests for accommodations will be considered following the appropriate federal and state laws.

The College will also provide reasonable accommodation of a student’s religious beliefs/practices provided such expression/practice does not create a hostile environment for other students and employees and/or the

accommodation does not cause an undue hardship for the College.

**B. Employees.**

Employees with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College's Human Resources Office. Information provided by employees is voluntary and strict confidentiality is maintained.

The College will also provide reasonable accommodation of an employee's religious beliefs/practices provided such expression/practice does not create a hostile environment for other employees and students and/or the accommodation does not cause an undue hardship for the College.

**IV. REPORTING OPTIONS****A. Student Complaints.**

Any student wishing to make a report relating to Unlawful Discrimination may do so by reporting the concern to the Associate Vice President of Instructional Support and Student Services.

For Unlawful Discrimination incidents between students and employees, the Associate Vice President of Instructional Support and Student Services will work in partnership with the Executive Director of Human Resources to investigate and resolve the allegations.

**B. Employee Complaints.**

Any employee wishing to make a report related to Unlawful Discrimination may do so by reporting the concern to the College's Executive Director of Human Resources.

**V. INITIAL INVESTIGATION**

As these Procedures apply to both students and employees as either the Complainant or the Respondent, the administrator receiving the incident report will determine if the case should be handled by: 1) the Associate Vice President of Instructional Support and Student Services, or designee (student/student); 2) the Director of Human Resources, or designee (employee/employee); or 3) both (student/employee). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

**A. Student Investigation.**

1. Students 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 Dean

shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College's Director of Human Resources. During the course of the investigation, the Dean may consult with other relevant College administrators and the College Attorney.

2. During the investigation, and if applicable to the complaint<sup>17</sup>, the Associate Vice President of Instructional Support and Student Services shall meet with the Complainant and the alleged Perpetrator ("Respondent") separately and give each party an equal opportunity to provide evidence, including informing the Dean of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Dean 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 complete coursework); or the directives that include no contact between the involved parties.
4. A confidential file regarding the complaint shall be maintained by the Dean. 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 proceedings under these Procedures.
5. The Dean shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Dean may have an additional ten (10) calendar days to complete the investigation. The Dean shall notify the parties of this extension.
6. Complainants will be notified of available counseling services and their options of changing academic situations and other interim protective measures.

**B. Employee Investigations.**

1. Employees filing complaints ("Complainants") are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or the thirty (30) day period will still be investigated; however,

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<sup>17</sup> The Complainant's complaint need not necessarily be against a specific individual but could concern an action, policy, procedure or decision by the College that the individual believes constitutes Unlawful Discrimination.

Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Executive Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Director of Human Resources may consult with other relevant College administrators and the College Attorney.

2. During the investigation, and if applicable to the complaint, the Executive Director of Human Resources shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Executive Director of Human Resources of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Executive Director of Human Resources 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 Executive Director of Human Resources may suspend an employee with pay pending an investigation if such action is in the College’s best interest.
4. A confidential file regarding the complaint shall be maintained by the Executive Director of Human Resources. 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 proceedings under this Procedures.
5. The Executive Director of Human Resources shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Executive Director of Human Resources may have an additional ten (10) calendar days to complete the investigation and shall notify the parties of this extension.
6. Complainants will be notified of available counseling services and other interim protective measures.

## **VI. RECOMMENDATION AND APPEAL**

### **A. Students.**

1. After the investigation is complete, the Dean will put forward a recommendation of finding based on the Standard of Evidence to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become effective.

The Dean will submit to each party a final outcome letter that will include, but not limited to, the following:

- a. Determination if the Respondent is responsible or not responsible for violating these Procedures;
  - b. Sanction;
  - c. Whether monitoring of academic schedules is needed between the parties to ensure that the individuals involved are not in classes together (the Vice President will assist in this process).
  - d. Short-term College counseling services available to each party.
2. If the Dean's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. The Vice President will convene a hearing panel and will preside over the hearing as the Presiding Officer.
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advisor. The advisor may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advisor who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**B. Employees.**

1. After the investigation is complete, the Executive Director of Human Resources will put forward a recommendation of finding, based on the Standard of Evidence to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:
  - a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
  - b. Sanction, if appropriate.
  - c. Monitoring of academic schedules or workplace schedule if needed.
  - d. Short-term counseling services will be offered to each party.
2. If the Executive Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal to the college President.

**C. Sanctioning.**

The following sanctions may be imposed for those who have violated these Procedures.

1. Students.
  - a. Verbal or Written Warning
  - b. Probation
  - c. Administrative withdrawal from a course without refund
  - d. Required Counseling
  - e. No Contact Directive
  - f. Suspension
  - g. Expulsion (President must impose)
  - h. Other consequences deemed appropriate

2 Employees.

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Demotion (President may impose)
- f. Suspend with or without Pay (President must impose)
- g. Termination (President must impose)
- h. Other consequences deemed appropriate to the specific violation

Adopted: 08/08/2019

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To maintain a harmonious and cooperative relationship between the College and its employees, the College provides for the settlement of problems and differences through an orderly grievance procedure. Every employee shall have the right to present his/her problem or grievance free from coercion, restraint, discrimination or reprisal. The Policy provides for prompt and orderly consideration and determination of employee problems or grievances by supervisors and the President.

A grievance is any matter of employee concern or dissatisfaction within the College's control except: (a) employee disciplinary matters pursuant to Policy 3.3.4; (b) the non- renewal of an employment contract pursuant to Policy 3.3.5; (c) discrimination and harassment pursuant to Policy 3.3.7; (d) reduction in force and/or involuntary leave without pay pursuant to Policy 3.3.9; or (e) any other matter that has a specific grievance process outlined in College policy.

**A. Informal Grievance Process**

If an employee has a grievance, it should first be discussed with his/her immediate supervisor within five (5) days from the date of the situation which is grieved. The supervisor may call higher level supervisors into the discussion if the employee agrees or the supervisor may consult with higher level supervisors to seek any needed advice or counsel from his/her administrative superiors before giving an answer. The employee shall receive an answer within five (5) days or be advised as to the conditions which prevent an answer within five (5) days and when an answer may be expected. In any event, an answer shall be provided in writing within ten (10) days. The circumstances should be documented by both the supervisor and the grievant.

**B. Formal Grievance Process**

If the decision reached by the Informal Grievance Process is not satisfactory to the grievant, s/he may file a written grievance with the Executive Director of Human Resources ("Director") within five (5) days after receipt of the Informal Grievance Process decision. The written grievance must contain with specificity the facts supporting the grievance. Depending on the nature of the appeal, the Director will determine to what extent additional facts will be required. The supervisor and employee shall provide all pertinent information the Director requests and the Director will review the facts and hold whatever discussions s/he deems necessary. The Director shall provide his/her written decision to the proper administrators or superiors and grievant within ten (10) dates of receipt of the grievance. In the absence of an appeal, the Director's decision will be carried out within a reasonable period of time and the grievance considered resolved.

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**C. Appeal to the President**

If the decision reached by the Formal Grievance Process is not satisfactory to the grievant, the grievant may, within five (5) days receipt of the Director's decision, appeal the Director's decision to the President. The appeal must be in writing and provided to the President. The President will conduct an "on the record review" of the documents and supporting materials presented during the Formal Grievance Process and, if needed, conduct any further investigation. The President can accept, reject or modify the Director's determination and will make a decision within ten (10) days and the decision will be communicated to all appropriate persons. The President's decision shall be final.

**D. Grievances Involving the President**

In the event that a grievance is being filed against the President, the grievant shall first follow the Informal Grievance Process outlined above and meet with the President. If the grievant is not satisfied with the resolution at the Informal Grievance Process, s/he may continue with the Formal Grievance Process but file the written grievance with the Board Chair. The Board Chair shall delegate the matter to the College Attorney to conduct an investigation. The Attorney will have the authority to conduct the investigation and will file a written report to the Board and the grievant within thirty (30) days.

The Board shall review the report and if necessary, allow for the grievant and President to address the Board. The Board shall issue a written decision within thirty (30) days receipt of the Attorney's report.

In the event that more time is necessary for either the Attorney to conduct his/her investigation and/or the Board to review the matter, the Board Chair may extend all deadlines as necessary.

**E. Rules**

Grievances shall be processed according to the following rules:

1. If at any stage of the grievance the grievant does not take the next step within the time allotted, the grievance shall be settled in the manner recommended or decided by the administration at the last step.
2. All reference to number of days in this procedure shall be determined to mean College working days. In the event a grievance is not filed or processed in the manner and within the time set forth above, it shall be forever barred.
3. The grievant may withdraw the grievance at any level.

Adopted: 08/08/2019

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**I. POLICY STATEMENT**

The College may terminate employment or may require any employee or class of employees to take involuntary leave without pay at any time because of 1) a financial exigency; or 2) a program change for institutional reasons.

**II. DEFINITIONS**

- A. Employee means full-time and part-time employees who are not considered "at will".
- B. Financial Exigency means any decrease in the College's financial resources that are brought about by decrease in enrollment, decrease in funding from any source (federal, state, local, institutional, etc.) or by other action or events requiring the immediate expenditure or diversion of College resources that prevent or inhibit the College's ability to continue the employment or level of the employee's compensation or a class of employees and cause a need for reduction in force and/or involuntary leave without pay.
- C. Impermissible Grounds means the use of the employee's race, religion, color, national origin, sex, gender identity, sexual orientation, age, disability, genetic information, political affiliation, or status as a covered veteran in accordance with all applicable federal, state and local laws; or if the decision is otherwise a violation of state or federal law.
- D. Involuntary Leave without Pay means a period of mandatory separation from work during which an employee may not take or use any form of paid leave. All state mandated benefits shall continue to accrue during any period of leave without pay.
- E. Program Change means any elimination, curtailment or reorganization of an educational offering or support department which may or may not be related to a financial exigency.
- F. Reduction in Force means the termination of employment during a contract period as a result of financial exigency or program change. A non-renewal is not considered a reduction in force under this policy; see Policy 3.3.5 – Contracts Nonrenewal and Resignations.

**III. INVOLUNTARY LEAVE WITHOUT PAY/REDUCTION IN FORCE**

**A. General Criteria for the President's Decision**

All decisions made under this Policy will take into consideration the needs of the population being served with respect to the College's mission and goals while attempting to minimize the level of impact and quality of services provided. Responsibility will rest with the President working collaboratively with senior level administrators to determine the employee(s) affected by involuntary leave without pay or reduction in force based on recommendations from Vice Presidents, department heads and/or other management personnel associated with the departments where proposed actions will be implemented.

The President will consider relevant factors when considering a reduction in force or, if applicable, involuntary leave without pay, which may include, but are not limited to:

1. Written recommendations regarding staffing needs from supervisors;
2. Specific and overall program enrollment history and needs;
3. Source of available funds and applicable restrictions;
4. Other beneficial service by an employee to the College;
5. Length of service in the North Carolina Community College System with a higher priority being given to the length of service for the College; and
6. Employee performance evaluations.

These factors are not listed in any particular order or priority.

**B. President's Decision and Notice to Affected Employees**

Once the President makes their decision, the President shall give written notice of termination and/or involuntary leave without pay to each affected employee. Written notice will be given as soon as practicable, and in any event, no less than ten (10) business days prior to the effective date of termination and no less than five (5) business days prior to a period of involuntary leave without pay. The written notice shall include: 1) a statement of condition requiring termination and/or involuntary leave without pay; 2) a general description of the procedures followed in making the decision; and 3) a copy of this Policy. The President shall also send a copy of the notice to the Chair of the Board of Trustees ("Chair").

**C. Request for an Appeal**

The Board of Trustees will only hear and consider an employee's appeal if the employee is alleging that the non-renewal is based on Impermissible Grounds pursuant to Policy 3.3.6. Any request for appeal must be submitted in writing and received by the Executive Director of Human Resources and the President's Office within ten business (10) days.

**D. Continuation of Health Insurance**

If an employee has at least twelve (12) months of service and is terminated in accordance with this Policy due to a financial exigency, the employee may retain health insurance coverage for up to twelve (12) months. The College shall continue to pay the employer portion of the cost of health insurance coverage for twelve (12) months, but the employee must continue to pay the employee portion of the cost of coverage. A former employee covered by this section shall lose eligibility if the former employee is provided health insurance coverage on a non-contributory basis by a subsequent employer.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022, 08/15/2024

Legal Reference: N.C.G.S § 135-48.40(b)(8)

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In accordance with N.C.G.S. §§ 14-234, 133-32 and Chapter 138A and in order to avoid conflict of interest, the appearance of conflict of interest or the appearance of impropriety, the Board of Trustees and College employees shall adhere to the following rules:

**I. CONTRACTS WITH THE COLLEGE**

Board members and employees shall not do any of the following:

- A. Obtain a direct benefit from a contract that s/he is involved in making or administering on the College's behalf unless a legal exception applies;
- B. Influence or attempt to influence anyone who is involved in making or administering a contract on the College's behalf; or
- C. 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 College.

A Board member or employee is involved in administering a contract if s/he oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member or employee is involved in making a contract if s/he participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his/her spouse does any of the following: (a) has more than ten percent (10%) ownership or other interest in an entity that is a party to the contract; (b) derives any income or commission directly from the contract; or (c) acquires property under the contract.

**II. RECEIPT OF GIFTS**

Unless a legal exception otherwise applies, no Board member or College employee may accept gifts from any person or group desiring to do business with or doing business with the College unless such gifts are instructional products or advertising items of nominal value that are widely distributed.

**III. REPORTING REQUIREMENTS**

Any Board member or employee who has questions regarding this Policy or whose actions could be construed as involving a conflict of interest shall report as follows:

- A. College Employees shall report to the President.
- B. President/Board Members shall report the Board Chair.
- C. Board Chair shall report to the College's legal counsel.

**IV. N.C. STATE ETHICS ACT**

Pursuant to N.C.G.S. § 138A-3(30)(k), all voting Board members, the President and the Chief Financial and Administrative Officers (“Covered Persons”) are subject to the N.C. State Ethics Act. Covered Persons shall complete and file a public disclosure of economic interests as required under the Act, adhere to the ethics standard required under the Act and shall complete all required mandatory ethics education and training.

Any applicable State Board administrative regulations and rules and any applicable North Carolina state law will take precedence over this Policy.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 14-234, 115D-26, 133-32 and Chapter  
138A Cross Reference: Policy 1.4 – Conflict of Interest

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## **I. POLITICAL ACTIVITY – NON-SOLICITATION**

No College employee shall solicit support for a political candidate or any issue on a referendum during regular College working hours, on College property, using College stationery or e-mail, or other College resources. The Board of Trustees may authorize the President or the President's designee to solicit support during regular College working hours for referendums that directly support the College's interest.

Any employee who becomes a candidate for political office is prohibited from soliciting support while on duty and/or on College property. Any exceptions must have prior written approval from the President.

## **II. POLITICAL ACTIVITIES BY COLLEGE EMPLOYEES**

### **A. College employees**

As an individual, a College employee 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, the College encourages an employee to exercise his/her rights and obligations of citizenship.

Any College employee who decides to run for a public office shall, prior to or at the time of filing for that office, notify the President of his/her intention to run and shall, in writing, certify that s/he will not campaign or otherwise solicit support during regular work. Further, any employee who seeks a public office shall, in writing, certify that s/he will not involve the College in his/her political activities.

Any employee who wishes to participate in any political activity during the normal workday must take leave in accordance with College policy. Also, the employee shall obtain the permission of his/her supervisor in scheduling leave.

Any employee who is elected or appointed to a part-time public office shall certify, in writing, through the President to the Board of Trustees that the duties of elected office will not interfere with the employee's ability to carry out the duties of the employee's position with the College and that if those duties do interfere, as determined by the President or Board of Trustees, the employee will request leave.

Any employee who is elected or appointed to a full-time office or the General Assembly shall take a leave of absence, without pay, upon assuming that office. The Board of Trustees shall determine the length of the leave of absence.

**B. College president**

If the President decides to run for public office, s/he shall notify the Board of Trustees, prior to filing for that office, of his/her intention to run and certify, in writing, that no campaigning or political activities will be engaged in during regular work hours and that the College will not be involved in the President's political activities.

If the President wishes to participate in any political activity during the normal workday, s/he must take leave in accordance with College policy. If the President is elected or appointed to a part-time public office, s/he shall certify, in writing, to the Board of Trustees that the duties of the elected public office will not interfere with his/her ability to carry out the duties of the College presidency and that if those duties do interfere, as determined by the Board of Trustees, s/he will request leave.

If the President is elected or appointed to a full-time public office or to the General Assembly, s/he shall take a leave of absence, without pay, upon assuming that office. The Board of Trustees shall determine the length of the leave of absence.

The President is prohibited from soliciting support for election to public office during regular work hours. The President is also prohibited from soliciting support on College property unless otherwise authorized by the Board of Trustees. The authorization shall be determined on a case-by-case basis. The Board of Trustees shall notify the State Board of Community Colleges if the President becomes a candidate for public office or if the President is elected or appointed to a public office.

**C. Definitions**

Public office means any national, state or local governmental position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by constitution, statute or ordinance. Membership in the General Assembly is a full-time public office under this Policy.

Adopted: 08/08/2019

Legal Reference: 1C SBCCC 200.99

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Students, staff, faculty and visitors are legally prohibited from carrying a weapon onto campus unless a legal exception applies. For purposes of this policy, a "weapon" includes firearms, explosives, BB guns, stun guns, air rifles or pistols and certain types of knives or other sharp instruments (see N.C.G.S. § 14-269.2).

The prohibition does not apply if the weapon is on campus pursuant to one of the reasons listed in

N.C.G.S. § 14-269.2(g). It is the individual's responsibility to know and understand the law prior to bringing any weapon onto campus. Failure to follow the law, regardless of the person's intent, will result in appropriate disciplinary action and a referral to local law enforcement.

It is permissible for an individual to bring a handgun onto campus under the following limited circumstances:

- A. The firearm is a handgun; AND
- B. The individual has a valid concealed handgun permit (or is exempt from the law requiring a permit); AND
- C. The handgun remains in either: a closed compartment or container within the locked vehicle of the permit holder; or a locked container securely affixed to the locked vehicle of the permit holder; AND
- D. The vehicle is unlocked only when the permit holder is entering or exiting the vehicle; AND
- E. The handgun remains in the closed compartment or container at all times except for a reasonable amount of time for the person to transfer the handgun from the closed compartment or container to his person or from his person to the closed compartment or container.

Firearms (and other weapons prohibited on campus) may not be stored or transported in College-owned or rented vehicles.

Adopted: 08/08/2019

Legal Reference: N.C. Session Law 2013-369; N.C.G.S. 14-269.

Cross Reference: Policy 2.1.6

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## I. POLICY

The manufacture, distribution, dispensation, sale, possession, and/or use of alcohol, drugs, controlled substances, banned substances, and/or illegal substances is prohibited on college premises or as a part of any of its activities. Equally, being under the influence or intoxicated on alcohol, drugs, controlled substances, and/or illegal substances is prohibited on college premises or as part of any of its activities. *Alcohol* means any beverage containing at least one-half of one percent (.05%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquors and mixed beverages. *Controlled substance* means any substance listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, this term refers to drugs whose manufacture, use, or possession is controlled by government and includes, but is not limited to narcotics, hallucinogens, stimulants, depressants, anesthetics, opioids, and steroids. This term also includes any drugs that are illegal under federal, state, or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption. *Banned substances* include all smokeless tobacco products (chews, dips, snuff, snus, dissolvable products); energy dips/flavored dips; nicotine water and nicotine gel; hookahs/hookah products, all vaping products (vaporizers, electronic cigarettes, cigars, pipes, pens, and flavored cartridges), and any other items containing or reasonably resembling tobacco or tobacco products. Furthermore, any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs is also considered a violation of the Drug and Alcohol Policy. WCC faculty and staff have the right to ban any substance or any smoking/inhalation device, whether legal or illegal, whether characterized as a tobacco product or not, that can potentially create a biohazard for other employees and students on campus. The college maintains a separate Tobacco-Free College Policy (Policy 2.2.1) for further reference. Exceptions to the alcohol possession and use provision may be made by the president in accordance with local, state, and federal laws in specific circumstances and designated areas. Violation of this policy may result in consequences such as, but not limited to, a counseling assessment, required treatment, probation, dismissal, suspension, expulsion from the college, and/or referral for prosecution, consistent with local, State, and Federal law.

It is the responsibility of each student to comply with all provisions of the Drug and Alcohol Policy while participating in college-sponsored events, athletics, student activities, and instructional activities. The scope of the policy includes all WCC campuses and centers, off-campus instructional sites, clinical sites, athletic fields, college-sponsored transportation (including, but not limited to, WCC vans and rented or chartered buses), and any other property that is owned, leased, or controlled by WCC. Each student is required to inform the college, in writing, within five days after he/she is convicted for violations of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while on or at a college location. Failure to do so could result in disciplinary action.

Students engaged in off-campus instructional or clinical activities (including internships, practicums, externships, and work-based learning) may expect to be subjected to the additional drug and alcohol policies of those sites. Those policies may include provisions for drug and alcohol testing prior to and during placement at those sites. Those policies are enacted and enforced by the management of those specific facilities. Violations of a specific site's policy does not exclude consequences under WCC's Drug and Alcohol Policy, as clinical placement for academic credit is considered a college-sponsored activity.

The illegal use of drugs and alcohol constitutes a serious crime under federal, state, and local laws. Convictions may result in imprisonment, fines, and/or mandatory community service.

Every student is entitled to procedural due process; these procedures are published and accessible to students in the general catalog of the college, published under the heading "Student Grievance Process."

**A. Legal Consequences**

North Carolina law makes it illegal to possess, manufacture, sell, deliver, possess with intent to sell or deliver, or traffic in controlled substances. Violations of North Carolina law may result in imprisonment, fine, court costs, mandatory community services, and/or loss of driving privileges. Individuals convicted of drug or alcohol violations may have a criminal history that could affect them for the rest of their lives. Graduate schools, limited admissions programs, professional organizations, and employers could use such a record to reject an applicant. Though not inclusive, the following information represents some of the N.C. laws pertaining to substance use:

**B. Underage drinking and drunk driving**

1. The drinking age in North Carolina is 21. The legal blood alcohol limit to drive on the highway or state right-of-way is .08%. Driving with any amount of alcohol in the body is illegal for those under 21. A person can be charged with driving while impaired with blood alcohol concentrations less than .08% if law enforcement observes erratic driving and/or the driver fails field sobriety tests.
2. Driving-Under-Influence convictions carry a range of sentences and fines, depending on prior convictions. Penalties can include from 24 hours to two years in prison, between \$100 and \$2,000 court fines, and from one year to permanent suspension of license. If someone is injured or dies because of your drunk driving, you can face additional criminal and civil charges and go to jail for much longer.
3. If you are under 21 years of age, it is illegal to purchase, attempt to purchase, or possess alcohol (including beer, fortified wines, spirits, and mixed drinks). The legal penalties include fines, court costs, and possible imprisonment.
4. It is a criminal offense to aid or abet in the purchase of alcoholic beverages or give alcoholic beverages to anyone under the age of 21. If you buy an

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underage person alcohol you can face fines, court costs, possible imprisonment, and loss of driver's license for a year. Additionally, if you serve underage persons alcohol while under your supervision or provide or aid underage persons in consuming alcohol resulting in death or serious injury, North Carolina laws allow suit for civil damages up to \$500,000 per occurrence.

5. If you use a fake, altered, or borrowed ID to buy alcohol (including at concerts) or lend your ID to someone, you risk criminal charges and having your own driver's license suspended.
6. It is illegal to have an open container of alcohol in any part of a vehicle's passenger area if the driver has any blood alcohol content. Open containers of spirituous liquors or fortified wine in the passenger area are unlawful regardless of driver consumption. It is illegal to transport spirituous liquors or fortified wine in any container other than in the manufacturer's original unopened container.

For more complete information on laws and consequences pertaining to alcohol, contact the N.C. Highway Patrol, local DMV, or visit the following websites: <https://www.ncleg.gov/Laws/GeneralStatutes> (search text: alcohol); <https://abc.nc.gov> (click on the "Legal" tab); and [www.ncdps.gov](http://www.ncdps.gov).

#### **C. Illegal Possession of a Controlled Substance**

1. The Controlled Substance Act is the federal law that prohibits the manufacture, importation, possession, distribution, and use of certain substances. The CSA created five schedules of substances, ranked according to the substance's potential for abuse and accepted medical use. Schedule I drugs rank high in potential for abuse with no accepted medical value (e.g., marijuana and heroin). Schedule V drugs rank low in abuse and dependence potentials and high in medical value (e.g., anticonvulsants, cough medicine).
2. Controlled substances include narcotics, hallucinogens, stimulants, depressants, anesthetics, opiates, and steroids. They are all ranked in the CSA Schedule I–V classification system.
3. The federal penalties and sanctions depend upon the drug schedule, prior convictions, and type of use (i.e., trafficking vs. personal use). Based on these factors, legal consequences can include between 15 days and 20 years in prison; fines between \$1,000 and \$250,000; forfeiture of housing, vehicles, boats, or aircraft used to possess or transport; and civil fines of up to \$100,000.
4. For more information concerning schedules of drugs and penalties, please see [www.deadiversion.usdoj.gov/schedules/index.html](http://www.deadiversion.usdoj.gov/schedules/index.html) or Title 21 (Sections 844, 853, 881) of the United States Code at <http://uscode.house.gov/search/criteria.shtml>.

Additionally, if convicted of an alcohol or drug-related offense, there can be other tangible consequences. Federal and state sanctions can cause revocation of certain licenses such as pilot licenses, public housing tenancy, and professional licenses. There may be increases in insurance premiums or denial of benefits in such areas as student loans, grants, contracts, and professional and commercial licenses. A record of a misdemeanor or felony conviction may prevent a person from entering a chosen career.

#### **D. Health Risks**

##### **1. Illegal Drugs**

No illicit drug is free of health risks. Most carry the danger of psychological or physical addiction or both. All cause distortion of brain functioning and can alter thinking, perception, and memory, as well as affect behavior. Risk to health involves factors such as frequency of abuse, degree of tolerance, amounts ingested, and interactions with medical conditions. Though not comprehensive, the following list shows category of drugs, examples/street names, and possible health consequences of drugs within that category:

- a. cannabis (marijuana, hash, Mary Jane, weed) – impaired coordination, respiratory infections, memory problems, anxiety, depression, certain cancers when smoked.
- b. depressants (barbiturates, benzodiazepines, downers, yellow jackets, roofies) – sedation, respiratory depression, drowsiness, life-threatening withdrawal, coma, death.
- c. hallucinogens (LSD, PCP, acid, mushrooms) – altered perceptions, hallucinations, increased blood pressure/temperature/heart rate, tremors, paranoia.
- d. opioids (morphine, fentanyl, heroin, codeine, opiates, roxys, oxys, pink, smack, white horse, big O) – euphoria, respiratory failure, sedation coma, death.
- e. steroids (testosterone, roids, juice) – hostility and aggression, acne, liver/kidney/prostate cancer, male sexual impotence, development of masculine characteristics.
- f. stimulants (cocaine, crack, amphetamines, meth, ecstasy, crank, speed) – increased temperature and heart rate, chest pain, cardiac and neurological damage, respiratory failure, psychotic behavior, violence.
- g. club drugs/designer drugs (often share categories--MDMA, ecstasy, rohypnol, GHB, Eve, roofies, Georgia Home Boys, forget pill)—emphatic feelings, lowered inhibition, sweating, memory loss, seizures, coma
- h. bath salts (K2, spice, black mamba, bliss)—agitation, increased heart rate, confusion, hallucinations, paranoia, psychotic behavior, violence.

The use of intravenous drugs adds layers of danger by introducing the risk of skin infections and lesions, along with potentially deadly blood-borne diseases (e.g., HIV, AIDS, hepatitis). Generalized health problems may also develop as result of damage to the respiratory, circulatory, and other body systems (e.g., endocarditis). Every illicit drug has the potential to result in death, whether from the body's own reaction to the abuse of drugs or from accidents caused by persons who are impaired.

For further information, the National Institute on Drug Abuse's (NIDA) website, <https://www.drugabuse.gov/>, has charts containing commonly abused drugs, street names, short-term and long-term health effects, and treatment options.

## **2. Alcohol**

Although alcohol is not an illegal substance when consumed by adults over the age of 21, it presents many of the same health risks as illicit drugs. Alcohol consumption causes various marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol increase the incidences of a variety of aggressive acts, including partner relational violence, child abuse, and sexual assault. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other central nervous system depressants, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol after established dependence can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, convulsions, and seizures. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and liver and increases the risk of certain cancers, stroke, and cirrhosis. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants may suffer irreversible physical abnormalities and intellectual deficiencies. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

## **3. Tobacco**

The use of tobacco and tobacco products, including cigarettes, energy dips, chews, pipes, dissolvable strips, and snus introduces nicotine into the bloodstream via smoking, inhalation, chewing, or consumption. Nicotine is a central nervous system stimulant, and increases heart rate, respiration, and blood pressure, while increasing neurotransmitter

levels responsible for pleasurable feelings. Tobacco has been clinically linked to lung cancer, oral cancer, heart disease, respiratory infections, and stroke. Tobacco moves from use stages to addiction stages within weeks. Withdrawal from tobacco products, such as depressive symptoms and irritability, lead individuals back to the drug.

#### **4. Electronic cigarettes/Vaping pens**

Electronic cigarettes (e cigs), vaping pens, and vaping devices use electronic elements to heat flavored or nicotine cartridges. E cigs and vaping devices are not approved by the FDA as acceptable smoking cessation devices. Almost one-third of e cig users eventually escalate to tobacco cigarettes use. Harmful chemicals, such as diacetyl, acetaldehyde, and formaldehyde have been found in vaping cartridges, chemicals that damage the lining of mouth, throat, and lungs, and are possibly linked to heart damage, lung damage, and cancer. Continued use of vaping pens and e-cigs have been shown to cause obliterative bronchiolitis, or “popcorn lung,” an irreversible inflammation and obstruction of the bronchioles, the smallest airways of the lungs.

#### **E. Available Resources and Treatment/Prevention Program**

Student Services provides mental health and substance abuse assessments for students free of charge. Appointments are preferred, but drop-ins are welcome. Sessions are available at no cost but are limited to short-term treatment needs. Short-term issues can range from depression and anxiety to relational issues or adjustment problems. If issues cannot be resolved within a few sessions, a counselor will speak to you about a referral to a more comprehensive community program. For faculty and staff, the college maintains an Employee Assistance Program (EAP), which provides three treatment sessions with a community provider at no cost to the employee. Staff or faculty requesting EAP assistance can contact the director of Human Resources at 336-838-6422.

Resources include public and private agencies for those needing assistance with drug or alcohol issues. Public resources have 24-hour emergency care services. The following numbers reach the public mental health system serving our region:

1. Wilkes County: 336-667-5151
2. Alleghany County: 336-372-4095
3. Ashe County: 336-246-4542
4. 24-hour, toll-free crisis number: 1-877-492-2785.

Another resource is the federal government hotline 1-800-662-HELP. This is the Substance Abuse and Mental Health Services Administration’s Treatment Referral Routing Service where individuals can get information and referrals to appropriate treatment facilities. The National Alliance on Mental Illness

(NAMI) maintains a website, [www.naminc.org](http://www.naminc.org), that includes links to a helpline for finding treatment facilities in North Carolina. Additionally, a variety of referral information is available on the college website at [www.wilkescc.edu/student-resources/counseling](http://www.wilkescc.edu/student-resources/counseling).

For lists or information about treatment options and assistance with determining the most appropriate actions, contact a Student Services counselor at 336-838-6135.

Drug-free events abound throughout the year. The college has walking trails, student commons, a gymnasium, and a wellness center that are drug and alcohol-free and promote wellness. Additionally, any student activities sponsored through WCC (e.g., Spring Fling, Fall Festival, outings, SGA, club events) are drug and alcohol-free.

Educational activities and information are provided for students and employees to emphasize prevention. These activities are highlighted throughout the year. Events are promoted through local media, social media, the college website, and advertisements throughout the campus. Events include guest speakers, interactional demonstrations, and promotional items that encourage a drug and alcohol-free lifestyle. Counselors are available throughout the year for classroom educational presentations, based on instructor request. Student and college personnel participation is encouraged in all aspects of WCC's program to prevent illegal drug use and alcohol abuse.

#### **F. Dissemination to College Community**

All students are introduced to the policy during new student orientation and via orientation handbooks. The policy is maintained on the college's website and students are sent emails each semester, containing linkages to the policy and descriptions of upcoming educational events. Further, students are reminded of the policy through ACA and general course syllabi and through policy signs located in all WCC buildings.

## **II. EMPLOYEE**

### **A. Policy**

The manufacture, distribution, dispensation, sale, possession, and/or use of alcohol, drugs, controlled substances, banned substances, and/or illegal substances is prohibited on college premises or as a part of any of its activities. Equally, being under the influence or intoxicated on alcohol, drugs, controlled substances, and/or illegal substances is prohibited on college premises or as part of any of its activities. *Alcohol* means any beverage containing at least one-half of one percent (.05%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquors and mixed beverages. *Controlled substance* means any substance listed in

Article V, Chapter 90 of the North Carolina General Statutes. Generally, this term refers to drugs whose manufacture, use, or possession is controlled by government and includes, but is not limited to, narcotics, hallucinogens, stimulants, depressants, anesthetics, opioids, and steroids. This term also includes any drugs that are illegal under federal, state, or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption. *Banned substances* include all smokeless tobacco products (chews, dips, snuff, snus, dissolvable products); energy dips/flavored dips; nicotine water and nicotine gel; hookahs and hookah products; all vaping products (vaporizers, electronic cigarettes, cigars, pipes, pens, flavored cartridges), and any other items containing or reasonably resembling tobacco or tobacco products. Further, WCC faculty and staff have the right to ban any substance or any smoking/inhalation device, whether legal or illegal, whether characterized as a tobacco product or not, that can potentially create a biohazard for other employees and students on campus. The college maintains a separate Tobacco-Free College Policy (Policy 2.2.1) for further reference.

An employee who violates any of these prohibited acts is subject to disciplinary actions such as, but not limited to, a counseling assessment, required treatment, probation, suspension, or dismissal from the college. An exception to the alcohol possession and use provision may be made by the president in accordance with local, state, and federal laws in specific circumstances and designated areas.

It is the responsibility of each employee to comply with all provisions of the Drug and Alcohol Policy while participating in college-sponsored events, athletics, student activities, and instructional activities. The scope of the policy includes all WCC campuses and centers, off-campus instructional sites, clinical sites, athletic fields, and college-sponsored transportation (including but not limited to WCC vehicles, rented/chartered vans/buses and any other property that is owned, leased, or controlled by WCC). Employees will not report to or remain at the campus or any campus worksites when unable to adequately perform their duties because of the effect of any alcoholic beverage, controlled substances, and/or drugs whether illegal, prescribed, or over-the-counter.

Any employee found in violation of this policy will be subject to disciplinary action, including suspension, termination, or dismissal, at the discretion of the president. Administrative response to such situations will be in accordance with the requirements and other procedures established in support of this policy:

1. any employee determined to be involved in the unlawful manufacture, distribution, dispensing, and/or selling of alcoholic beverages, illegal drugs, and/or controlled substances on the college premises or any college worksite will be terminated.
2. Any employee determined to be in possession of alcohol or illegal drugs on the college premises or any college worksite will receive one written

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warning unless the offense is so serious that the president determines that it is cause for suspension, demotion, or dismissal. A second offense will be grounds for dismissal.

3. Any employee determined to be using or impaired by alcohol on the college premises or any college worksite will receive a written warning unless the offense is so serious that the president determines that it is cause for suspension, demotion, or dismissal and will be referred for counseling assistance. If the employee fails to receive counseling or fails to participate in recommended action, he/she may be dismissed. A second offense will be grounds for dismissal.
4. Any employee determined to be using and/or impaired by an illegal drug or controlled substance on the college premises or any college worksite will be subject to drug screening tests. Such determination will be based on reasonable suspicion and such tests will be authorized only by the president/designee. The employee will be suspended with pay pending the outcome of the test results. The employee will have the right to request a backup test. The employee will bear the cost of such backup testing. If test results are positive, the employee will be given one written warning and will be referred for counseling assistance. If the employee fails to receive counseling assistance and/or fails to participate in recommended action, he/she may be dismissed. Refusal to submit to such test will result in disciplinary actions, which may include dismissal. A second offense will be grounds for dismissal. Any employee who intentionally tampers with a sample provided for drug screening, violates a chain-of-custody or identification procedures, or falsifies a test result will be subject to dismissal.

The college will report illegal drug and/or alcoholic use activity defined by this policy to the appropriate law enforcement authority.

Any employee convicted of any criminal drug and/or alcoholic beverage law, statute, or regulation occurring on college premises or any college worksite will notify the president/designee no later than (5) five calendar days after such conviction. Failure to report such information will be grounds for automatic dismissal. When required by federal law, the college administration will notify the appropriate federal agency of such a conviction within (10) ten days of college notification.

All employees, as a condition of employment, will be required, upon the request of the president/designee, based on reasonable suspicion of a violation of this policy, to submit to the following: searches of college and personal vehicles brought on or parked on college premises or any college worksite; reasonable searches of all clothing, packages, purses, briefcases, tool boxes, lunch boxes, or other containers on college premises or any college worksite; searches of desks, file cabinets, lockers,

other office or shop equipment in or on college premises or any college worksite. Failure to comply with such a request as part of an administrative investigation will be deemed grounds for disciplinary actions, which may include dismissal.

If the employee has reason to believe that an error was made, an appeal may be made utilizing the due process policy set forth in Section 2 of the policy manual.

#### **B. Legal Consequences**

North Carolina law makes it illegal to possess, manufacture, sell, deliver, possess with intent to sell or deliver, or traffic in controlled substances. Violations of North Carolina law may result in imprisonment, fine, court costs, mandatory community services, and/or loss of driving privileges. Individuals convicted of drug or alcohol violations may have a criminal history that could affect them for the rest of their lives. Graduate schools, limited admissions programs, professional organizations, and employers could use such a record to reject an applicant. Though not inclusive, the following information represents some of the N.C. laws pertaining to substance use:

#### **C. Underage drinking and drunk driving**

1. The drinking age in North Carolina is 21. The legal blood alcohol limit to drive on the highway or state right-of-way is .08%. Driving with any amount of alcohol in the body is illegal for those under 21. A person can be charged with driving while impaired with blood alcohol concentrations less than .08% if law enforcement observes erratic driving and/or the driver fails field sobriety tests.
2. Driving-Under-Influence convictions carry a range of sentences and fines, depending on prior convictions. Penalties can include from 24 hours to two years in prison, between \$100 and \$2,000 court fines, and from one year to permanent suspension of license. If someone is injured or dies because of your drunk driving, you can face additional criminal and civil charges and go to jail for much longer.
3. If you are under 21 years of age, it is illegal to purchase, attempt to purchase, or possess alcohol (including beer, fortified wines, spirits, and mixed drinks). The legal penalties include fines, court costs, and possible imprisonment.
4. It is a criminal offense to aid or abet in the purchase of alcoholic beverages or give alcoholic beverages to anyone under the age of 21. If you buy an underage person alcohol you can face fines, court costs, possible imprisonment, and loss of driver's license for a year. Additionally, if you serve underage persons alcohol while under your supervision or provide or aid underage persons in consuming alcohol resulting in death or serious injury, North Carolina laws allow suit for civil damages up to \$500,00 per occurrence.

5. If you use a fake, altered, or borrowed ID to buy alcohol (including at concerts) or lend your ID to someone, you risk criminal charges and having your own driver's license suspended.
6. It is illegal to have an open container of alcohol in any part of a vehicle's passenger area if the driver has any blood alcohol content. Open containers of spirituous liquors or fortified wine in the passenger area are unlawful regardless of driver consumption. It is illegal to transport spirituous liquors or fortified wine in any container other than in the manufacturer's original unopened container.

For more complete information on laws and consequences pertaining to alcohol, contact the N.C. Highway Patrol, local DMV, or visit the following websites: <https://www.ncleg.gov/Laws/GeneralStatutes> (search text: alcohol); <https://abc.nc.gov> (click on the "Legal" tab); and [www.ncdps.gov](http://www.ncdps.gov).

#### **D. Illegal Possession of a Controlled Substance**

1. The Controlled Substance Act is the federal law that prohibits the manufacture, importation, possession, distribution, and use of certain substances. The CSA created five schedules of substances, ranked according to the substance's potential for abuse and accepted medical use. Schedule I drugs rank high in potential for abuse with no accepted medical value (e.g., marijuana and heroin). Schedule V drugs rank low in abuse and dependence potentials and high in medical value (e.g., anticonvulsants, cough medicine).
2. Controlled substances include narcotics, hallucinogens, stimulants, depressants, anesthetics, opiates, and steroids. They are all ranked in the CSA Schedule I–V classification system.

The federal penalties and sanctions depend upon the drug schedule, prior convictions, and type of use (i.e., trafficking vs. personal use). Based on these factors, legal consequences can include between 15 days and 20 years in prison; fines between \$1,000 and \$250,000; forfeiture of housing, vehicles, boats, or aircraft used to possess or transport; and civil fines of up to \$100,000.

3. For more information concerning schedules of drugs and penalties, please see [www.deadiversion.usdoj.gov/schedules/index.html](http://www.deadiversion.usdoj.gov/schedules/index.html) or Title 21 (Sections 844, 853, 881) of the United States Code at <http://uscode.house.gov/search/criteria.shtml>.

Additionally, if convicted of an alcohol or drug-related offense, there can be other tangible consequences. Federal and state sanctions can cause revocation of certain licenses such as pilot licenses, public housing tenancy, and professional licenses. There may be increases in insurance premiums or denial of benefits in such areas as student loans, grants, contracts, and professional

and commercial licenses. A record of a misdemeanor or felony conviction may prevent a person from entering a chosen career.

## **E. Health Risks**

### **1. Illegal Drugs**

No illicit drug is free of health risks. Most carry the danger of psychological or physical addiction or both. All cause distortion of brain functioning and can alter thinking, perception, and memory, as well as affect behavior. Risk to health involves factors such as frequency of abuse, degree of tolerance, amounts ingested, and interactions with medical conditions. Though not comprehensive, the following list shows category of drugs, examples/street names, and possible health consequences of drugs within that category:

- a. cannabis (marijuana, hash, Mary Jane, weed) – impaired coordination, respiratory infections, memory problems, anxiety, depression, certain cancers when smoked.
- b. depressants (barbiturates, benzodiazepines, downers, yellow jackets, roofies) – sedation, respiratory depression, drowsiness, life-threatening withdrawal, coma, death.
- c. hallucinogens (LSD, PCP, acid, mushrooms) – altered perceptions, hallucinations, increased blood pressure/temperature/heart rate, tremors, paranoia.
- d. opioids (morphine, fentanyl, heroin, codeine, opiates, roxys, oxys, pink, smack, white horse, big O) – euphoria, respiratory failure, sedation coma, death.
- e. steroids (testosterone, roids, juice) – hostility and aggression, acne, liver/kidney/prostate cancer, male sexual impotence, development of masculine characteristics.
- f. stimulants (cocaine, crack, amphetamines, meth, ecstasy, crank, speed) – increased temperature and heart rate, chest pain, cardiac and neurological damage, respiratory failure, psychotic behavior, violence.
- g. club drugs/designer drugs (often share categories--MDMA, ecstasy, rohypnol, GHB, Eve, roofies, Georgia Home Boys, forget pill)—emphatic feelings, lowered inhibition, sweating, memory loss, seizures, coma
- h. bath salts (K2, spice, black mamba, bliss)—agitation, increased heart rate, confusion, hallucinations, paranoia, psychotic behavior, violence.

The use of intravenous drugs adds layers of danger by introducing the risk of skin infections and lesions, along with potentially deadly blood-borne diseases (e.g., HIV, AIDS, hepatitis). Generalized health problems may also develop as result of damage to the respiratory,

circulatory, and other body systems (e.g., endocarditis). Every illicit drug has the potential to result in death, whether from the body's own reaction to the abuse of drugs or from accidents caused by persons who are impaired.

For further information, the National Institute on Drug Abuse's (NIDA) website, <https://www.drugabuse.gov/>, has charts containing commonly abused drugs, street names, short-term and long-term health effects, and treatment options.

## **2. Alcohol**

Although alcohol is not an illegal substance when consumed by adults over the age of 21, it presents many of the same health risks as illicit drugs. Alcohol consumption causes various marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol increase the incidences of a variety of aggressive acts, including partner relational violence, child abuse, and sexual assault. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other central nervous system depressants, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol after established dependence can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, convulsions, and seizures. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and liver and increases the risk of certain cancers, stroke, and cirrhosis. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants may suffer irreversible physical abnormalities and intellectual deficiencies. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

## **3. Tobacco**

The use of tobacco and tobacco products, including cigarettes, energy dips, chews, pipes, dissolvable strips, and snus introduces nicotine into the bloodstream via smoking, inhalation, chewing, or consumption. Nicotine is a central nervous system stimulant, and increases heart rate, respiration, and blood pressure, while increasing neurotransmitter levels responsible for pleasurable feelings. Tobacco has been clinically linked to lung cancer, oral cancer, heart disease, respiratory infections, and stroke. Tobacco moves from use stages to addiction stages within

weeks. Withdrawal from tobacco products, such as depressive symptoms and irritability, lead individuals back to the drug.

#### **4. Electronic cigarettes/Vaping pens**

Electronic cigarettes (e cigs), vaping pens, and vaping devices use electronic elements to heat flavored or nicotine cartridges. E cigs and vaping devices are not approved by the FDA as acceptable smoking cessation devices. Almost one-third of e cig users eventually escalate to tobacco cigarettes use. Harmful chemicals, such as diacetyl, acetaldehyde, and formaldehyde have been found in vaping cartridges, chemicals that damage the lining of mouth, throat, and lungs, and are possibly linked to heart damage, lung damage, and cancer. Continued use of vaping pens and e-cigs have been shown to cause obliterative bronchiolitis, or “popcorn lung,” an irreversible inflammation and obstruction of the bronchioles, the smallest airways of the lungs.

### **F. Available Resources and Treatment/Prevention Program**

The college will maintain a prevention program to inform employees and students about the dangers of alcohol and drug abuse. The college maintains an Employee Assistance Program (EAP), which can authorize three treatment sessions with a community provider at no cost to the employee. Staff or faculty needing further information about the EAP can contact the director of Human Resources at 336-838- 6422. Resources include public and private agencies for those needing assistance with drug or alcohol issues. Public resources have 24- hour emergency care services. The following numbers reach the public mental health system serving our region:

1. Wilkes County: 336-667-5151
2. Alleghany County: 336-372-4095
3. Ashe County: 336-246-4542
4. 24-hour, toll-free crisis number: 1-877-492-2785.

Another resource is the federal government hotline 1-800-662-HELP. This is the Substance Abuse and Mental Health Services Administration’s Treatment Referral Routing Service where individuals can get information and referrals to appropriate treatment facilities. The National Alliance on Mental Illness (NAMI) maintains a website, [www.naminc.org](http://www.naminc.org), that includes links to a helpline for finding treatment facilities in North Carolina. Additionally, a variety of referral information is available on the college website at [www.wilkescc.edu/student-resources/counseling](http://www.wilkescc.edu/student-resources/counseling).

Drug-free events abound throughout the year. The college has walking trails, a gymnasium, and a wellness center that are drug and alcohol-free and promote wellness.

Educational activities and information are provided for students and employees to stress prevention. These activities are highlighted each October during Drug and Alcohol Prevention Month. Events are promoted through local media, social media, the college website, and advertisements throughout the campus.

Events include guest speakers, interactional demonstrations, and promotional items that encourage a drug and alcohol-free lifestyle. Counselors are available throughout the year for classroom educational presentations, based on instructor request. College personnel participation is encouraged in all aspects of WCC's program to prevent illegal drug use and alcohol abuse.

#### **G. Dissemination to College Community**

The president will designate the responsibility of the Drug and Alcohol Prevention Program to the director of Human Resources and Student Services personnel. Every employee will be given a copy of this policy regarding an alcohol and drug-free worksite during new employee orientation. All employees will be required to report to their immediate supervisors any observed and/or suspected violations of this policy. While visiting campus, members of the public are required to adhere to this policy.

The board of trustees will update the Drug and Alcohol Policy as necessary, based upon recommendations of the president/designee. The president/designee will distribute the policy to employees and students and provide notification of changes through a variety of methods, which include reminder email messages each semester to all students and employees, new student orientation presentations and handbooks, policy pamphlets during new employee orientations, advertisements for upcoming educational events, ACA and general course syllabi, policy signs located in all WCC buildings, and multiple links on the college website.

Adopted: 08/08/2019

Legal Reference: 21 CFR Part 1308; 34 CFR 86; N.C.G.S. 90-86

Cross Reference: Policy 5.3.5

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## **I. COMMUNICABLE DISEASE**

Communicable diseases, those that have serious effects on human health, can pose a threat to the College community. The College will take all reasonable measures to ensure the safety of members of the College community during global and local infectious disease events. Communicable disease is defined as an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, or reservoir to a susceptible host, either directly, or indirectly through an intermediate plant or animal host, vector, or the inanimate environment. Examples of communicable disease include but are not limited to acquired immunodeficiency syndrome (AIDS), coronavirus-19 (covid-19), chicken pox, hepatitis, measles, tuberculosis, meningitis, mononucleosis, whooping cough, and other viral diseases that reach a pandemic level, and for purposes of this Policy only, those communicable diseases which constitute a disability pursuant to the Americans with Disabilities Act.

The College shall not exclude individuals with communicable diseases unless a determination is made that the individual presents a health risk to themselves or others. The College shall consider the educational or employment status of those with a communicable disease on an individual basis.

### **A. Procedure**

1. All information and records that identify a person as having a communicable disease shall be strictly confidential.
2. Disclosure of medical information shall be made by the President only to those on a need-to-know basis to protect the welfare of persons infected with a communicable disease or the welfare of other members of the College community.
3. Unauthorized disclosure of medical information by an employee of the College is prohibited. Violation of this prohibition may result in the suspension from, or termination of employment.
4. A person who knows or has a reasonable basis for believing that they are infected with a communicable disease is expected to seek expert advice about his/her health circumstances and is obligated ethically and legally to conduct themselves responsibly toward other members of

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the College community.

5. Faculty and staff of the College and employees of contractors, or contracted services, who are infected with a communicable disease are urged to notify the appropriate Dean/Director so that the College can respond appropriately to their health needs. Students are urged to share information with the appropriate Dean/Director for the same reason.
6. A person infected with a communicable disease (including the AIDS virus whether active AIDS, AIDS-Related Complex, or undetectable viral load) will not be excluded from enrollment or employment or restricted in their access to the College's services or facilities unless, in individual cases, the College administration determines that exclusion or other restrictions are necessary for the health and welfare of others at the College.
6. Included in making decisions in individual cases which restrict access to employment may be the College President, Legal Counsel for the College, the Deans/Directors, the individual's personal physician, the local Health Director (or designee) and if necessary, another physician with expertise in managing communicable disease cases.
7. The College shall provide information regarding communicable diseases, especially AIDS.

#### **B. Immunizations<sup>1</sup>**

Prior to admission or employment, the College may require students and employees to be immunized from certain communicable diseases, including but not limited to measles, mumps, rubella, tetanus, varicella, and meningitis<sup>2</sup>.

Students and employees are excused from providing proof of one or more of the required vaccinations if the student or employee has one of the following:

1. physician's written statement of immunity due to having had the infection.
2. a statement of contraindication to a vaccine (accompanied by a physician's statement).
3. a lab titer documenting immunity; or
4. a statement of religious exemption

Religious and medical exemption letters will be accepted in lieu of immunization information. Medical exemption letters must be accompanied by a physician's statement.

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<sup>1</sup>Optional Section

<sup>2</sup>May expand list of communicable disease

The immunizations listed here are not meant to supersede more restrictive requirements for employment or participation in a specific College program or class, such as childcare, classes that lead to a medical degree or certificate, or clinical programs.

### **C. Public Health Incidents**

Should influenza, or any other communicable disease, reach a pandemic level, the President shall regularly monitor the situation by communicating with local and state health officials and by reviewing media sources.

Should any communicable disease reach a pandemic level within or near the College's service area, the President, after consulting with local, state or federal health officials, may take the following actions if it is determined to be in the best interest of the College community to prevent the spread of the disease:

1. Close the College or certain College buildings and/or programs temporarily.
2. Limit or prohibit employee travel and/or student field trips.
3. Prohibit those infected with a communicable disease from coming onto the College campus.
4. To the extent allowed by law, requiring or encouraging employees and students to receive immunizations (not already required by the College) that prevent the spread of an infectious or communicable disease before coming back onto the College campus; and
5. Other specific actions deemed necessary for the safety of the College community

The President shall not quarantine any student or employee while on campus unless the quarantine is ordered by local, state or federal health officials. Persons who are infected with a communicable disease that has reached a pandemic level or know of someone in the College community who is, should contact college officials immediately. Students should contact the Dean of Enrollment Services and employees should contact the Human Resources Office.

Any actions undertaken pursuant to this policy will be in accordance with applicable federal and state laws, College policies, and in the best interest of all parties.

## **II. OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS**

The College shall comply with federal regulations and state statutes regarding bloodborne pathogens as set forth in the Federal Register, 29 CFR §1910.1030, and the North

Carolina Administrative Code, 10A NCAC 41A, by attempting to limit/prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

#### **A. Reasonably Anticipated Occupational Exposure**

An employee who could "reasonably anticipate", as a result of performing required job duties, to face contact with blood, bodily fluids or other potentially infectious materials is covered by the OSHA Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this Policy. "Occupational Exposure" includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Good Samaritan" acts, such as assisting a co-worker or student with a nosebleed would not be considered "reasonably anticipated occupational exposure."

#### **B. Universal Precautions**

Universal precautions will be in force at all times. All blood, body fluid and other potentially infectious material will be handled as if infected. The program standards for the control of potential exposure to HIV and HBV as outlined in the OSHA Rule "Occupational Exposure to Bloodborne Pathogens" Standard 1910.1030, the NC Administrative Codes, or the most current standards available will be followed.

#### **C. Testing**

An employee who suspects that s/he has had exposure to blood or body fluid may request to be tested, at the College's expense, provided that the suspected exposure poses a significant risk of transmission, as defined in the rules of the Commission for Health Services. The HIV and HBV testing of a person who is the source of an exposure that poses a significant risk of transmission will be conducted in accordance with 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV). The College will strictly adhere to existing confidentiality rules and laws regarding employees with communicable diseases, including HIV or HIV-associated conditions.

#### **D. Exposure Control Compliance**

The College shall comply with OSHA Regulation 29 CFR 1910.1030 and promote a healthy and safe environment for both employees and students. The College proposes to do this through minimizing the risk of transmission of infectious diseases that are blood or body fluid borne. To achieve

compliance with OSHA Regulation 29 CFR 1910.1030, the College will maintain an Exposure Control Plan covering the following areas:

1. Procedures,
2. Protective equipment,
3. Hepatitis vaccinations,
4. Post-exposure and follow-up care, and
5. Training.

A copy of the Exposure Control Plan is available in the office of Administrative Services.

**Adopted:** 08/08/2019

**Revised:** 02/2019; 07/2021; 01/06/2022

Legal Reference: 29 CFR §1910.1030; 10A NCAC 41A; 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV)

Cross Reference: Policy 2.1.10

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The College recognizes the necessity for freedom in legitimate academic decisions that foster an environment where faculty and students can freely inquire, study and evaluate in order to gain greater understanding. The College endeavors to give faculty members the freedom to conduct individual academic affairs in accordance with each person's best judgment.

- A. Faculty members will conduct themselves within the boundaries of the law as established by the North Carolina General Statutes and the State Board Code of Community Colleges.
- B. Faculty members shall use their best judgment as to appropriate material in developing and implementing course material. Faculty members shall refrain from introducing controversial materials and subject matters that have no bearing or academic relationship to that particular class or subject matter. Faculty members shall encourage students to do likewise.
- C. In the academic setting, faculty members shall refrain from insisting upon the adoption of any particular point of view as authoritative in controversial issues. Engaging in personal attacks during any discussion should be avoided by faculty members and students.
- D. Faculty members shall use their best judgment in conducting classes and in interactions with other members of the College community.
- E. Faculty members shall keep abreast of the main academic trends and themes in their respective fields and incorporate these into their scholarship and teaching.
- F. Faculty members shall organize their subject matter and present it in ways that present the optimum value for their students, subject to reasonable guidelines reflected in College, departmental and faculty policies and procedures. Faculty members shall also require an amount and quality of work from their students which, under the College's standards, justify the course.

Any questions or issues concerning the parameters of academic freedom at this College should be addressed to the Vice President of Instruction. In the event the faculty member cannot reach an informal resolution, s/he may file a grievance pursuant to Policy 3.3.8 - Grievance.

This Policy is not intended to limit the rights of faculty or students in discussing any matter outside of the academic setting. However, no College employee or student shall purport to speak on behalf of the College unless specifically authorized to do so by an authorized College official.

Adopted: 08/08/2019

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Teleworking, or working remotely, is a benefit and privilege of working at the College and will be considered in situations in which it can be mutually beneficial for both the College and its employees. Teleworking satisfies the College's creative sustainability efforts by reducing consumption of natural resources, to decrease pollution and to ease congestion related to commuting to work by automobile. However, the College has determined that some positions, by their very nature, do not lend themselves to teleworking. For example, positions that require the supervision of other employees are not suitable for teleworking and will not be considered. On the other hand, the College finds that some positions are naturally suited to Teleworking. If an employee is interested in Teleworking, the employee's immediate supervisors must first evaluate the suitability. In unusual situations, and in order to ensure continuity of College operations, the President may grant teleworking approval for positions that would not normally be considered appropriate for teleworking.

**Definitions:**

**Weekly Telework/Remote Day Option:** The College offers one (1) telework/remote day per week as feasible based on the department's operational needs for that week. The employee is expected to be available during normal working hours.

**Permanent Telework Arrangement:** The College has identified a position that has the ability to work from home. The employee in this position is expected to perform the same duties as if the employee were on campus and to be available during normal working hours.

**POLICY:**

**Weekly Telework/Remote Day Option:**

Employees may work remotely one (1) day per week with prior approval by their supervisor and based on the operational needs of the department for that week. Employees are expected to work their normal hours and perform their normal duties. Refer to Policy 3.1.3 Employee Classifications and Workloads and Procedure 3.1.3.1 Full-time Employees Workload.

**Permanent Telework Arrangement:**

**I. Demonstration of Suitability**

Both full-time and part-time positions can be considered for a Teleworking arrangement. When considering Teleworking, the supervisor and employee are responsible for demonstrating that the following conditions can be met:

- A. The employee can participate in departmental, division and campus-wide meetings appropriate to the position.
- B. Teleworking does not adversely affect the College, departmental assignments/projects, student advising and assistance, customer relations, employee's completion of assigned duties or other work areas.
- C. There is adequate and suitable work available for the employee to perform away from campus.
- D. Suitable equipment and technology services can be provided and/or maintained by the College and/or employee so that work can be effectively performed in a teleworking arrangement. The employee is responsible for a broadband connection of a minimum of 3 MB down.
- E. The employee can be adequately supervised when teleworking.

## **II. EMPLOYEE REQUIREMENTS**

All employees approved to telecommute must agree to the following:

- A. Campus meetings, events and student advising/assistance shall not be scheduled around an employee's teleworking arrangement. All teleworking employees shall attend required campus meetings and events and provide student advising/assistance in fulfillment of his/her job duties.
- B. Teleworking employees are responsible for all travel and per-diem to and from the employee's home to the workplace regardless of distance.
- C. Teleworking employees are required to respond in a timely manner to work related voicemail and electronic mail. Unless otherwise agreed upon with the employee's supervisor, the employee is expected to work during the College's normal hours of operation while teleworking, 8:00 a.m. – 5:00 p.m. during weekdays.
- D. Teleworking arrangements may be revised or discontinued at any time. The initial agreement must have a defined duration with a three (3) month or less probationary period. If the employee meets the outcome expectations of teleworking during the probationary period, a new agreement may be executed for an additional three to six months.
- E. The teleworking employee is responsible for maintaining a dedicated home office and technology environment that maintains the security and confidentiality of

College and student information and is a safe working environment.

- F. The College and the teleworking employee shall agree on the equipment, if any, and the maintenance thereof to be provided by the College and/or the employee to enable the teleworking arrangement. This must be approved by the Vice President of Information Technology before teleworking rights are granted.
- G. The supervisor shall articulate how the employee's performance will be measured and how the employee will participate in performance reviews.

### **III. Request for Permanent Teleworking Arrangements**

The employee shall complete and submit the appropriate teleworking request form to their immediate supervisor. If the employee's immediate supervisor agrees with the teleworking request, the supervisor should add comments on the form and present it to the Executive Director of Human Resources ("Director"). If approved, the Director will then present the information to the President. If approved by the President, the agreement will be signed by the employee, the employee's immediate supervisor, the Director, and the President. The agreement will be included as an addendum to the employee's employment contract.

### **IV. Safety and Liability**

The employee must designate a workspace at his home or other alternative work site. The employee must protect the workspace from any known hazard or danger that could affect College equipment or the employee. The College may require the employee to provide a picture of the designated work area.

If a teleworking employee is injured in his/her workspace, the employee will immediately alert their supervisor and Human Resources no later than the end of the next business day. The employee consents to allow the College or its designee to inspect the workspace after a reported accident.

### **V. Terminating a Teleworking Agreement**

In the event the College or the employee wishes to discontinue the teleworking arrangement, the College shall determine whether the employee will remain an employee with the College and work on-site. If appropriate, a cross-training period with a replacement will commence for thirty (30) days. This period will give the College time to allocate a replacement employee and give the remote employee ample time to train and transfer duties to the individual. All equipment owned by the College will be returned by the end of the transition period.

**VI. Employees with Disabilities**

This policy does not apply to teleworking as an Americans with Disabilities Act (ADA) or Pregnant Workers Fairness Act (PWFA) accommodation. If teleworking is considered a reasonable accommodation pursuant to the ADA or PWFA, the College will follow its ADA or PWFA process with respect to such accommodation. In addition, employees with disabilities and employees with pregnancy-related limitations who are required or permitted to telework by the College will be provided reasonable accommodations as necessary to fulfill their job duties while teleworking.

Adopted:08/08/2019

Revised: 04/09/2024

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;  
Consolidated Appropriations Act, P.L. 117-328, div. II – Pregnant Workers  
Fairness Act

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Wilkes Community College considers *telecommuting* to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Not all jobs can be performed from off- site locations. In general, positions requiring face-to-face interaction with customers and office personnel are not suitable for telecommuting arrangements.

**Flexible Work Locations (“Teleworking”) Definitions:**

For the purpose of this procedure, the terms below mean the following:

**Alternate Work Location:** a worksite other than a central workplace can include employees’ homes and satellite offices where official State business is performed.

**Central Workplace:** an employee’s assigned place of work or duty station owned or operated by the State or a site that is the primary workstation for field-based employees. Typically, a central workplace is a duty station from which an employer along with employees in the same work unit performs the functions of their job.

**Telework:** flexible work arrangement in which supervisors direct or permit employees to perform their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms.

**Teleworker:** an employee engaged in teleworking.

**Telework Agreement:** a written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking.

**Work Schedule:** The employee’s hours of work in the central workplace and/or in alternate work locations.

**I. Conditions of Employment:**

The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not be limited to performance management. Teleworking assignments do not change the conditions of employment or required compliance with policies and rules.

**II. Eligibility**

Eligibility will be determined based on the nature of the position and the business needs of the College. In general, positions requiring face-to-face interaction with students and visitors are not suitable for telecommuting arrangements. The decision to allow a position or an employee to work in a teleworking arrangement is entirely within administration discretion.

**III. Types of Arrangements:**

While employees and supervisors may develop telework arrangements, the following basic requirements must be met:

- A. Employees must be able to carry out the same duties, assignments, and other work obligations at their remote work location as they do when working at a central workplace.
- B. The workweek for all full-time regular employees is 40 hours, divided into five days, Monday through Friday, with employees scheduled to work eight hours per day.
- C. Employees must be available to their supervisors and co-workers during the work schedule unless taking leave.
- D. Employees must be available to attend scheduled meetings and participate in other required office activities at the central workplace as needed.
- E. Employees must arrange for childcare during their work hours.

**Change in Work Hours:**

Employees may request, and supervisors may grant, a change in an employee's regular work schedule that is not permanent or ongoing in order to adjust for an unplanned short-notice or sporadic event. This change may include modifying normal work start and end times or allowing work missed on one day to be made-up on another (special consideration should be made here in regards to non-exempt employees and hours worked in relation to FLSA overtime provisions and WCC's compensatory time policy). The flexibility helps the employee to avoid taking leave or other paid time off that would otherwise have to be accounted for in a given week. Supervisors have the discretion to grant temporary changes in work hours as long as the operational needs of the department are satisfied and to discontinue such arrangements when deemed necessary.

**Flexible Work Schedules:**

Flexible work schedules allow for adjustments to the employee's reporting or departure times on a regular or recurring basis to respond to the work/life needs of an employee. The revised schedule must continue to support the operational needs of the College and allow for appropriate oversight of the employee's work assignments. Supervisors are advised to be attentive to the need to ensure that adequate supervision is provided for situations where adjusted work schedules fall outside of normal work hours. Supervisors may revise or revoke flexible work schedules at any time; however, it is advised that supervisors provide as much reasonable notice as possible in the event of a revision or revocation of a flexible work schedule to permit the employee to make alternate arrangements. Ten (10) business days of notice is generally expected as a minimum unless employee conduct or safety issues necessitate otherwise at the discretion of management.

**IV. Requesting a Teleworking Arrangement**

Telecommuting arrangements are approved by supervisors on a case-by-case basis. Telecommuting may not be feasible within some departments or for certain positions within a department. Employees interested in telecommuting arrangements will discuss the matter with their supervisors.

Once the teleworking agreement between the employee and supervisor is reached, the employee will complete and submit a Telecommuting Request Form. The form is located in the Etrieve system under the HR\Payroll Forms section.

The Telecommuting Request Form must be approved by immediate supervisor, the appropriate dean, the appropriate vice president, Executive Director of Human Resources and the President. The approval process is completed electronically through the imaging and workflow system. The approval process must be completed prior to the start of the employee's telework schedule.

**V. Compensation and Benefits:**

An employee's compensation and benefits will not change when he/she teleworks.

Teleworking employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a manner designated by the organization. Teleworking employees will be held to a higher standard of compliance than office-based employees due to the nature of the work arrangement. Hours worked in excess of those specified per day and per workweek, in accordance with state and federal requirements, will require the advance approval of the supervisor. Failure to comply with this requirement can result in the immediate cessation of the teleworking agreement.

**VI. Safety and Liability:**

The employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. Prior to the start of a teleworking arrangement, supervisors are responsible for discussing the alternate work location with the employee, and to provide reasonable assurance that materials, equipment, and furniture supplied to the employee at the Alternate Work Location allow for successful completion of assigned work responsibilities, comply with work-related safety standards, and minimize distractions to the work environment. The employee shall maintain the designated workspace in a safe condition, free from hazards and other dangers to the employee and equipment.

The College remains responsible for any work-related injuries under our state's Workers Compensation laws, but this liability is limited to injuries resulting directly from work and only if the injury occurs in the designated work area. Employees shall report all injuries occurring during telework worktime must be reported to their immediate supervisor and the Human Resources office within 24 hours.

The College assumes no liability for injuries occurring in the employee's teleworking site outside the agreed-upon work hours. The College is also not liable for injuries to third parties (including members of the employee's family) at the teleworking site.

**VII. Restricted-Access Materials:**

Consistent with WCC's Technology Services policies, teleworking employees will be

expected to ensure the protection of proprietary organizational and customer information accessible from the approved alternate work location.

Supervisors must grant permission for teleworkers to work on restricted-access information or materials at alternate work locations. Teleworkers shall agree to follow agency-approved security procedures to ensure confidentiality and security of data. WCC employees are the only authorized users of teleworking equipment.

#### **VIII. Work Hours:**

The total number of hours that employees are expected to work will not change, whether they are worked at the central or at the alternate work location. This does not restrict the use of alternative work schedules. Non-exempt employees are responsible for fully and accurately reporting all hours worked on the monthly timesheet in Etrieve or using the approved method to timely submit time records of all work time. Any non-exempt teleworker must obtain pre-approval to work any overtime in accordance with WCC policy. Non-exempt teleworkers also must take the full and required meal period.

Supervisors are responsible for ensuring that employees who telework are recording time and timely submitting their timesheets.

Employees shall apply themselves to their work during designated work hours and not engage in other activities that are not work-related.

Teleworking is not designed to be a replacement for appropriate dependent care. Although an individual employee's schedule may be modified to accommodate dependent care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of teleworking with family members prior to entering into a teleworking arrangement.

#### **IX. Equipment and Software:**

Prior to the start, and at the termination of the teleworking arrangement, supervisors and employees are responsible for completing an inventory of equipment, software, or other office or technology resources that are required for successful completion of work duties.

Equipment supplied by WCC will be maintained by WCC. Equipment supplied by the employee, if deemed appropriate, will be maintained by the employee. ONLY college-owned computers are permitted to access the secure WCC network. Equipment requests are approved by the VP of Information Technology before teleworking rights are granted.

WCC accepts no responsibility for damage or repairs to employee-owned equipment. WCC reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by WCC is to be used for business purposes only. The teleworker agrees to take appropriate action to protect the items from damage or theft and notify Information Technology immediately.

Upon termination of the teleworking arrangement, or employment, all College property will be returned to WCC. Supervisors and employees will sign off on conditional items related to the alternate work location, with employees being responsible for notification should any significant changes occur.

**X. Communication:**

While working away from the office, employees must be accessible for communication during their regularly scheduled hours (e.g., telephone, e-mail, etc.). This includes explicitly sufficient and reliable broadband internet access (min 3Mb down) at the telework site and cell or landline telephone capacity. Absent extending circumstances, the installation and recurring costs, and fees associated with the internet and telephone capacity are the sole responsibility of the employee. Specific requirements are subject to the needs of each department.

An employee must forgo telework if needed in the office on a day previously scheduled as a telework day. The employee may be called into the office when necessary to meet the operational needs of the College.

**XI. Commencement and Duration of Teleworking Arrangement:**

Either an employee or a supervisor can suggest teleworking as a possible work arrangement.

Any teleworking arrangement made will be on a trial basis for the first (30) calendar days, and may be discontinued, at will, at any time at the request of either the teleworker or the organization.

**XII. Evaluation and Follow-Up:**

Evaluation of teleworker performance during the trial period will include daily interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems.

At the conclusion of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of teleworker performance beyond the trial period will be consistent with that received by the employees working at the office in both content and frequency but will focus on work output and completion of objectives, rather than on time-based performance.

An appropriate level of communication between the teleworker and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After the conclusion of the trial period, the manager and the teleworker will communicate at a level consistent with employees working at the office, or in a manner and frequency that seems appropriate for the job and the individuals involved.

**XIII. Termination of Teleworking Arrangement:**

The availability of teleworking as a teleworking arrangement for employees of WCC can be discontinued at any time and for any reason at the sole discretion of management; however, it is strongly advised that supervisors provide as much reasonable notice as possible to permit the employee to make alternate arrangements. A minimum of ten (10) business days of notice is generally expected unless employee conduct or safety issues necessitate otherwise.

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## **I. SECONDARY EMPLOYMENT**

Full-time College employees' primary professional obligation is to the College. Full-time employees who engage in secondary employment have the responsibility to ensure that any such employment does not interfere with their work at the College as outlined in the employee's position description and the College's policies and procedures. The employee shall not utilize College time, facilities, supplies or equipment in relation to any secondary employment.

Prior to beginning any secondary employment, the employee shall complete a Secondary Employment Form to provide notice of intent for secondary employment to the President or President's designee. The notice shall contain, at a minimum: 1) the name and contact information of the prospective secondary employer; 2) the proposed job duties; and 3) the estimated hours per week devoted to the secondary employment. The President or designee shall approve or disapprove of any secondary employment and his/her decision is final.

The Board of Trustees shall approve or disapprove any secondary employment of the President.

## **II. OUTSIDE COMPENSATION**

College employees are encouraged to provide leadership and professional expertise to various constituencies or organizations whether locally, regionally or nationally who may request their services as a result of their College employment provided that the outside activity does not interfere or compete with their full-time duties at the College. A College employee must receive the approval of his/her immediate supervisor prior to committing to any outside activity which occurs during the normal workday. College employees may accept outside compensation for services rendered during annual leave, holidays, semester breaks or other such times when classes are not in session or if the services provided take place outside the scheduled or the normal workday. Outside compensation does not include nominal honorariums that staff or faculty members receive as a representative of the College for services provided for workshops, seminars, SACS visits or state or regional committee involvement. Exceptions to this section of the Policy must be approved by the President.

Adopted: 08/08/2019

## I. 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 and other animals on campus by qualified individuals with disabilities or individuals authorized to provide training.

## II. DEFINITIONS

- A. **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. Service animals are limited to service dogs and, in some cases, miniature horses.
- B. **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".
- C. **Pets** - any animal that is not an Emotional Support Animal or a Service Animal.

## III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on College property. Subject to the rules set forth in section IV and V below, Emotional Support Animals and Service Animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons.

**IV. Responsibilities of the Service Animal Owner/Handler****A. Registration****1. Service Animals**

Students and employees are not required to register Service Animals. However, they are encouraged to notify the Office of Disability Services (students) or the Office of Human Resources (employees) if they intend to use a Service Animal on campus so that appropriate College officials are aware of the animal's presence and to assist with the Service Animal's access to areas within the College's campus. Visitors with Service Animals are not required to register their animals.

**2. Emotional Support Animals**

Students and employees with disabilities may request permission to have an Emotional Support Animal on campus. The determination of whether this accommodation is granted shall be made based on the following considerations:

- 1) does the person have a disability that substantially limits one or more major life activities; 2) does the Emotional Support Animal perform tasks for the benefit of the person or provide emotional support that alleviates one or more of the identified symptoms; 3) is the request an undue burden on the College or does it fundamentally alter a College program.

Any requests for an Emotional Support Animal accommodation shall be directed to the Office of Disability Services (students) or the Office of Human Resources (employee).

After the College has made a determination that an Emotional Support Animal is allowed on campus, the student or employee must register the animal with the Office of Disability Services (students) or the Office of Human Resources (employees).

**3. Care and Supervision**

1. The care and supervision of a Service/Emotional Support Animal is the responsibility of the animal's handler.

2. The handler must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of providing licensure and inoculation on the person with a disability. Dogs must wear a rabies tag at all times.
3. The Service/Emotional Support Animal must be under the control of the handler at all times and may not be left alone. A Service/Emotional Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length. In situations where a leash or other device interferes with a Service Animal's ability to perform its task or service, the Service Animal must remain under the control of the handler at all times.
4. The handler of the Service/Emotional Support Animal is responsible for any damage of personal property or any injuries to an individual caused by the Service/Emotional Support Animal.
5. The handler must ensure the animal is "housebroken" and trained and must clean up and remove all animal waste created by the animal.
6. The Service/Emotional Support Animal may not disrupt the operation of the College or any class.

## **V. Responsibilities of the College Community**

If the need for a Service Animal is obvious, College officials may not question the presence of the animal on campus. If the need for a Service Animal is not obvious, College officials are permitted to ask the handler only two questions:

1. Is the animal required because of a disability?
2. What work or task(s) has the animal been individually trained to perform?

At no time may a College official 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 to the Office of Disability Services (student) or the Office of Human Resources (employee). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

**VI. Removal of Service/Emotional Support Animals**

The College has the authority to remove a Service/Emotional Support Animal from its facilities or properties if the Service/Emotional Support Animal becomes unruly or disruptive, unclean and/or unhealthy, and 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. 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.

Adopted: 08/08/2019

Cross Reference: Policy 2.2.9; Policy 5.4.5

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The College is fully committed to providing a learning and working environment that is free from prohibited discrimination. The College prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions. Pregnant and nursing employees will be provided with accommodations as required by law.

### **Employees**

#### **A. Reasonable Accommodations for Pregnancy-Related Limitations**

In accordance with the Pregnant Workers Fairness Act, qualifying applicants and employees with known limitations related to pregnancy, childbirth, or related medical conditions will be provided reasonable accommodations, unless the accommodation demonstrably would impose an undue hardship on the operation of the College. No adverse action will be taken against an applicant or employee for requesting or using a reasonable accommodation.

#### **B. Break Time to Express Milk**

For one year after the birth of an employee's child, the employee will be provided reasonable break times to express breast milk for the child each time the employee has need to express milk. The appropriate supervisor will designate a place, other than a bathroom, that the employee may use to express milk. Any designated place must be functional as a space for expressing milk, shielded from view, and free from intrusion from others.

Adopted: 04/11/2024

Legal Reference: Consolidated Appropriations Act, P.L. 117-328, div. II – Pregnant Workers Fairness Act; Fair Labor Standards Act, as amended, 29 U.S.C. 201, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C. F.R. pt. 106

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The College's curriculum personnel, in partnership with the administration, ensure the overall effectiveness of the educational programs. Additionally, curriculum personnel are involved in the College's decision-making processes in the following ways:

- A. Have primary responsibility for the content, quality and effectiveness of the curriculum.
- B. Participate in program/division level decisions and activities.
- C. Participate in College committees based on the President or designee's appointment.
- D. Participate in a governance body (Faculty Senate), which is designed to provide broad-based participation in the College's planning process, educational issues and other related issues.

Adopted: 08/08/2019

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The College is authorized to provide the following academic programs:

- A. Curriculum Programs. Curriculum programs are organized sequences of courses leading to an associate degree, a diploma or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.
- B. Continuing Education Programs. Continuing education programs provide education and training opportunities for targeted audiences. Courses are non-credit, short-term, and are offered in a variety of instructional delivery modes and locations. Included within continuing education programs are:
  - 1. Occupational Extension Courses. Occupational extension courses consist of single courses designed for the specific purposes of training an individual for full or part-time employment, upgrading the skills of persons presently employed and retraining others for new employment in occupational fields.
  - 2. Community Service. Community service courses consist of single courses that focus on an individual's personal or leisure needs rather than occupational or professional employment.
  - 3. Self-Supporting Programs. Self-Supporting programs are specific courses of interest requested by the community or which serve a special need for the community and College.
  - 4. Basic Skills Programs. Basic skills programs provide courses for students seeking a high school diploma equivalency, general education development, or other specific types of education services including adult basic education, English as a second language and compensatory education.
  - 5. Customized Training Programs. Customized training programs address company-specific training customized for job growth, technology investment or productivity enhancement. The Small Business Center provides training, counseling and referral services especially designed in content and delivery modes for small business, both existing and perspective.
  - 6. Human Resources Development Programs. Human resources development programs provide skill assessment services, employability skills training and career counseling to unemployed and underemployed adults.
  - 7. Learning Laboratory Programs. Learning laboratory programs consist of self-instruction using programmed texts, audio visual equipment and other self-instructional materials.

Adopted: 08/08/2019

Legal Citation: 1D SBCCC 200.3

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**PURPOSE:** Wilkes Community College (WCC) is mandated by the North Carolina Community College Code (1B SBCCC 400.98, 1D SBCCC 300.4) to maintain an accountability and integrity plan for continuing education programs and courses to ensure that the college provides occupational training relevant to the workforce, responsive to training needs of the service area, and uses state funds in a responsible manner. In addition to the State Board of Community College (SBCC) requirements, WCC is accountable to numerous external agencies including, but not limited to, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and state and national credentialing agencies. This plan is based on the state-wide accountability model provided by the SBCC.

The WCC plan includes Workforce Development (also known as occupational extension) and Basic Skills program areas.

**DEFINITION:** A continuing education course is a non-credit course offered through the division of Workforce Development and Community Education in any of the following program areas: Workforce Development (also known as occupational extension), Basic Skills, Small Business, and Customized Training.

**POLICY:** It shall be the policy of Wilkes Community College to maintain an internal audit and accountability plan for Continuing Education courses and programs that ensures the college's ongoing commitment to:

- Governance Priorities
- Academic Integrity and Program Accountability
- Changing Market Forces

Within each area, the college will set goals and objectives that are aligned to the mission of the college and the North Carolina Community College System to provide high-quality workforce training programs. The plan will be monitored at least twice yearly by the workforce development and community education committee and reviewed for approval at least every three (3) years by the WCC Board of Trustees.

### **2024-2027 OBJECTIVES**

The goals and objectives for the WCC Continuing Education Accountability and Integrity Plan for 2024-2027 (effective January 2024-January 2027) are listed by area. Additional objectives may be added as the college continues to implement the processes and measures.

#### **1. Governance Priorities:**

##### **Goal 1: Demonstrate accountability and credibility of operational functions**

Objective 1: Develop written processes for core reporting requirements.

**Goal 2: Demonstrate operational accountability for data reported for the state.**

Objective 1: No material findings identified on biennial review of records.

Objective 2: Respond effectively to non-compliance issues, both material and non-material, identified in biennial review of records.

**Goal 3: Demonstrate accountability to performance aligned with state and federal agencies.**

Objective 1: Pass all external credentialing agency audits and program assessments (including, but not limited to, DHHS, DOJ, OEMS, OSFM, and Board of Cosmetic Arts Examiners)

**2. Academic Integrity/Program Accountability**

**Goal 1: Students will meet specific course criteria to attain relevant license, credential, or demonstrate course completion requirements.**

Objective 1: Students will successfully attain student learning outcomes described within the course syllabus.

Objective 2: Students will successfully attain industry credentials/licensure.

**Goal 2: Instructional programs will demonstrate relevancy, rigor, viability, and student success.**

Objective 1: Utilize program reviews to demonstrate program relevancy for Workforce Development and Basic Skills offerings.

**Goal 3: Faculty qualifications will support program relevancy and student success.**

Objective 1: Faculty will hold appropriate qualification for credential programs and Basic Skills programs.

**3. Market Forces**

**Goal 1: Demonstrate development or enhancement of connections with workforce and economic development entities to leverage resources and strengths.**

Objective 1: Establish advisory boards for programs or industry sectors that offer courses lasting 96 hours or more and that lead to industry-recognized certifications.

**Goal 2: Develop proactive and reactive responses to specific industry training needs.**

Objective 1: Develop training programs in response to specific business or industry sector needs.

**Goal 3: Demonstrate development of a quality NC workforce prepared to succeed in employment.**

Objective 1: Develop training programs impacting employability of workforce.

Objective 2: Collaborate with industry partners to define employability requirements.

**2024-2027 Class Visitation Plan**

*Off-campus and distance education courses:* The instructor's supervisor or a designee approved by the vice president of Workforce Development & Community Education (WD&CE) will make at least one class visit to 25% of off-campus (courses held in facilities not owned, leased or managed by the college) and distance education (Internet, telecourses, etc.) courses offered through continuing education. The supervisor or designee will maintain documentation of these visits that includes the instructor's signature. The vice president of WD&CE or his/her designee as approved by the president will visit 10% of courses on a randomly-selected basis and without pre-notification and will maintain written documentation of such visits.

As it is not physically possible to visit Internet courses, visitation will occur electronically using a system that allows for log-in and check the activity of the course.

*On-campus courses:* The instructor's supervisor or a designee approved by the vice president of Workforce Development & Community Education will make at least one class visit to 25% on-campus (facilities owned, leased or managed by the college) courses offered through continuing education. The supervisor or designee will maintain documentation of these visits that includes the instructor's signature.

A summary report of class visitations shall be submitted to the trustees at its April meeting for review. The vice president of WD&CE will maintain this documentation and make it available for compliance reviews by the NC Community College System examiners.

Classes of 16 hours or less are excluded from visits, along with self-supporting, customized training, and community service courses.

Adopted: 08/08/2019

Revised: 01/11/2024

Legal Citation: 1D SBCCC 300.4(a)(1)-(4)

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The College recognizes that some courses requested by the community, or which serve a special need, are not supported by state revenues and membership hours produced from the classes are not counted towards full-time equivalent calculations. When these circumstances exist, it may be necessary to offer certain classes on a self-supporting basis. Therefore, the College shall develop guidelines for appropriate self-supporting classes that meet the standards of the State Board of Community Colleges and the College's mission.

Adopted: 08/08/2019

Legal Citation: 1D SBCCC 200.3(2)(c)

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The College shall provide customized training programs for businesses experiencing job growth, productivity enhancement needs, or creating technology investment to support the community and State's economic development. The College shall administer the training program with consultation and assistance from the North Carolina Community College System Office Economic Development staff.

Before a business or industry becomes qualified to receive assistance under the customized training program, the President of the North Carolina Community College System shall determine that:

- A. The business is making an appreciable capital investment.
- B. The business is deploying new technology.
- C. The business or individual is creating jobs, expanding an existing workforce, or enhancing the productivity and profitability of operations within the State; and
- D. The skills of the workers will be enhanced by the assistance.

College employees may not engage in the regular management, supervision or operation of a business receiving assistance under this policy during the hours the employee is employed for the instructional or educational purposes of the College.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Citation: N.C.G.S. § 115D-5.1; 1D SBCCC 500.98

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The College shall monitor the quality and viability of all its programs and services. Each curriculum program, each program area within continuing education, including Basic Skills, occupational extension, and community service, and each service area shall be reviewed at least every five (5) years to determine program strengths and weaknesses and to identify areas for program improvement. The program review process shall be consistent with the requirements of the regional accrediting agency.

The College shall publish its data on all performance measures annually in its electronic catalog or on the internet and in its printed catalog each time the catalog is reprinted.

Adopted: 08/08/2019

Legal Reference: 1B SBCCC 400.3

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The President shall determine the courses and programs of instruction needed to meet the educational needs of the people in the College's service area and shall determine the effectiveness and efficiency of the programs and services in meeting these needs.

All new programs offered by the College must be approved by the Board of Trustees, the North Carolina Community College System Office and the State Board of Community Colleges. All approved programs and courses should be contained in the College's Catalog. The continued operation of any curriculum program is dependent upon adequate state funds and sufficient enrollment in the program.

The President shall develop procedures for the implementation of this Policy.

Adopted: 08/08/2019

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Having updated and relevant curriculum courses and programs is critically important to the success of both the College and its students. For any curriculum issues not otherwise mandated by the North Carolina State Board of Community Colleges (“State Board”) or by another controlling entity, as it becomes necessary to introduce new courses and programs, the following Procedures shall be followed.

- A. Instructional employees directly involved in teaching a particular class or within a particular program shall assist in the development of new curricula and in the review of anticipated changes to existing curricula.

Each academic division shall review their programs and courses annually and recommend changes in the curricula as needed. Instructional employees directly involved with instruction in the curriculum are responsible for preparing written course objectives and student learning outcomes for each new course offered and are encouraged to make requests to the Dean for any new curriculum deemed useful to the College and its students.

- B. The Vice President of Instruction (“Vice President”) shall act as the coordinator for curriculum development and shall work with Deans in conducting further feasibility studies, consulting with industry and business representatives concerning course content and length, as well as other activities necessary to develop a curriculum application.
- C. After the Vice President has made an initial review, and after consultation with the Dean, the Vice President may submit the request to the College’s Curriculum Committee (“Committee”), a group of College administrators and curriculum personnel appointed by the President and chaired by the Vice President. Upon review, the Committee shall determine if the requested change is substantive then vote to approve, table for further research, or disapprove. If the requested change is minor (e.g., replacing a course in a program of study, creating a certificate under an existing program), the Vice President may make the necessary change. If the requested change is substantive, or if it involves a new program, the Vice President may present his/her recommendation to the President and the Administrative Council. Prior to making a recommendation to the President, the Vice President shall ensure that the State Board, all accreditation bodies, and the Board’s policies are followed in the development of a curriculum proposal including providing notice to other community colleges.
- D. The President shall examine the fiscal aspects of proposed curricula or changes in existing curricula and ascertain that the budgetary requirements are within the College’s fiscal capabilities. All new curricula must be approved by the President

before it is submitted to the Board.

- E. The Vice President shall present the request to the Board or a Board committee regarding the nature of the request, the results of the feasibility study and any other pertinent information requested. The full Board must formally approve the request prior to submission to the North Carolina Community College System Office ("System Office").
- F. If approved by the Board, the System Office shall place the College's request on the agenda of the State Board, where it is reviewed and either approved or disapproved. The College may officially offer the curriculum for credit after it has been approved by the State Board. The Vice President for Instruction is responsible for all reporting to the System Office and State Board.
- G. The continued operation of any curriculum at the College is dependent upon adequate state funds and a sufficient enrollment to make it financially feasible to continue. The College reserves the right to discontinue any program if sufficient funds are not available. In addition, the College shall terminate a curriculum program when there has been no enrollment for two years. The College may request a one- year extension of a curriculum program upon justification of the potential for employment opportunities and student enrollment. If the College plans on terminating a curriculum program, the President or designee shall inform the System Office President by submitting a termination notice. The System Office President shall have the program removed from the College's program approval list.

Adopted: 08/08/2019

Legal Citation: 1D SBCCC 400.95

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The College may enter into a written instructional service agreement with another community college within the North Carolina Community College System. The service agreement must be drawn in conformance with the State Board Code and include the following:

- A. Specify the curriculum or continuing education program to be shared.
- B. Define the plan for sharing the curriculum or continuing education program, including who shall earn the FTE and grant the award.
- C. Certify that appropriate and adequate resources are available at each participating college.
- D. Where feasible, the joint utilization of physical facilities, equipment, materials, and instructional faculty should be considered.
- E. Certify that the curriculum or continuing education program meets the standards of the appropriate accrediting agency; and
- F. Specify under what conditions and what time frame the agreement can be terminated.

The Board hereby delegates to the President the authority to approve and sign Level I and II service agreements. The Board shall approve any Level III service agreements and they shall be signed by the Board Chair.

Notification of termination of an agreement shall be sent to the System President prior to the effective termination date.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Citation: 1D SBCCC 400.7

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The Vice President for Instructional Support & Student Services shall supervise the College's academic advising program. Academic advisors are college employees who help students plan and complete their academic goals. Academic advisors shall assist students with course selection and requirements for the program of study.

Academic advisors can offer students opportunities to enhance their education by making them aware of the various resources available to them throughout the college community. Academic advisors play an important role in the educational progress of advisees, by continually monitoring and evaluating their progression, as well as helping them clarify their educational goals and values.

Academic advisors shall be familiar with the Board's policies and procedures as well as other academic issues including, but not limited to grading, course pre-requisites and the College's academic program offerings.

Adopted: 08/08/2019

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**I. ACADEMIC TERMS**

The calendar year is divided into three academic terms:

- A. Spring Term: January 1 – May 15
- B. Summer Term: May 16 – August 14
- C. Fall Term: August 15 – December 31

**II. BEGINNING AND END DATE FOR ACADEMIC TERMS**

The Board of Trustees (“Board”) shall determine the beginning and end date for each academic term within the timeframes set forth in Section I, unless an exception is granted by the System President. The System President may grant an exception if it does not result in an overlap with another academic term, the ten percent (10%) point of all course sections falls within the corresponding academic term reporting period, and the exception does not negatively impact the College’s ability to meet data reporting requirements.

The academic semester for credit courses shall be designed so that classes may be scheduled to include the number of instructional hours shown in the College catalog and the approved curriculum program of study compliance document and reported for FTE purposes. Instructional hours include scheduled class and laboratory sessions as well as examination sessions. Length of semesters or courses may vary as long as credit and membership hours are assigned consistent with requirements contained in the State Board Code. If necessary, to meet the needs of particular constituents (e.g., courses provided at high schools, military bases, prisons, or at the specific request of business), without an exception by the System President, the College may schedule curriculum course sections that fall outside the academic term beginning and end dates, as defined by the Board. If such course sections cross academic term reporting periods, FTE enrollment shall be reported consistent with the provisions of the State Board Code.

Adopted: 08/08/2019

Legal Citation: 1G SBCCC 100.1, 200.93; CC17-017

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The College shall follow the requirements and provisions for calculating and reporting FTEs for curriculum, continuing education and other applicable classes/programs, as proscribed in the State Board Code.

Adopted: 08/08/2019

Legal Citation: SBCC, Title 1, Chapter G, Subchapter 100; CC17-017.

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The College acknowledges the ownership rights associated with intellectual property and requires students and employees to adhere to all applicable state and federal laws.

Intellectual property may be defined as any intellectual or creative works that can be copyrighted, trademarked or patented. Such works may include but are not limited to literary, musical, dramatic or artistic works, computer software, multimedia presentations, brand marks or inventions.

### **I. WORKS MADE FOR HIRE**

The College recognizes that the "works made for hire doctrine" applies to College employees. Under this doctrine and this policy, a work made for hire is defined as a work prepared by any employee within the scope of his or her employment. Other works created under the terms of an agreement between the College and a creator may also be deemed works made for hire under that agreement. Works made for hire include any materials that may receive protection under federal patent, copyright, or trademark law. The College retains its ownership of works made for hire and all rights incidental to that ownership except as stated below.

This policy does not include independent works by employees that were not created within the scope of employment and without College support.

### **II. ACADEMIC EXCEPTION FOR COPYRIGHTABLE WORKS**

The College recognizes an academic exception to the works made for hire doctrine. Unless otherwise determined by the College prior to the creation of the Work, it is the College's policy that employees own and retain the copyright, and all rights incidental to that ownership, to works created for traditional academic purposes regardless of any use of College resources used in making the work.

This exception applies only to works that may be legally registered in the United States Copyright Office, including but not limited to, textbooks, course design and content, scholarly monographs, trade publications, maps, charts, articles, novels, nonfiction works, supporting materials, artistic works, syllabi, lecture notes, educational software and multimedia. Employees, however, may not use College resources to commercialize or publish a work without written approval from College administration.

For any creative work that falls under this exception, the employee grants and the College retains a perpetual, royalty-free, non-exclusive right to use the work for educational, research and marketing purposes.

This exception does not apply to trademarks, inventions or patent ownership.

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**III. STUDENT WORKS**

Except as stated herein, the College recognizes that students retain ownership of intellectual property submitted in fulfillment of academic requirements. By enrolling in the College, the student gives the College a perpetual, non-exclusive, royalty-free license to mark, modify, and use, any work as may be required by the process of instruction, or for other educational, research or marketing purposes.

This section does not apply to class or lab notes created by a student.

The College shall retain the ownership of all patentable inventions created by a student in fulfillment of academic requirements under the following conditions: the development of the invention involved substantial use of College resources, including use of facilities, time, and/or other resources.

**IV. OTHER AGREEMENTS**

In support of its mission, the College, an employee or a student may voluntarily enter into other agreements for ownership of intellectual property or the sharing of royalties. In these instances, the written agreement is controlling, not this policy.

In the case of a work created under the provisions of a grant, the terms of the grant will determine the ownership and all rights incidental to the ownership of the property created, not this policy.

All revenue derived by the College from the creation and production of intellectual property shall be used for educational and research purposes that directly support the College's mission.

**V. DISPUTE RESOLUTION**

- A. Prior to creating works using College resources, employees and students should direct intellectual property ownership questions to the appropriate Vice President.
- B. Employees. If issues related to ownership of intellectual property arise and cannot be resolved informally, College employees may seek resolution through Policy 3.3.8 – Employee Grievance Policy. Prior to initiating litigation, both parties will participate in voluntary mediation before a neutral third-party mediator and will equally share the cost of such mediation.
- C. Students. If issues related to ownership of intellectual property arise and cannot be resolved informally, College students may seek resolution through Policy 5.3.6 – Student Grievance Policy. Prior to initiating litigation, both parties will participate in voluntary mediation before a neutral third-party mediator and will equally share the cost of such mediation.

Adopted: 08/08/2019

Live client projects are defined as:

- A. Educational programs in which students, as part of their educational experiences and as part of the instructional course requirements, repair or remodel non-college owned personal or real property; or
- B. Educational programs that construct structures that are sold, produce goods that are sold, or provide services for a fee, such structures, goods or services being the normal and necessary product of learning activities of students.

The President is hereby delegated to develop procedures that are consistent with the State Board Code for live client projects.

Adopted: 08/08/2019

Legal Citation: 1H SBCCC 300.1

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**I. APPROVAL FOR LIVE PROJECTS**

**A. Program Based Live Client Projects**

For College programs like automotive mechanics, cosmetology and dental hygiene, services which traditionally use live client projects as a routine part of the curriculum and program, the Dean responsible for the program shall make an annual report at the end of each semester to the Vice President for Instruction<sup>21</sup> regarding live client projects. The Vice President for Instruction is authorized to approve the continued use of live client projects for these programs.

**B. Specific Live Client Projects**

If an instructor desires to implement a specific or new live client project, the instructor shall provide a written summary of the project to the Dean for review. The Dean shall review and provide written recommendation to the Vice President for Instruction. The Vice President is authorized to approve specific or new live client projects.

**II. CLIENT SELECTION**

Clients for live projects shall be limited to current students and employees in the North Carolina Community College System. When, however, it becomes necessary to solicit outside clients in order to provide students with enough experience to carry out the desired live project, the instructor responsible for the live project shall adopt specific, written criteria for selecting outside clients. The criteria must be approved in advance by the Vice President for Instruction and shall not be inconsistent with the State Board Code.

**III. CLIENT CHARGES**

Under State Board Code, the College is authorized to charge clients for goods and services produced through live projects. For live projects involving repair or remodeling non-College owned personal and/or real property, the owner of the property shall supply or pay for all parts required. For live projects involving the construction for structures that are sold, produced goods that are sold, or services that are provided, the College shall charge the client for the value of the structures, goods and/or services.

**IV. USE OF LIVE CLIENT PROJECT RECEIPTS**

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<sup>21</sup> Or other appropriate administrator.

All costs that otherwise would not have been incurred absent the live client project shall be supported by funds from the College's account that receives the live client project receipts and shall not be supported from State funds. These costs include but are not limited to: supplies and materials used in producing the good or service; additional personnel required to serve clients; specialized equipment; liability insurance; and other costs directly related to the live client project as distinguished from an instructional program that does not produce income. In the context of construction live client projects, these costs include, but are not limited to: all building materials; land; land improvements; amounts paid to subcontractors for work not performed by College students or employees; any actual interest paid on construction loans or financing arrangements provided for by a partnering third-party entity; and any legal fees and closing costs that may be required. Live client project receipts may also be used to supplement instructional costs of those programs engaging in live client projects. The instructor responsible for the live project shall maintain detailed records so that the College may prepare annual financial statements and a complete audit of the account may be made after the close of the fiscal year.

- a. 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 College or donated to another nonprofit charitable organization, educational agency or institution.
- b. For live projects that involve the repair of equipment purchased with State funds or Federal surplus property, the repair of this equipment and its sale as surplus shall follow the State Division of Purchase and Contract regulations. The proceeds of such sales shall be deposited with the State Board of Community Colleges and credited to the College's equipment budget.
- c. The College may use a combination of State funds and live client project receipts to support costs associated with providing services to patrons, such as cosmetology and dental hygiene services.

#### **V. CONSTRUCTION LIVE PROJECTS**

- A.** The College shall not engage in live client construction projects that repair or remodel property for companies or individuals that are in the construction business, unless the property undergoing repair or remodeling is used in the usual course of the business and is not being resold.
- B.** For construction live client projects where a permanent building is constructed on the College's campus or on property owned by the College, the College shall follow all requirements of the General Statutes in acquiring the building materials and any subcontracted work, as well as in disposing of the building and property. College employees on the College's permanent payroll are permitted to perform construction or repair work as long as project costs do not exceed the maximum thresholds established in G.S. 143-135. A project

cannot be subdivided to evade the provisions of G.S. 143-135

**VI. LIABILITY ISSUES**

- A.** Prior to entering into any live client projects, the instructor for the live project must obtain all the appropriate signatures on the Live Client Project Agreement Form<sup>22</sup>. The participating clients must sign the form, acknowledging the waiving of all liability for work, projects and services provided by the College. The participating clients shall assume any and all risk, as well as all future liability, for the live client project when the College declares the students/instructor(s) involvement terminated and the live client project finished.
- B.** For any live projects conducted off-campus, prior to the project beginning, the participating client must provide documentation of liability insurance covering the College's Trustees, employees, students and agents in an amount no less than one million dollars, from an insurance company authorized to conduct business in North Carolina.

Adopted: 08/08/2019

Legal Citation: 1H SBCCC 300.1

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<sup>22</sup> Will need to create a new form if not already in use. Campbell Shatley is happy to either assist or help create a form.

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- a. Each curriculum student enrolled in an Autobody or Automotive Technology course will pay a shop fee for projects to cover expendable items such as wiping cloths, cleaners, etc. Paint and body filler and all other materials for repair must be paid for by the student. Fees will be determined by curriculum instructors and approved by the President.

Fees will be collected by the instructors in the program and turned in to the departmental secretary. The Department Chair will review the work order, sign and send it, with the money, to Business Operations. Business Operations will send a receipt back to the department to give to the student. A copy of this receipt is to be kept on file within the department. Students taking Autobody courses through Continuing Education will pay the fee set by the Director of Continuing Education. This fee is set based on state guidelines and the number of persons taking the class.

- b. Only vehicles belonging to the student or his/her immediate family may be used as a project for painting and repair in these classes. If a student does not have a project vehicle that meets these guidelines, a project vehicle will be assigned, as available, by the instructor. This vehicle may belong to the College, a College employee, or someone in the community. No fee of any type is allowed to be charged or accepted by the student for his/her work on the vehicle.
- c. No shop fee will be charged for College vehicles. Paint and supplies are charged to the budget of the department owning the vehicle, or as assigned by the Vice President of Academics.
- d. The shop fees for all College employees will be the same as for students with no favoritism shown by department or position. All other persons within the community will pay a fee which will be determined by the curriculum instructors and approved by the President. All other charges, for paint and supplies, will be charged to the owner separately.
- e. All vehicles being repaired and/or painted must meet the guidelines of “educational” and must be a learning experience for the student.

Adopted: 08/08/2019

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<sup>23</sup> If applicable for the College.

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- I Overall responsibility for seeing that instructional materials are timely ordered rest with each Dean for their academic department.
  - II Instructors will order instructional materials utilizing the system developed by the College in partnership with the bookstore vendor. At least every four (4) years, the Board shall review the College's mark-up on textbooks and other instructional materials sold through the bookstore to determine if the mark-up is appropriately balanced between affordability for students and other priorities identified by the Board.
  - III Requests for textbooks are to be made as soon as possible after the next semester schedule is completed. All requests should specify the course in which the textbooks are to be used.
  - IV. Deans, or their designees, will be responsible for acquiring textbooks for adjunct faculty.

Adopted: 08/08/2019

Legal Citation: 1H SBCCC 300.3

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When books and book-like media (i.e., audio visual materials, CD's, electronic resources and other learning resources of durable nature) ("Instructional Material") originally purchased from State or federal funds are no longer useful to the College, the College shall dispose of the Instructional Material as follows:

- A. Destroying locally, through standard recycling methods or disposed of by the College through a local sale;
- B. Disposing of through a profit-sharing arrangement with a company that resells and recycles Instructional Material;
- C. Disposing of through donations to non-profit, tax-exempt organizations, (including the College's Foundations) or tax-supported agencies or institutions; or
- D. Disposing of through a public bid sale by the State Surplus Property Agency.

The College shall maintain records and receipts of each sale for auditing purposes. The College shall use any receipts generated from the sale of surplus Instructional Material to purchase additional Instructional Material.

Adopted: 08/08/2019

Legal Citation: 1H SBCCC 400.2

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When employing instructional personnel, the College shall adhere to the following criteria:

- A. The College shall employ instructional personnel to meet the guidelines of the Southern Association of Colleges and Schools Commission on Colleges.
- B. The College shall determine appropriate teaching and non-teaching loads for instructional personnel to meet Southern Association of Colleges and Schools Commission on Colleges criteria.
- C. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

[Reference Procedure 3.1.2.1](#) for more information on faculty credentialing.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: 1C SBCCC 300.3

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Field trips are considered a very important aid in the communication of knowledge, ideas, and understanding to students. Instructors are encouraged to plan and make use of this teaching aid.

The following procedures apply to all field trips offered or mandated through a College course:

**A. Planning**

1. Field trips are to be planned in advance, with pre-instruction, post-discussion and evaluation being of prime importance in the planning.
2. The site, industry or business visited should be engaged in practices which demonstrate something related to the subject matter being covered in the course.
3. All arrangements are to be made by the instructor in advance of the trip.
4. Transportation shall be arranged by the instructor. Students must bear the cost of transportation unless travel is being otherwise arranged by the College in advance.
5. When students on a field trip are to miss classes taught by other instructors at the College, prior approval is to be obtained from the instructors involved. Instructors may exchange class meeting times to make up hours lost if they so desire.
6. An approved Field Trip Form must be submitted and approved by the appropriate Dean and the Vice President for Instruction<sup>1</sup> at least three (3) days prior to the field trip.
7. Students registered with the Office of Disability, Inclusion, and Diversity (ODID) may require specific accommodations to ensure compliance with the Americans with Disability Act. Instructors should contact the Director of ODID to discuss accommodation needs, such as transportation and access to facilities.

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<sup>1</sup>Or another appropriate administrator

**B. Use of Curriculum Area Travel Funds**

1. Each curriculum division will be assigned a travel budget for the fiscal year. The Dean is responsible for coordinating and regulating the use of these funds. All requests for use of the funds should be directed to the Dean prior to the planned trip. Requests for travel reimbursement from State funds, which do not have prior approval by the Dean and
2. For overnight travel, out-of-state travel, or other special action, a Travel Authorization Form must be submitted along with the Field Trip Form.

**C. Voluntary Educational Travel<sup>2</sup>**

1. College may offer students and employees the opportunity to participate in educational travel experiences that are not a requirement of any course or degree or diploma program. The purpose of these trips is to provide educational experiences for students and employees. Student and employee participation in these trips is voluntary.
2. All voluntary educational travel must be approved by the President<sup>3</sup> prior to the College soliciting staff or students to participate.
3. The College, either directly or through a third-party travel agency, may charge students and employees participating in the trip the actual cost of all travel expenses, including but not limited to transportation, lodging, food, travel insurance, taxes, activities and tours, and administrative costs. The College shall have no obligation to refund, in whole or in part, any participant for any amount of money paid directly to the College or a third party for a trip that is cancelled or postponed for any reason. If the College collects and holds money for an authorized trip and that trip is cancelled by the College, the College shall reimburse participants any remaining funds held in the trip account.
4. All trip participants are expected to sign a waiver releasing the College from liability for any injury or loss occurring during a trip. It is recommended<sup>4</sup> that participants purchase travel insurance for all international travel and all travel lasting more than three (3) days.

**Adopted:** 08/08/2019

**Revised:** 07/2021; 01/06/2022

<sup>2</sup>Optional section: but we have seen an uptick in community colleges offering educational travel experiences

<sup>3</sup>Or insert other appropriate administrator, or the Board of Trustees

<sup>4</sup>May require travel insurance

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All College classroom instructors shall adhere to the following provision in carrying out job duties and employment responsibilities.

- A. Promptness – Punctuality is a valuable habit desired by all employers. College employees can help to develop this habit in their students by meeting with their scheduled classes or other meetings at the time designated and by insisting that students also arrive on time. If an instructor fails to meet his/her class on time, a student from the class should inform someone in the division office or closest college office. If the instructor does not arrive within fifteen (15) minutes past the designated starting time and no other instructions have been provided to the class, students are to sign their names on a roll and are then excused.
- B. Discipline – Effective discipline must be maintained in all learning environments. Each instructor has the responsibility of handling any discipline problems that arise in class. Extreme cases are to be immediately referred to the Dean of Enrollment Services and/or Dean of Instructional Support Services and Campus Police. Upon request by the instructor, administrators will serve as mediators in extreme or reoccurring disciplinary issues. The College will not condone prolonged disruptive activities by students or groups of students. Student disciplinary matters shall be dealt with pursuant to College policy.
- C. Professional Appearance – Instructors should always present a professional image.
- D. Safety – Every instructor should maintain a proper attitude toward safety. The instructor's attitude and habit's toward safety have a profound influence on the habits and attitudes formulated by the students. It is extremely important that the following safety regulations be utilized by all instructors:
  - 1. Safety rules and regulations specific for each program of instruction must be posted on laboratory and shop bulletin boards.
  - 2. The instructor should demonstrate proper procedures for the use of dangerous equipment. Hazards should always be pointed out in advance. This aspect of safety training is to be utilized prior to any student being allowed to use equipment and machinery.
  - 3. The instructor must always be present in shops and laboratories when machinery or equipment is being used by students. In the event the instructor must leave the area, another instructor should be placed in charge, or the shop should be locked.

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4. Loose jewelry or clothing should not be worn when operating moving equipment. If neckties are worn, they should be of the bow or breakaway type.
  5. Unauthorized students are prohibited from using equipment and machinery.
  6. Long hair must be tied at the back and placed under a hat or some type of covering while working in any of the vocational shops.
  7. North Carolina law requires that eye protective devices be worn by students, teachers and visitors to the instructional area where any of the following activities are conducted:
    - a. Working with hot solids, liquids or molten metal.
    - b. Milling, sawing, turning, shaping, cutting or stamping of any solid materials.
    - c. Heat-treating, tempering, or kiln firing of any metal or other material.
    - d. Welding of any type.
    - e. Repairing or servicing any vehicle.
    - f. Using caustic or explosive chemicals or materials.
  8. Any visitor to a classroom, shop or laboratory, must be accompanied by a College employee.
  9. Student's children are not to be left unattended anywhere on campus.
  10. Special permission must be obtained from the instructor before a spouse or friend may audit a class session.
- E. Equipment and Furniture – It is the instructor's responsibility to see that the equipment and furniture for each area is maintained. Abuse of equipment or furniture by students will not be tolerated. Longer life and better care may be derived from equipment and furniture if the instructor will utilize the following practices:
1. Stress the importance and cost of equipment and furniture.
  2. Emphasize that there is a proper tool or piece of equipment for each job.

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3. Demonstrate and utilize recommended preventative maintenance methods. This includes keeping equipment clean.
  4. Emphasize that equipment and furniture are not to be loaned or removed from the premises for any purpose. Special consideration may be given to this regulation when pre-arranged field trips or other conditions warrant the use of equipment away from the school. Prior arrangements must be made with the appropriate administrator.
  5. Repair damaged or broken equipment whenever possible. Damage and loss of equipment is to be reported to the Business Office. New equipment must be checked and processed by the Business Office prior to its disbursement to classrooms or laboratories. Thereafter, the instructor in charge of each area shall be responsible for the accountability and care, of the equipment and furniture in that area.

F. General Housekeeping – Prospective students, student employers and numerous other interested individuals routinely visit the College. It is important that all employees be active in helping to maintain an orderly and well-organized appearance. The proper attitude toward clean and orderly shops, labs and other workspaces can be passed on to the student by their instructor's attitude and actions.

Employees can aid the custodial staff by ensuring that:

1. Smoking and the use of smokeless tobacco products are prohibited in all College buildings, facilities and grounds.
2. Food products and non-alcoholic drinks may be consumed in instructional areas under the direction of the instructor or college employee in charge. The instructor or employee in charge shall be responsible for the proper disposal of any and all residue of food and/or drink products. The college reserves the right to restrict the consumption of food and drinks in certain areas as deemed necessary.
3. Paper and other materials which accumulate during the day are picked up prior to leaving the classroom.
4. All tools are locked in their proper storage place at the end of each class or day.
5. Furniture is left in an orderly appearance. In general, disarrangement of a classroom because of teaching activities shall be corrected by the students in the class under the supervision of the instructor in charge.
6. All labs are secured according to established departmental procedures.

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The College shall obtain and maintain regional accreditation by the Southern Association of Colleges and Schools - Commission on Colleges.

Adopted: 08/08/2019

Legal Citation: 1B SBCCC 400.1

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As a SACSCOC requirement for membership, the College is required to comply with the current Substantive Change Policy for SACSCOC Accredited Institutions (the “Policy”). The College is required to notify SACSCOC of changes in accordance with the Policy and, when required, seek approval prior to the institution of changes.

## **I. SUBSTANTIVE CHANGE DEFINITION**

Substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Under federal regulations, substantive change includes:

- A. Any change in the established mission or objectives of the institution.
- B. Any change in legal status, form of control, or ownership of the institution.
- C. 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 institution was last evaluated.
- D. The addition of courses or programs of study at a degree or credential level different from that which is included in the institution’s current accreditation or reaffirmation.
- E. A change from clock hours to credit hours.
- F. A substantial increase in the number of clock or credit hours awarded for successful completion of a program.
- G. The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50% of an educational program.
- H. The establishment of a branch campus.
- I. Closing a program, off-campus site, branch campus or institution.
- J. Entering into a collaborative academic arrangement that includes only the initiation of a dual or joint academic program with another institution.
- K. Acquiring another institution or a program or location of another institution.
- L. Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution; and
- M. Entering into a contract by which an entity not eligible for Title IV funding offers 25%, or more, of one or more of the accredited institution’s programs.

In addition, the Policy lists additional substantive changes, both institutional and programmatic, that must be reported prior to implementation.

## **II. REPORTING SUBSTANTIVE CHANGES**

### **A. Institutional Substantive Changes**

Any major change to the College's operations or structure should be assessed in relation to the Policy. Once a change has been identified and an

anticipated date of implementation has been estimated, the President's Office and SACS Liaison<sup>1</sup> will work together in submitting the requisite notice to SACSCOC, prior to implementation of the change.

#### **B. Program Substantive Changes**

Each semester, the SACS Liaison will meet with Program Managers and Department Chairs to identify any program changes that may meet the definition of "substantive change". Any changes that are in progress, planned for the future, or anticipated to be required at some later date will be identified.

Once a change has been identified and an anticipated date of implementation has been estimated, the SACS Liaison will work with the program involved, the Vice President of Academics, and the President's Office in order to submit the required notification to SACSCOC.

### **III. DISSEMINATION OF SUBSTANTIVE CHANGE POLICY**

The College recognizes the importance of timely identifying potential substantive changes so that SACSCOC may be notified within the required time frames.

Each semester, the SACS Liaison will review the Policy, and this Procedure, with the President's Administrative Council and the Academic Affairs Committee.

### **IV. CATALOGING SUBSTANTIVE CHANGES**

The SACS Liaison will maintain an electronic and hard copy history of notifications sent to SACSCOC and responses from SACSCOC. Electronic copies will also be provided to departments or programs involved in the change.

The College will comply with the directives of the SACSCOC upon notification of submitted changes.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: 1B SBCCC 400.1; [SACSCOC Policy Statement](#) (June 2021)

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<sup>1</sup> Oranother appropriate administrator

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The Board of Trustees hereby establishes the following honorary awards<sup>26</sup>:

- a. Honorary Associate Degree
- b. Emeritus Status Award
- c. President's Award

These awards are designated as the highest and most prestigious awards for presentation to citizens who have provided meritorious service or support to the College in fulfilling its mission to the Community. The Board hereby authorizes the President to present these awards to deserving citizens on appropriate occasions following consultation with the Board of Trustees.

The Board of Trustees further authorizes the President to identify appropriate guidelines for the selection of deserving recipients and the presentation of these awards.

Adopted: 08/08/2019

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<sup>25</sup> If applicable to the College.

<sup>26</sup> The College may establish other awards.

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The College does not discriminate on the basis of race, color, religion, gender, gender expression, age, national origin, disability, marital status, sexual orientation, genetic information or military status in any of its activities or operations.

## **I. OPEN DOOR ADMISSIONS**

Except as otherwise specified herein, the College maintains an open-door admission policy to all applicants who are legal residents of the United States and who are high school graduates or are at least eighteen (18) years of age. The College shall not solicit or use information regarding the accreditation of a secondary school located in North Carolina that a person attended as a factor affecting admission to the College or to any program of study, loans, scholarships or other educational activity at the College unless the accreditation was not conducted by a State agency. For purposes of this Policy, the term “accreditation” shall include certification or any other similar approval process. Student admission processing and placement determination shall be performed by College officials. Admission requirements for an emancipated minor shall be the same as for an applicant who is eighteen (18) years old or older. Non-emancipated minors may be admitted and allowed to attend the College pursuant to 1D SBCCC 200.95.

The open-door policy does not mean there are no restrictions on admission into specific College programs. Admission to certain programs may have additional specific entrance requirements.

For more specific information regarding certain admissions criteria, see Procedure 5.1.1.1.

## **II. ADMISSIONS DENIALS**

### **A. Basis for Denials**

1. Suspension/Expulsion from another Educational Entity.  
If the College suspends or expels a student for non-academic disciplinary purposes, the College shall record the suspension or expulsion in the student's educational record. Upon receipt of a written request signed by the student and subject to all applicable privacy laws, the College shall, in accordance with the student's request, inform other colleges and universities of the term and circumstances of the student's non-academic disciplinary suspension or expulsion, if any. The College reserves the right to refuse admission to any applicant during any period of time that the applicant is under a period of suspension or expulsion from another educational entity for non-academic disciplinary reasons.

2. Safety Concern.

The College reserves the right to refuse admission to any applicant if it is necessary to protect the safety of the applicant or other individuals. When making a safety determination, the College may refuse admission to an applicant when there is an articulable, imminent and significant threat to the applicant or other individuals. When refusing admission based on safety concerns, the Dean of Enrollment Services (Dean) shall document:

- a. detailed facts supporting the rationale for denying admission;
- b. the time period within which the refusal to admit shall be applicable and the supporting rationale for the designated time period; and
- c. the conditions upon which the application that is refused would be eligible to be admitted.

3. Residency for Distance Learning.

The College is not authorized to provide distance learning courses outside of North Carolina unless state authorization has been granted from the state in which the applicant resides. State authorization requires colleges to seek and secure authorization to offer instruction in that state.

Admission of applicants residing outside of North Carolina to an on-line degree, diploma, certificate program or individual on-line courses offered by the College is dependent on the College's ability to secure authorization from the applicant's state of residence.

State authorization does not affect the cost of attending the College. Tuition requirements, including those for out-of-state students, still apply. This requirement does not apply to non-credit continuing education courses.

4. Undocumented Immigrants.

An undocumented immigrant is any immigrant who is not lawfully present in the United States. The College shall not admit undocumented immigrants unless all of the following conditions apply:

- a. the undocumented immigrant attended and graduated from a United States public high school, private high school or home school that operates in compliance with State or local law.
- b. the undocumented immigrant must comply with all federal and state laws concerning financial aid.

- c. the individual shall not be considered a North Carolina resident for tuition purposes and must be charged out-of-state tuition regardless of whether the individual resides in North Carolina.
  - d. when considering whether to admit the individual into a specific program of study, the College shall take into account that federal law prohibits states from granting professional licenses to undocumented immigrants.
  - e. students lawfully present in the United States shall have priority over any undocumented immigrant in any class or program of study when capacity limitations exist.
  - f. an admitted undocumented student will not be permitted to register for a class or program of study or be placed on a waiting list until the conclusion of the last published registration date for the term.
5. Readmissions.

The College reserves the right to refuse readmission to a former student who has unsettled financial obligations at the College or who has not complied with previous disciplinary requirements.

6. Criminal Justice Education and Training.

The College requires students enrolled in courses mandated under N.C.G.S. § 17C and 17E, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission to be sponsored by law enforcement agencies until completion of the program. The student must be sponsored by a law enforcement agency to be admitted into the program. Failure to have such sponsorship shall result in an admission's denial.

7. Non-Criminal Justice Education and Training Firearm Courses.

Except for courses governed by Criminal Justice Education and Training, if the College has a program that requires students to possess a firearm, prior to admission, the student must provide proof of eligibility to possess firearms. For purposes of this Policy, "firearm" means a handgun, shotgun or rifle that expels a projectile by action of an explosion; "proof of eligibility" means: i) a current, valid State-issued

permit to purchase a firearm; ii) a current, valid State-issued concealed carry permit from North Carolina; iii) a current, valid State-issued concealed carry permit from a state with a reciprocal concealed carry agreement with North Carolina; iv) proof of an exemption from permit requirements pursuant to N.C.G.S. § 14- 415.25; or v) a background check to determine whether the applicant can lawfully possess a firearm in North Carolina pursuant to N.C.G.S. §§ 14- 269.8; -404(c); -415.1; -415.3; and -415.25.

**B. Appeal for Admissions Denials**

If an applicant is denied admissions to the College for any of the reasons specified in Section II(A)(1)-(7), within five (5) calendar days following the receipt of the reasons specifying the denial, the applicant may file a written appeal with the Associate Vice President of Instructional Support and Student Services (Vice President) for a reconsideration. The written appeal shall contain the applicant's reasons why he/she should be admitted and shall include any supporting documentation. The Vice President shall also meet with the applicant and provide the applicant an opportunity to respond. Within ten (10) calendar days from receipt of the applicant's written appeal, the Vice President shall make his/her determination and provide the applicant with a written response. The Vice President's decision is final.

Adopted: 08/08/2019

Legal Reference: 1D SBCCC 200.95 and 400.2; NC Community College Written Memoranda CC10-026 (issued 7/12/10)

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Admission to the College does not guarantee immediate acceptance to the curriculum program desired by the applicant. Admission to certain programs may have additional specific entrance requirements. Students may have to complete basic skills or developmental level courses before being accepted into their desired academic curriculum program.

The Vice President for Instruction and Student Support (“Vice President”)<sup>27</sup> administers all admissions requirements and enforces all College admission policies and procedures.

**I. Curriculum Programs**

**A. Certificate, Diploma and Degree Seeking Applicants**

For curriculum certificate, diploma and degree seeking applicants, all applicants must:

1. Submit a completed application for admission.
2. Provide an official high school transcript, adult high school diploma, or an official GED, HISET, or TASC score from a regionally accredited institution. These transcripts must include the date the diploma was awarded, the type of diploma and have the institution’s official seal. It must be mailed or electronically transferred from the issuing institution or agency. Current applicants who are high school seniors should submit a transcript showing work through the end of the first semester of the senior year. A final official transcript must then be submitted upon high school graduation, and before enrollment, to be fully accepted. Applicants who have completed an associate degree or higher from a regionally accredited post- secondary institution may submit college transcripts with conferred degree awarded in lieu of high school transcripts. Exceptions for enrollment in certificate programs may be made on an individual basis for non-high school graduates who are 18 years or older.
3. Demonstrate competence in math and English. Competence is determined based on the RISE (Reinforced Instruction for Student Excellence) policy established by the North Carolina Community College System.

Students who graduated from a United States high school within ten years prior to enrollment will be placed into courses based on their unweighted high school Grade Point Average (GPA). Students who graduated from a United States high school more than ten years prior to enrollment will be given the option to be placed into courses based on their unweighted high school GPA or take the RISE placement test.

<sup>27</sup> Or another appropriate administrator.

Students who completed a high school equivalency diploma (GED or HiSET) may be waived from testing if they meet eligibility criteria. Those not waived will be required to take the RISE placement test unless they are eligible for other waivers.

Students who graduated from a high school outside of the United States or who received an Adult High School Diploma will be required to take the RISE placement test unless they are eligible for other waivers.

Students must submit an official high school transcript showing GPA for review prior to determining waiver eligibility. Current high school students can submit a transcript after grades are posted for the first semester of the senior year.

Additional placement exceptions and other testing guidelines are published on the College's Placement Testing website at [www.wilkescc.edu/placementtesting](http://www.wilkescc.edu/placementtesting).

4. Returning students who are eligible for readmission and who have not been enrolled at the College for two (2) or more consecutive academic semesters must submit a new admission's application and update residency classification prior to registration. The student may meet the curriculum requirements in effect at the time of readmission according to the current College catalog or the program requirements under the previous catalog if within five years.

Students who have been placed on academic or disciplinary suspension must fulfill the terms of their suspension before being considered for readmission. Students on disciplinary suspension must also submit a letter to the Dean of Enrollment Services requesting readmission.

The College reserves the right to deny readmission to a former student, including a student who has unsettled financial obligations at the College or who has not complied with previous disciplinary requirements. All of the student's debts to the College must be paid in full before registering for courses.

#### **B. Non-Degree Seeking Applicants**

Non-degree seeking students are those students who enroll in one or more courses but do not desire to graduate from one of the established curricula. The student may register for any course which is open to all students and does not require a prerequisite. However, if a student plans to register for a course that requires a prerequisite course, the student must submit an official

transcript from a regionally accredited institution showing completion of this requirement with a grade of “C” or better prior to registering. An applicant who plans to enroll in mathematics and/or English courses must demonstrate competency in math and English, see Section I(A)(3). Students may not register for courses in a program that has a waiting list or restricted admission (such as nursing).

Non-degree seeking students are not eligible for financial aid or veterans benefits nor are they permitted to earn any degree, diploma or certificate awarded by the College.

## **II. CONTINUING EDUCATION PROGRAMS**

For applicants seeking admission to a continuing education program, all applicants must complete the College’s continuing education registration process and pay the applicable tuition and institutional fees.

## **III. PROVISIONAL ADMISSIONS**

In certain situations, an applicant may be provisionally accepted by the College and permitted to register prior to completion of all admissions requirements. Students who are admitted on a provisional basis must complete all admission requirements within the first semester of attendance. Failure to complete the provisional requirements could result in the student being denied continued admissions for the next semester.

Adopted: 08/08/2019

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## **I. ENROLLMENT OF HIGH SCHOOL STUDENTS (NON-DEGREE SEEKING)**

The College provides seamless opportunities for public, private and home school high school students to get a head start with their college education by enrolling in eligible pathways through Career and College Promise (“CCP”).

## **II. CCP OVERVIEW**

Career and College Promise (CCP) offers structured opportunities for qualified high school students to dually enroll in community college courses that provide pathways that lead to a certificate, diploma, degree or state or industry-recognized credential, as well as provide entry-level job skills. The pathways include:

- A. College Transfer Pathways (CTP), requires the successful completion of at thirty (30) semester hours of transfer courses, including English and mathematics.
- B. Career and Technical Education Pathways (CTE):
  - 1. a curriculum Career and Technical Education Pathway leading to a certificate or diploma aligned with a high school career cluster.
  - 2. a Workforce Continuing Education Pathway (WCEP) leading to a State or industry recognized credential
- C. Cooperative Innovative High School Programs (CIHSP) are located on college campuses and provide opportunities for students to complete an associate degree program and a high school diploma in four or five years.

Tuition is waived for CCP students. Transportation for high school students will not be provided by the College.

The College will develop specific and uniform admission’s criteria and program requirements for CCP enrollment that comply with State Board of Community College regulations.

## **III. WORKFORCE CONTINUING EDUCATION COURSE FOR MINORS**

A minor, age 16 or 17, may enroll in continuing education course sections subject to the following conditions:

- A. Minors shall not displace adult students.
- B. Minors shall pay the registration fees associated with the course section except

for cases where they meet eligibility requirements for a fee waiver.

- C. For minors that are also enrolled in a high school, the College shall not designate Continuing Education course sections taken by high school students to provide partial or full credit towards meeting high school graduation requirements. Further, the College shall not offer Continuing Education course sections that are specifically scheduled for high school students except those that are part of an approved Workforce Continuing Education Career and College Promise Pathway or those that are self-supporting course sections.
- D. Minors who are at least 15 years old and less than 18 years old, and who are uncompensated members of a bona fide fire department or rescue squad, pursuant to G.S. 95-25.5(n), may enroll in fire-training courses, including certification-eligible courses, on a specialized course list approved by the State Board of Community Colleges in accordance with G.S. 115D-5(b)(2).

#### **IV. EXCLUSIVE COLLEGE PROGRAMS FOR MINORS**

Except as provided above, the College cannot offer enrollment options for students who are under the age of sixteen (16) unless they have earned a high school diploma.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

Legal Reference: N.C. Session Law 2011-145, § 7.1A(a)-(l); Article 15, Part 9, Chapter 115C of the N.C.G.S. – Cooperative Innovative High School Programs; 1D SBCCC 200.95; ID SBCCC 400.11; ID SBCCC 300.4

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The following health programs are designated as limited enrollment programs:

- A. Dental
- B. EMS
- C. Nursing
- D. Radiography
- E. Respiratory Therapy

Factors for admission include, but are not limited to: clinical space availability, instructor-student ratios specified by the applicable accrediting/approving agencies and/or other limited instructional resources.

Additionally, health science programs may have additional student enrollment criteria including, but not limited to:

- A. Demonstrate competence in math and English;
- B. Successful completion of required courses;
- C. Minimum GPA requirements;
- D. Successful completion of clinical enrollment requirements (i.e., criminal and drug background checks); and
- E. Other content criteria.

Students are encouraged to go to the health sciences admissions webpage at [www.wilkescc.edu/enroll/health-science](http://www.wilkescc.edu/enroll/health-science) to view current admission guidelines for these programs.

Adopted: 08/08/2019

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The North Carolina Basic Law Enforcement Training (“BLET”) is a State accredited program designed to prepare entry level individuals with the cognitive and physical skills to become certified police officers and deputy sheriffs.

To be accepted into the College’s BLET program, students must meet the following criteria:

- A.** Must complete a BLET application.
- B.** Must be at least 20 years of age or older.
- C.** Must be a citizen of the United States of America.
- D.** Must be a high school graduate or have earned a high school equivalency (high school diplomas earned through correspondence enrollment are not recognized toward educational requirements).
- E.** Must provide a medical examination report, properly completed by a physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine the applicant’s fitness to perform the essential job functions of a criminal justice officer.
- F.** Must take a standardized reading comprehension test and score at the tenth-grade level or higher within one year prior to entrance into the BLET program.
- G.** Must provide a certified criminal record check for local and state records for the time period since the applicant had become an adult and from all locations where the applicant has resided since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check will satisfy this requirement.
- H.** Must have not been convicted of a felony or:
  - 1. a crime for which the punishment could have been imprisonment for more than two years; or
  - 2. a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment unless the applicant intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission; or
  - 3. four or more crimes or unlawful acts defined as "Class B

Misdemeanors' regardless of the date of conviction; or

4. four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be enrolled if the last conviction occurred more than two years prior to the date of enrollment; or
5. a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the date of conviction unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.

- I. Every individual who is admitted as a trainee in the BLET program shall notify the BLET of all criminal offenses which the trainee is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of, and all Domestic Violence Orders (N.C.G.S. § 50B) which are issued by a judicial official and which provide an opportunity for both parties to be present.

The notifications must be received by the College within thirty (30) days of the date the case was disposed of in court.

Adopted: 08/08/2019

Reference: [NCDOJ Basic Law Enforcement Training](#)

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- I. Course work transferred or accepted for credit toward an undergraduate degree must represent collegiate course work relevant to the degree with course content and level of instruction resulting in student competencies at least equivalent to those of students enrolled in the College's undergraduate degree program.
  - II. Any such earned credit must meet the minimum College academic standards of a grade of "C" or better and must parallel the content of similar courses offered. The maximum amount of credit allowed to be transferred is seventy five percent (75%) of the College's curriculum. Any course taken at a North Carolina Community College System institution will be accepted for the equivalent course except as specified herein.

For all others, the following criteria will be considered in determining the acceptability of the transfer course work:

- A. Accreditation of the school by a regional or national accrediting body recognized by the United States Department of Education. Accreditation does not guarantee acceptance of transfer credit.
- B. Equivalency of course descriptions, outcomes, and analysis of course level, content, quality, comparability, and degree program relevance. It shall be the student's responsibility to provide documentation of this equivalency, which may include, but is not limited to, syllabi, course catalogs, course outcomes, etc.
- C. Use of recognized guides, such as those published by the American Council on Education, the American Association of Collegiate Registrars and Admissions Officers and the National Association of Foreign Student Affairs.
- D. If the school was not accredited by a regional or national accrediting body recognized by the United States Department of Education at the time the course was taken, additional documentation will be required. It shall be the student's responsibility to provide any additional documentation requested.
- E. For skills-based courses, particularly those in the advanced technology programs, demonstration of student skills may be a component of the evaluation process.

- III. The responsibility for determining transfer credit from other colleges and universities rests with the Registrar. When there is doubt about the appropriateness of transfer credit or when a student wishes to appeal a transfer credit decision, the transcript will be referred to the appropriate faculty member(s) and Dean, whose decision will be final. In such cases, the Dean will note the decision in the student's academic file. Time limits may be imposed in certain situations, such as for allied health program courses. Student Services and the appropriate Dean will maintain a list of courses that have time limits for transfer.
- IV. When a student transfers from a postsecondary institution to the College, the following steps will be implemented:
  - A. The student fills out an application for admission and is responsible for providing an official high school transcript and an official transcript from any other postsecondary institution. The student should allow at least one month for the transcript evaluation process prior to registering for classes.
  - B. The Registrar's office evaluates the transcript and credit is accepted in accordance with the College's program offerings and the procedure stated herein. No credit for a course with a grade lower than a "C" may be transferred. The transcript evaluation is conducted in cooperation with the appropriate faculty member(s) and Dean, as applicable.
  - C. The student is given placement test(s), if applicable.
  - D. The student continues with registration procedure.

To review additional opportunities for awarding credits for prior learning, see the College's Policy on Credits for Prior Learning, Policy 5.2.9.

Adopted: 12/08/2022

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The College provides the opportunity for all students to apply for certain types of financial aid programs. The College administers these programs in accordance with all applicable laws, rules and regulations. Requirements and critical dates for receiving financial aid are outlined in the College's catalog and on the College's website.

Adopted: 08/08/2019

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**I. ATTENDANCE REQUIREMENTS FOR CURRICULUM PROGRAMS**

The following attendance requirements shall apply to all College students:

**A. INTRODUCTION**

Class attendance is an important part of students' educational experiences. Absences from the classroom negatively affect student success and learning outcomes. Students are responsible for attendance and are expected to be punctual. Regardless of reasons for absences, students will be held accountable for all academic activities. Students are expected to take personal responsibility for their attendance and use discretion when making schedule choices to meet the demands of work, family, and other responsibilities.

**B. ABSENCES**

Students who know of upcoming absences should notify their instructors in advance; if advance notice is not possible, students should contact instructors immediately upon their return to class.

Absences will be counted from the first meeting of the class. State regulations require that all students must enter and participate in class prior to the census date (10% point) for each course in order to remain enrolled in the course. Instructors are required to mark students who fails to attend a course prior to the census date as a "No Show".

Under extenuating circumstances, a student who has never attended by the ten percent (10%) date may petition for reinstatement in the class and earn course credit. The student and/or faculty should notify the Dean of Enrollment Services, in writing, of the extenuating circumstances that occurred prior to the ten percent (10%) date of the class and provide compelling documentation to support the request for reinstatement. The Dean's decision regarding reinstatement may be appealed to the Associate Vice President of Instructional Support and Student Services within two (2) business days. The Vice President's decision is final.

Faculty members who choose, or are required by outside agencies to include class attendance as a factor in determining students' final grades, will include this requirement in their course syllabi. For example, students enrolled in Basic Law Enforcement Training must attend 100% of the total contact hours for the course as mandated by the NC Criminal Justice Education and Training Standards Commission.

Instructors are required to submit attendance in the college's official attendance-taking software weekly. For the purpose of this policy, a week is defined as Monday-Sunday. Instructors are required to withdraw the student when two consecutive w

weeks are missed in any term before the published withdrawal date (75% point of the term). If a student has been in contact with the instructor and is making academic progress toward passing the course, the instructor may request the division dean's approval for leniency. If leniency is granted the student must attend the course within 7 days.

Students will receive a W grade up to the published withdrawal date (75% point of the term). After the published withdrawal date (75% point of the term), students will not be withdrawn from the course, but will be awarded the grade they have earned.

### **C. CO-REQUISITE COURSES**

Students enrolled in a course with a required co-requisite will be withdrawn from both the co-requisite course and the companion course if they are withdrawn from either course due to attendance. Exceptions to this policy may be granted by the Division Dean or the Vice President of Instruction, allowing the student to continue in the course without the required local co-requisite.

### **D. EXTENUATING CIRCUMSTANCES**

If a student has been withdrawn from a course due to any of the absence policies above and has an extenuating circumstance (court orders, natural disasters, medical issues, or other extreme circumstances) for missing the class(es), the student may submit an appeal to the instructor to be reinstated in the course. If the instructor, division dean, and the Vice President of Instruction approve, then the student will be reinstated.

### **E. EXCUSED ABSENCES**

An excused absence is defined as a planned absence with prior notification to the instructor or an unplanned extenuating circumstance. In addition to court orders, natural disasters, medical issues, a pandemic, or other extreme circumstances, the following will also be considered excused absences:

- ***College-Related Activities***

Students must submit appropriate documentation to the instructor a minimum of five business days prior to the events. If documentation is not submitted at least five business days prior to an event, permission for the absence will be at the discretion of the instructor. In addition, if a student has an excessive number of absences or has unsatisfactory academic performance in the course at the time of the absence, the instructor will inform the student whether he or she will be permitted to miss class. Students missing a class due to official college activities and events bear the responsibility of contacting the instructor regarding advanced submission or make up of work. Once the absence has been approved, the student will be allowed a reasonable opportunity to complete all work missed as a result of the missed class.

Once the absence has been approved, the student will be allowed a reasonable opportunity to complete all work missed as a result of the missed class. Official college activities and events include participation in the following: field trips in connection with courses; intercollegiate athletic contests; statewide, regional, and/or national organization events; scholarship events; and student academic competitions and award ceremonies. High school-related activities of Career and College Promise (CCP) and Early College High School (ECHS) students will be considered the same as college-related activities.

- ***Religious Observances***

Pursuant to G.S. 115D-5, students may request two excused absences per academic year for religious observances. Curriculum students may obtain a form from the office of the Vice President of Instruction. Continuing education students may obtain a form from the office of the Vice President for Continuing Education. Students attending classes at the Ashe Campus or Alleghany Center may obtain a form from the chief administrator at those locations. The student must provide a written request to each instructor five business days prior to an absence for religious observance(s). (If the day(s) of observance fall within the first four days of class, such request shall be made to the senior administrative officer for curriculum or continuing education courses.) Instructors will forward the request to the office of either the senior administrative officer for curriculum or continuing education, as appropriate, for filing.

Students requesting absences as required by their faith shall be given the opportunity to make up any tests or other work missed. The instructor, in consultation with the student, will identify a deadline for submission of the work that is appropriate to the requirements of the course. Due to federal financial aid regulations, absences for religious observances cannot be counted as excused absences for financial aid purposes. Students are encouraged to meet with a financial aid representative to discuss how such absences may impact their aid eligibility.

- ***Military Absences***

The College shall allow any enrolled student who is in the United States Armed Forces, who has received temporary or permanent re-assignment as a result of military operations, and any National Guard service member placed onto State active-duty status during an academic

term, to be given an excused absence for the period of time the student is on active duty.

Adopted: 08/08/2019

Revised: 05/12/2021, 04/09/2024, 05/14/2025

Legal Reference: N.C.G.S. § 115D-5(u); 1B SBCCC 500.99; 1G SBCCC 200.93

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**I. TAKING ATTENDANCE IN TRADITIONAL/SEATED AND ONLINE SYNCHRONOUS CLASSES**

Attendance will be measured by a student being present in the lecture and/or laboratory session.

**II. TAKING ATTENDANCE IN ASYNCHRONOUS ONLINE CLASSES**

- A.** Instructors are responsible for recording weekly attendance in online courses. The below list provides what may or may not count towards attendance.

A student is considered in attendance by:

- Participating in an online discussion forum
- Completing a journal entry
- Completing a quiz/test/exam
- Submitting an assignment
- Posting in an online study group that is assigned by the institution
- Participating in an interactive tutorial or computer-assisted instruction
- Attending a face-to-face study group that is assigned by the institution
- Corresponding (student-initiated) with faculty via email or other electronic formats about course material

A student is not considered in attendance by:

- Logging into the course
- Emailing classmates
- Planning to complete all assessments at the end of the term
- Reading course material
- Participating in academic counseling or advisement

- B.** Absences in asynchronous online courses WILL be managed in the following manner:

- Faculty must ensure all online courses require an attendance activity each week for the duration of the semester.
- For any week in which a student fails to submit a weekly attendance assignment or another assignment due that week, that week will constitute one absence.

**III. TAKING ATTENDANCE IN HYBRID/BLENDED CLASSES**

Attendance is based on two factors: the student attending the physical lecture and/or laboratory sessions and the student submitting weekly attendance assignments in the online portion of the course. Reference the **Taking Attendance in Online Asynchronous** section for information on how to conduct attendance for the online portion of the course.

Adopted Date: 05/13/2021

Revised Date: 05/13/2021

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- I A full-time student is a student enrolled in a given semester with twelve (12) or more semester hours of credit. A part-time student is a student enrolled with fewer than twelve (12) semester hours of credit. A freshman is a student who has completed less than half the required credit hours of an associate degree program and a sophomore is a student who has completed more than half the required credit hours of an associate degree program.
  - II Part-time students may enroll for individual curriculum courses. Credit earned by such students may be applied to a degree, diploma or certificate depending upon the level of such work.
  - III Special credit students who do not wish to apply for a degree, diploma, or certificate program may enroll for individual curriculum courses upon completion of an application for admission only. Special credit students who later wish to enroll in a program of study must complete all admission requirements and declare a program of study. Credit earned as a special credit student may be applied to program requirements, if appropriate.

Adopted: 08/08/2019

Legal Reference: IG SBCCC 100.1

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***Religious Observances***

Pursuant to G.S. 115D-5, students may request two excused absences per academic year for religious observances.

- I.** A student must complete the Religious Accommodation Form. Curriculum students may obtain a form from the office of the Vice President of Instruction. Continuing education students may obtain a form from the office of the Vice President for Continuing Education. Students attending classes at the Ashe Campus or Alleghany Center may obtain a form from the chief administrator at those locations. The student must provide a written request to each instructor five business days prior to an absence for religious observance(s). (If the day(s) of observance fall within the first four days of class, such request shall be made to the senior administrative officer for curriculum or continuing education courses.) Instructors will forward the request to the office of either the senior administrative officer for curriculum or continuing education as appropriate for filing.
- II.** The instructor and the student should discuss what a reasonable accommodation should include in all given cases. At a minimum, reasonable accommodations must provide that the student who is absent on days of examinations or class assignments due to a religious observance will have an opportunity to make up the work, without penalty, unless granting the make-up opportunity would create undue hardship.
- III.** If the instructor and student agree upon a reasonable accommodation, the accommodation is then documented and shall be implemented.
- IV.** If the instructor denies the student request for a reasonable accommodation, or only agrees to provide an accommodation that is unsatisfactory to the student, the student and the instructor will meet with the Department Chair. If the parties cannot reach a consensus, the student may file a written grievance to the Division Dean within five calendar days after the meeting with the Department Chair. The Dean shall meet with the student, instructor and Department Chair and hear from all parties regarding the student's requested accommodations and make a written determination regarding the student's request. The student may appeal the Dean's decision to the Vice President of Instruction within five (5) calendar days of receipt of the Dean's written determination. The Vice President will conduct an "on the record" review and, at the Vice President's discretion, hear from the parties. The Vice President will render a final decision. Where a timely request is made by the student but denied by the instructor, the grievance process shall be expedited as much as reasonably possible to ensure that a student pursuing a religious accommodation is not unduly disadvantaged by the passage of time.

- V. Excused absences from classes or examinations for religious observances will not be counted against any mandatory attendance requirements, but they do not relieve students from responsibility for any part of the course work required during the period of absence. Students requesting absences as required by their faith shall be given the opportunity to make up any tests or other work missed. The instructor, in consultation with the student, will identify a deadline for submission of the work that is appropriate to the requirements of the course.

Adopted: 08/08/2019

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The College shall allow any enrolled student who is in the United States Armed Forces who has received temporary or permanent re-assignment as a result of military operations, and any National Guard service member placed onto State active-duty status during an academic term to be given an excused absence for the period of time the student is on active duty.

- A. The College shall provide the student the opportunity to make up any test or other work missed during the excused absence.
- B. The College shall give the student the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty.
- C. The College shall give the student the option of receiving a temporary grade of "incomplete" for any course that the student was unable to complete as a result of being placed on State active duty status; however, the student must complete the course requirements within one (1) semester following their return from active service to avoid receiving a failing grade for the course.
- D. The College shall permit the student to drop, with no penalty, any course that the student was unable to complete as a result of being placed on State active-duty status.

Adopted: 08/08/2019

Legal Reference: 1B SBCCC 500.1

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## I. STUDENT VOLUNTARY WITHDRAWAL FROM COURSE(S)

### A. Ten Percent (10%) Census Date

A student may withdraw from a course for a partial refund on or before the official ten percent (10%) census date of the semester. For more information on tuition/fee refunds, see Policy 6.1.4 – Tuition/Fee Refunds. In the case of withdrawal on or before the official ten percent (10%) census date of the semester, the withdrawn course(s) will not be included on the transcript.

### B. Last Date to Withdraw

A student may voluntarily withdraw from his/her courses through the seventy five percent (75%) point in a semester/term. A student will not be allowed to voluntarily withdraw from courses past the published last date to withdraw. After the last date to withdraw, a student will be awarded the grade they earned in the course. All applicable deadlines will be published in the College's official calendar.

It is the student's responsibility to withdraw from course(s) if he/she cannot meet the requirements of the course. The student should first consult his/her instructor and advisor before requesting to be withdrawn from a course. Students receiving financial aid should also consult a financial aid staff member before requesting to be withdrawn from a course. Withdrawing from a course could substantially delay the completion of the student's program of study and may have impacts on future financial aid eligibility.

To officially begin the withdrawal process, the student should complete the Withdrawal Request Form.

In the case of a withdrawal, the student will receive a "W" which will not be included in the grade point average but will appear on the student's official transcript.

However, an administrative withdrawal (student receives a "W" grade) may be granted after the seventy-five percent (75%) point for extenuating circumstances (military, court orders, natural disasters, or other extreme circumstances) and must be approved by the division dean and Vice President of Instruction.

## II. MEDICAL WITHDRAWAL

The medical withdrawal option allows students who have experienced a medical emergency or other extenuating circumstances to withdraw from classes. Medical emergencies are defined as injuries, illnesses, psychological, or psychiatric disorders that limit the student's ability to attend classes and perform well academically.

Other circumstances may allow for a medical withdrawal and will be considered on a case-by-case basis. These may include a death in the family or becoming a caretaker. This option allows students to drop classes after the official drop deadline has passed for a semester/term.

Any student wishing to withdraw from any or all classes due to medical concerns or other circumstances must complete a withdrawal form, which must be requested from the registrar's office, and submit supporting documentation. This documentation could include:

1. Signed note from a licensed health care provider specifying:
  - a. Limitations caused by the medical condition
  - b. When the condition occurred
  - c. Health care provider's recommendation for student withdrawal
2. Other relevant medical records
3. Obituaries

Requests for withdrawal will be reviewed by the Dean of Enrollment Services. The Dean of Enrollment Services will consult with the Care Team as needed to approve or deny requests. All requests must be submitted no later than the last day of the following semester.

Any student whose request is denied may submit an appeal to the Vice President of Instruction for reconsideration.

Any approved request for withdrawal will result in the student receiving a "W" grade for the affected course(s), which will not impact the student's grade point average. Students are encouraged to meet with a financial aid representative to discuss the potential impact of the withdrawal on their Satisfactory Academic Progress (SAP) status/financial aid eligibility.

### **III. STUDENT INVOLUNTARY WITHDRAWAL FROM COURSE(S)**

1. Students who register for a course and do not attend classes prior to ten percent (10%) point will be dropped by the instructor as a "No Show." No Shows are required to be entered into the college's official attendance-taking software within one business day of the census date of the class. The census date can be located on the class roster.
2. Students may be withdrawn from courses for disciplinary reasons subject to the student discipline policies.
3. Students enrolled in a course with a co-requisite will be withdrawn from both the co-requisite course and the companion course if they are withdrawn from either course. Exceptions to this policy may be granted by the Division Dean or the

Vice President of Instruction, allowing the student to continue in the course without the required local co-requisite.

Adopted Date: 05/12/2021

Revised Date: 05/12/2021, 05/14/2025

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**Credit Hour and Coursework Policy**

**I. OVERVIEW**

Wilkes Community College's credit hour and coursework policy aligns with the SACSCOC Credit Hours Policy Statement, which defines a credit hour as an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates (1) not less than one hour of classroom or direct faculty instruction and a minimum of two hours out of class student work each week for approximately fifteen weeks for one semester or (2) at least an equivalent amount of work as required outlined in item 1 above for other academic activities as established by the institution.

The credit hour and coursework policy also aligns with the state directives specified in State Board of Community Colleges Code 1D SBCCC 400.1(C) Curriculum Definitions and 1D SBCCC 400.8 Courses for Curriculum Programs. The College also follows directives described in the North Carolina Community College Combined Course Library (CCL).

The College complies with SACSCOC and State Board Code regulations in determining the amount and level of credit awarded for courses regardless of the instructional delivery methods.

**II. CREDIT HOUR DEFINITIONS**

Credit for curriculum courses is measured in semester credit hours. WCC follows the credit hour definitions provided by the NC State Board of Community Colleges Code. SBCCC 400.1(C) defines credit hours as:

- A. Class: Credit of one semester hour is awarded for each 16 hours of lecture and other instruction provided in a class under the supervision of an instructor.
- B. Clinical Practice: Credit of one semester hour is awarded for each 48 hours of clinical practice. Clinical practice provides an opportunity for health science students to apply knowledge and skills in their delivery of care in a health care setting. A qualified faculty member, clinical instructor, or preceptor, as defined by the program related approving or accrediting body, shall supervise clinical practice to provide the student with learning experiences related to the program and to monitor and assess the student's application of skills. Clinical practice may utilize experiences that simulate realistic clinical experiences to meet the curriculum and course objectives. The percentage of simulation experiences substituting for traditional clinical practice and the qualifications of faculty providing the simulation experience must comply with the guidelines of the applicable health science accrediting and approving bodies.

- C. Experiential Laboratory: Credit of one semester hour is awarded for each 32 hours of “experiential laboratory work.” Experiential laboratory work means instruction given to a student by an instructor to increase the student’s knowledge and skills without immediate student application.
- D. Faculty Directed Laboratory: Credit of one semester hour is awarded for each 48 hours of “faculty directed laboratory.” Faculty directed laboratory means instructional activities are demonstrated or conducted by an instructor with immediate student application.
- E. Work-Based Learning: Credit of one semester hour is awarded for each 160 hours of work-based learning (WBL curriculum prefix courses). Work-based learning is the development of job skills by providing the student with employment that is directly related to the educational program and coordinated by a college representative.

### **III. PROCEDURES FOR DETERMINING AMOUNT AND LEVEL OF CREDIT AWARDED**

WCC adheres to the requirements established for the amount and level of credit to be awarded for courses as prescribed by the North Carolina Community College System’s Combined Course Library (CCL) and SBCCC 400.8 (Courses for Curriculum Programs). Instruction is provided for each course based on the number of contact hours listed in the CCL for that course.

Distance learning courses (Internet, synchronous, and hybrid) are equivalent in content to courses offered in the traditional (seated) format. The amount of credit awarded for all courses is in accordance with the Combined Course Library and, consequently, course credits are consistent, regardless of format or mode of delivery. Credit awarded for courses taken during a mini or interim term is consistent with a traditional 16-week term as the number of contact hours remain the same.

The amount and level of credit hours awarded for courses are published in the WCC Catalog. Course credit hours are also published in the online course schedule and on student schedules.

WCC adheres to the following institutional and/or state level policies/procedures for the awarding of credit by transfer or other methods.

- Courses listed in high school to community college articulation agreements
- Military education and training
- Credit by Examination
- State or Industry Recognized Credentials/Continuing Education to Curriculum Credit
- Transferring Credits from Other Regionally Accredited Colleges and Universities
- Transferring Credits from Programs Accredited by National Programmatic Accrediting Organizations that are Recognized by the Council for Higher Education Accreditation and the United States Department of Education

- Standardized Examinations
- Apprenticeship

See policy 5.1.2 Acceptance of Transfer Credit and policy 5.2.9 Credit for Prior Learning for more information.

Adopted: 03/09/2022

Revised: 04/07/2022

Legal Reference: State Board of Community Colleges Code 1D SBCCC 400.1(C) Curriculum Definitions and 1D SBCCC 400.8 Courses for Curriculum Programs

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Attendance through the ten percent (10%) date of the semester is reported using the college's online attendance tool. Faculty may begin entering their class attendance data after the drop/add period has ended. The Vice President of Instruction ("Vice President")<sup>28</sup> is responsible for setting the report due date and communicating that information to faculty each semester. The due date falls shortly after the ten percent (10%) date of the semester or course (if the course begins later in the semester).

Adopted: 08/08/2019

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<sup>28</sup> Orantheradministrator.

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Any individual may audit a College class based on the following:

- a. The individual pays the normal tuition and fees. However, any person who is at least 65 years old may audit non-self-supporting basis courses without the payment of tuition for up to six hours, provided the individual meets the other criteria listed herein.
- b. Auditing students do not take tests or examinations, they do not receive grades, credit or financial aid, and cannot later change the “audit” to credit.
- c. Students auditing a course must meet the same course prerequisite and attendance standards as all other students in the course. Auditing a course will not meet the prerequisite of any sequential or higher-level course.
- d. Auditing is subject to open seats in the course and a student who audits a course shall not displace other students seeking to enroll in the course.
- e. Students who audit a course and withdraw or are dropped from the course will be issued a grade of “W”<sup>29</sup>.
- f. Students must complete the class audit e-form by the end of drop/add. The office of the Registrar will register the student for the course.

Adopted: 08/08/2019

Legal Reference: 1D SBCCC 700.1; S.L. 2017-57

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<sup>29</sup> Or whatever letter the College gives to constitute a withdraw/drop.

Curriculum instructors shall include a clear explanation of the grading system in the syllabus for every course. At the end of each semester, students will receive final grades based upon the following ten-point system, unless noted otherwise in the course syllabus:

|   |        |               |                                    |
|---|--------|---------------|------------------------------------|
| A | 90-100 | Excellent     | 4 quality points per semester hour |
| B | 80-89  | Above Average | 3 quality points per semester hour |
| C | 70-79  | Average       | 2 quality points per semester hour |
| D | 60-69  | Below Average | 1 quality points per semester hour |
| F | 0-59   | Failure       | 0 quality points per semester hour |

**Note:** Developmental courses (any course that has 0 as the first number in the 3-digit course number) do not earn credit hours or quality points but may be used for financial aid and athletic eligibility

**Curriculum course grades with no grade points awarded include:**

TR Transfer Credit  
 CE Credit by Exam  
 I Incomplete  
 IE Incomplete Emergency  
 P Pass (Developmental)  
 P1 Pass (Developmental)  
 P2 Pass (Developmental)  
 P3 Pass (Developmental)  
 R Repeat (Developmental Course Not Passed or Repeated course, GPA recalculated)  
 AR High School Articulation Credit  
 W Withdrawal AU Audit  
 WE Withdrawal Emergency  
 SR Senior Audit

**These special grades are defined as follows:**

TR - A "TR" grade represents transfer credit awarded for courses taken at other schools, colleges or universities.

CE - A "CE" grade is awarded if a grade of 80% or better is earned on a credit by examination.

I - An "I" grade is given only under extenuating circumstances as determined by the instructor. Such a grade must be removed by the end of the following semester. If not removed within this time, the incomplete becomes a failure. Once a student has been issued an "I" grade, the grade cannot be changed to a withdrawal "W" grade.

P - A grade of “P”, “P1”, “P2”, or “P3” is awarded if a student completes and passes a developmental course.

R - A grade of “R” is awarded if a student does not complete or pass a developmental course or if a course has been repeated. A course may be repeated as deemed necessary by students. When a course is repeated, an “R” notation is made on the transcript.

AR - An “AR” grade represents credit given for courses completed while in high school as outlined in the North Carolina High School-to-Community College Articulation Agreement.

W - Following the ten percent (10%) period, a withdrawal grade of “W” is given when a student officially withdraws from a course. A withdrawal grade is awarded through the seventy-five percent (75%) point of the semester/term. An administrative withdrawal (student receives a “W” grade) may be granted for extenuating circumstances (military, court orders, natural disasters, or other extreme circumstances) and must be approved by the division dean and Vice President of Instruction. Medical Withdrawals (includes death of family member, becoming a caretaker) will still be allowed, per the current Withdrawal Policy.

AU - An “AU” grade is given when students are auditing courses.

SR - An “SR” grade is given when senior (age 65+) students are auditing courses.

Adopted Date: 05/12/2021

Revised Date: 05/12/2021

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This Policy shall apply to grade appeals unrelated to issues pertaining to the Code of Student conduct. The grade appeal process applies only to final course grades. In the event a student appeals a grade that prevents progression in a program, the student will be allowed to enroll and attend the following semester pending the outcome of the appeal. For sequential classes that have a clinical component, the student will be allowed to take the academic coursework but will not be allowed to participate in the clinical component of the class until the appeal is over. If the grade is upheld, the student will be administratively dropped from the course and refunded the tuition.

- A. If a student is dissatisfied with his or her grade, the student must first meet with the instructor who assigned the grade within five (5) business days after official receipt of that grade. The instructor will make a written determination and provide it to the student. In cases where the student is unable to meet in person with the instructor, the student may contact the instructor by email. If the instructor is no longer employed at the College, the student may proceed to step B.
- B. If the student is still dissatisfied with the instructor's determination, within five (5) business days thereafter, the student may meet with the Department Chair or Program Director (Health Sciences), if there is one and that person is not the instructor of the course, in which case the student should proceed to step C. The student must present the instructor's written determination. In cases where the student is unable to meet in person with the Department Chair or Program Director, the student may contact the Chair or Director by email. The Department Chair or Program Director will make a written determination and provide it to the student.
- C. If the student is dissatisfied with the Department Chair or Program Director's determination, within five (5) business days thereafter, the student may meet with the Division Dean. The student must present the instructor's and Department Chair/Program Director's written determination. In cases where the student is unable to meet in person with the Dean, the student may contact the Dean by email. The Dean shall make a written determination and provide it to the student.
- D. If the student is dissatisfied with the Dean's determination, within five (5) business days thereafter, the student may file a written appeal with all documentary evidence to the Vice President of Instruction. The Dean shall also file a written response, attaching the instructor and Department Chair/Program Director's prior written decisions, to the Vice President. The Vice President shall perform an "on the record review" and will make a determination within ten (10) business days after receipt of the student's appeal. If needed for clarification, the Vice President may meet with the student or ask the student or Dean to submit additional information. The Vice President shall make a written determination and provide a copy of the decision to the student and the instructor. The Vice President's decision is final.

Adopted: 08/08/2019

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**Academic Progress and Standards:** Each student is expected to make satisfactory progress toward meeting his/her academic goals. The cumulative grade point average (GPA) is reviewed at the end of each semester and term to determine whether the student has made the expected progress. The minimum cumulative GPA to remain in good academic standing is a 2.1. Developmental courses are not included in the GPA calculation. A student whose cumulative GPA falls below 2.0 is subject to academic warning, which may be followed by probation and suspension. The GPA will be calculated using the most recent grade for each course taken at Wilkes Community College.

**Academic Warning:** A student failing to meet the minimum cumulative GPA during any semester or term will receive an academic warning letter and must complete two Success Skills workshops through the Academic Support Center. The warning status will be posted on the student's transcript and the student's academic advisor will be notified.

**Academic Probation:** A student whose cumulative GPA remains below 2.0 for a second consecutive semester or term is placed on academic probation. A student placed on academic probation will receive a letter informing the student of his/her academic status and must meet with a student services representative to review their current academic standing. Additionally, a student on academic probation must have two meetings with an Academic Support mentor to develop a personal academic success plan. While on probation, the student will be able to register for a maximum of twelve credit hours for fall and spring semesters and a maximum of six credit hours for summer term. The probation status will be posted on the student's transcript and the student's academic advisor will be notified.

**Suspension:** A student whose cumulative GPA falls below 2.0 for three successive semesters/term will be placed on academic suspension for one semester or term. A student on academic suspension will not be allowed to register for curriculum courses. The student may apply for re-admission after one semester or term by contacting the Student Services Office to discuss re-admission. A student who is readmitted following an academic suspension will be placed on academic probation and must comply with the requirements of academic probation. The suspension status will be posted on the student's transcript and the student's academic advisor will be notified.

**Appeals:** A student on academic suspension who believes extenuating circumstances exist that should prevent the suspension may appeal the academic suspension. The student must submit a written appeal to the academic appeals committee. The decision of the academic appeals committee is final.

Adopted: 08/08/2019

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The purpose of a prerequisite and/or a co-requisite is to ensure student success in subsequent coursework. While successful completion of prerequisites and/ or co-requisites is the traditional way students demonstrate readiness, other options exist as explained in the Credit for Prior learning policy 5.2.9. In such cases, local prerequisites or co-requisites may be waived with appropriate approvals and permission of the division dean. State pre-requisites or co-requisites may be waived by the Vice-President of Instruction. Documentation of the approved waiver will be maintained on file.

Students enrolled in a course with a co-requisite will be withdrawn from both the co-requisite course and the companion course if they are withdrawn from or choose to withdraw from either course. Exceptions to this policy may be granted by the Division Dean or the Vice President of Instruction, allowing the student to continue in the course without the required local co-requisite. Please see policy 5.2.2 on withdrawal from courses.

Adopted: 08/08/2019

Revised: 01/06/2022, 05/14/2025

Legal Reference: 1D SBCCC 400.8; Numbered Memo CC06-269

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## **I. REPEATING COURSES**

### **A. Curriculum Courses**

Courses may be repeated as deemed necessary by students. When a course is repeated, an “R” notation is made on the transcript. The highest grade earned will be used to calculate the cumulative grade point average to meet graduation requirements. Career and College Promise (CCP) students, including Early College High School students, are permitted to retake a course one time. CCP students will be responsible for paying any applicable fees associated with the retake. Exceptions to this retake policy may be considered if the repeated course is required for a CCP student's high school or Wilkes Community College graduation.

### **B. Extension Education Courses**

Students may enroll in extension education courses as many times as necessary to accomplish their individual educational/training goals provided they continue to show progress, do not prohibit others from participating, are willing to pay fees, and do not violate North Carolina Community College System policy. Extension Education programs/courses are designed to enable participants to progress, at their individual achievement rates, in gaining knowledge and skills in specific educational areas.

## **II. COURSE SUBSTITUTES**

When it is determined to be in the best interest of the student's declared educational objective, appropriate courses may be substituted for other courses for graduation purposes. Courses listed as required in the Technical Core in the NCCCS Curriculum Standard may not be substituted. All course substitutions must be approved by the student's advisor, the division Dean, and the Vice President of Instruction. Course substitutions are submitted via electronic form and routed to the Registrar's Office. The Registrar will record the substitution in the student's academic record.

Adopted: 08/08/2019

Revised: 08/21/2025

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The College may award Credits for Prior Learning (“CPL”) as designed by law and state regulations for the following prior learning methods:

1. Apprenticeship
2. State or Industry Recognized Credentials/Continuing Education to Curriculum Credit
3. Courses listed in high school to community college articulation agreements
4. Military education and training
5. Standardized examinations
6. Challenge exams/Proficiency (Credit by Exam)
7. Portfolio assessment
8. Public Safety Training (“PST) prefix courses
9. Non-Curriculum to Curriculum Credit

The College may award curriculum CPL when the documentation of prior learning meets or exceeds a demonstration of learning outcomes at the College’s standards for awarding credit for the corresponding curriculum course. The College shall award CPL in a manner consistent with State Board regulations.

Credit for Prior Learning can account for no more than 75% of the credit hours required for a credential.

To be eligible to receive CPL, students must 1) meet all admission requirements for their program of study; 2) be enrolled in a curriculum program to which the credit will directly apply; and 3) request a prior learning assessment consistent with Procedure 5.2.9.1.

**A. CREDIT THROUGH APPRENTICESHIP**

The College shall award CPL based on statewide articulation as approved by the Curriculum Course Review Committee for related instruction provided by external entities for registered apprenticeship programs. All apprenticeships must be approved and registered with the North Carolina State Apprenticeship Agency through ApprenticeshipNC.

The College, participating employer, and North Carolina Community College System shall cooperatively put together an apprenticeship agreement that will require at least 2,000 hours of on-the-job learning plus an additional amount of classroom instruction.

Upon successful completion of a registered apprenticeship, the individual will receive work-based learning course credit.

**B. CREDIT THROUGH STATE OR INDUSTRY RECOGNIZED  
CREDENTIALS/CONTINUING EDUCATION TO CURRICULUM CREDIT**

**a) STATE OR INDUSTRY RECOGNIZED CREDENTIALS**

Students seeking CPL via industry recognized and/or state regulated credentials will complete a request form for a prior learning assessment, attach supporting documentation that substantiates credential attainment, and submit it to the office of the Registrar for consideration.

Students are responsible for providing evidence of their valid (non-expired) certification(s) which must have been issued within five (5) years prior to their request for articulated credit. Students must be enrolled in the associated program to receive course credit.

**b) CONTINUING EDUCATION TO CURRICULUM CREDIT**

Non-curriculum to Curriculum Credit: Non-curriculum course work from the College related to curriculum instruction may be transferred or accepted for credit towards curriculum courses in specific programs. Students must have earned a minimum letter grade of a “C”, passed the final assessment with a proficiency of 70% or better or successfully passed the applicable credentialing exam. The appropriate Dean for each division will approve non-curriculum course material prior to officially granting curriculum credit. Faculty teaching courses for which CE to CU credit may be awarded must meet all SACSCOC credential requirements.

A student can use non-curriculum to curriculum credit to obtain credit for up to 25% of a credential at Wilkes Community College.

**C. HIGH SCHOOL TO COMMUNITY COLLEGE ARTICULATION AGREEMENT CREDITS**

North Carolina Department of Public Instruction high school courses that are listed in the High School to Community College Articulation Agreement and local articulation agreements are eligible for Combined Course Library curriculum course credit. All required documentation (High School Transcripts, CTE Post Assessment Test Scores, Industry Recognized credential(s) and/or DPI performance-based measures documentation) must be submitted to the College.

**D. MILITARY EDUCATION AND TRAINING**

Serviceman and veterans may be awarded college credit for military training and service schools they have attended. The college shall award CPL for military education and training consistent with the standards adopted by the North Carolina Community College System or the college’s CPL policy. Military service schools must be accredited by a regional accrediting agency.

**E. STANDARDIZED EXAMINATIONS**

The college may award CPL credit for the following standardized examinations if exam scores are within the last five (5) years. The College may award CPL credit for the following Standardized examinations.

1. College Board Advanced Placement Program (“AP”): College Course Credit will be granted to students who pass the AP examinations with a score of three, four or five.
2. Cambridge Assessment International Education: College course credit will be granted to students who score a grade of e/E or better based on the AS and A Level exam(s) taken.
3. College-Level Examination Program (“CLEP”): College course credit will be granted to students who participate in CLEP Subject Examinations and achieve the minimum passing score as recommended by the American Council on Education.
4. DANTES Subject Standardized Tests: College course credit will be granted to students who score at or above the credit-granting score recommended by the American Council on Education.
5. International Baccalaureate Diploma Program: College course credit will be granted to students who earn a grade of 70% or higher in courses taken from a recognized international institution, validated by a US credentialing agency.

**F. CHALLENGE/PROFICIENCY EXAMINATION (Credit by Exam)**

CPL may be awarded through examinations created and administered by academic units that offer the course. The examination is constructed to allow the student to demonstrate mastery of the learning outcomes of the course.

If a department offers credit by examination, no eligible student can be refused the opportunity to take the exam for course credit. A student must meet all pre-requisite requirements before they are eligible to take the challenge/proficiency examination for a course.

Students meeting challenge exam eligibility requirements, as provided by the State Board, state and federal law, and this policy, are responsible for submitting a challenge examination request.

As defined in the State Board of Community Colleges Code, developmental courses, supplemental courses, and courses including clinical practice are not eligible for challenge exams/proficiency.

A student can use challenge\proficiency exams (credit by exam) to obtain credit for up to 25% of a credential at Wilkes Community College.

**G. PORTFOLIO ASSESSMENT PROCESS**

CPL may be awarded through a portfolio assessment process managed by an academic department of the College. A portfolio is A collection of artifacts documenting competencies

gained through prior learning experiences that a student formally submits to a college.

Prior learning assessment by portfolio assessment will follow a course-equivalency credit model. Students demonstrate college-level learning by submitting a portfolio consisting of an organized collection of evidence that demonstrates mastery of the learning outcomes of a specific course offered at the College.

Students must contact the department offering the course to setup a time for the portfolio review. Courses eligible for credit by portfolio assessment are determined by the department. All portfolio assessments will be completed by discipline-appropriate faculty trained in assessing portfolios for credit. Departments offering prior learning assessment by portfolio will establish rubrics to guide faculty assessment and scoring.

A student can use portfolio assessments to obtain credit for up to 25% of a credential at Wilkes Community College.

#### **H. CREDIT THROUGH PUBLIC SAFETY TRAINING PREFIX COURSES**

Courses in the Combined Course Library with a Public Safety Training (PST) prefix may be used for awarding prior learning credit for industry-recognized public safety training and/or credentials.

Credit shall be considered for public safety training that meets the criteria outlined in the Public Safety Training course descriptions as listed in the Combined Course Library.

Official documentation from the training provider or credentialing entity shall be provided to the College to validate the training.

##### **1. Non-Curriculum to Curriculum Credit**

Non-Curriculum to Curriculum Credit: Non-curriculum course work from the College related to curriculum instruction may be transferred or accepted for credit towards curriculum courses in specific programs. Students must have earned a minimum letter grade of a “C”, passed the final assessment with a proficiency of 70% or better or successfully passed the applicable credentialing exam. The appropriate Dean for each division will approve non-curriculum course material prior to officially granting curriculum credit. Faculty teaching courses for which CE to CU credit may be awarded must meet all SACSCOC credential requirements.

A student can use non-curriculum to curriculum credit to obtain credit for up to 25% of a credential at Wilkes Community College.

Adopted: 12/08/2022

Revised: 05/16/2024

Legal Reference: N.C.G.S. § 115D-5; 1D SBCCC 800.1; 4A SBCCC 100.1; 4B SBCCC 100.1

The College recognizes that students may request work-based learning course credit for prior learning using apprenticeships, certifications and licensures, courses listed in high school to community college articulation agreements, military education and training, standardized examinations, challenge examinations, portfolio assessments, and public safety training prefix courses consistent with college policy and State Board of Community College code 1D SBCCC 800.2.

To ensure optimum management and student opportunities, students must follow the below procedures to request a prior learning assessment ("PLA"):

- A. The student must be admitted as a full-time or part-time student at the College and meet all requirements for the program in which course credit for prior learning is being sought.
- B. The student must make application to the College for prior learning through the Registrar's Office and provide any documentation that supports their application.
- C. The Registrar's Office will be the point of contact for all questions concerning PLA.
- D. Students shall follow the appropriate procedure below for requesting CPL depending on the type of CPL the student is wishing to attempt.

**1. Apprenticeship**

Degree-seeking students currently enrolled at Wilkes Community College, may earn WBL credit for registered NC apprenticeship programs.

**Process**

- a. The student must submit the appropriate form and documentation to the Office of the Registrar.
- b. The Office of the Registrar reviews the documentation and awards all applicable work-based learning credit.
- c. The Office of the Registrar will notify the student.

**2. State or Industry Recognized Credentials**

Degree-seeking students currently enrolled at Wilkes Community College, with a current non-expired industry certification and/or licensure issued or recertified within the last five (5) years prior to the request, may request course credit for their certification and/or licensure. Students who hold a certification and/or licensure that does not expire may request course credit for their certification after meeting with the appropriate instructor who will validate course outcomes are met. The certification and/or licensure must relate to the program of study the student is enrolled in. All available certifications and/or licensure that can lead to course credit can be found on the college's Credit for Prior Learning webpage.

**Process**

- a. The student must submit the appropriate form and documentation to the Office of the Registrar.
- b. The Office of the Registrar will review the documentation and award all appropriate credit.
- c. The Office of the Registrar will notify the student.

**3. High School to Community College Articulation Agreements**

Degree-seeking students currently enrolled at Wilkes Community College, who have taken a course(s) listed on the state and/or local community college articulation agreements, may submit the appropriate documentation for review. The articulation credit being requested must relate to the program of study the student is enrolled in. A copy of the state and local articulation agreements will be available on the college's Credit for Prior Learning webpage.

**Process**

- a. Student submits the required documentation listed on the appropriate articulation agreement for the course the student seeks to obtain credit for to the Office of Admissions.
- b. The student must submit the appropriate form to the Office of the Registrar requesting their high school credit be reviewed for college credit.
- c. The Office of the Registrar will review the student's request and all supplied documentation.
- d. The Office of the Registrar will award all applicable credit.
- e. The Office of the Registrar will notify the student of all credit awarded.

**4. Continuing Education to Curriculum Credit**

Degree-seeking students currently enrolled at Wilkes Community College, with prior proficiency in a Wilkes Community College Workforce Development and Community Education (WD&CE) course, may request their WD&CE course be evaluated for curriculum credit. Credit for WD&CE course work will only be granted for courses that have been approved for articulation between WD&CE and curriculum. A crosswalk showing all preapproved WD&CE to curriculum courses approved by Curriculum Committee will be listed on the college's credit for prior learning webpage.

**Process**

- a. The student must submit the appropriate form to the Office of the Registrar to request WD&CE to curriculum credit.
- b. The Office of the Registrar will review the request and verify that the student meets the requirements for credit.
- c. The Records and Registration will award the appropriate credit and notify the student.
  - Non-course credit will be awarded and will not affect the students GPA.

**5. Military Education and Training**

Degree-seeking students currently enrolled at Wilkes Community College, who have military training or have taken courses at a military service school, may submit their Joint Service Transcript (JOST) and/or military service school transcripts to the college for evaluation.

**Process**

- a. Students must submit their official Joint Service Transcript (JOST) and/or official military service school transcript to the Office of Admissions.
- b. The Office of the Registrar will review the transcript(s) and award all applicable credit.
- c. The Office of the Registrar will notify the student of all credit awarded.

**6. Standardized Examinations**

Degree-seeking students currently enrolled at Wilkes Community College, who have taken a standardized examination, may submit their official scores to the college for review. All available crosswalks listing the credit granting score and course credit that may be awarded can be found on the college's Credit for Prior Learning webpage.

**Process**

- a. The student must submit all official standardized examination scores to the Office of the Registrar.
- b. The Office of the Registrar will review the scores and award all applicable credit.
- c. The Office of the Registrar will notify the student of all credit awarded.

**7. Challenge Exams/Proficiency (Credit by Exam)**

Degree-seeking students currently enrolled at Wilkes Community College, with prior proficiency in a course due to previous educational or work experience, may apply for credit by examination if the course is eligible. A list of eligible courses can be found on the college's Credit for Prior Learning webpage.

Credit by examination can be requested only for courses listed in a student's active program of study in which it is presumed by an instructor the student can demonstrate the required level of proficiency based upon course objectives.

Federal Pell grant and VA funds may not be used to pay for credit by exam.

A successful credit by exam attempt may result in falling below full-time status which could negatively affect Financial Aid.

Credit by exam may be taken only one time for each course and it is not allowable for a course being audited or already attempted.

Credit by exam format may be a written exam, oral exam, shop exercise, and/or lab exercise.

For a successful credit by exam attempt, credit hours will contribute toward a degree, diploma, or certificate. However, the course credit will have no effect on the student's GPA.

Successful credit by exam attempts will be factored into the maximum amount of credits allowable through the Credit for Prior Learning policy and only twenty-five percent (25%) of a credential can be credit by exam.

**Process**

- a. The student must submit the appropriate form to obtain permission from the designated instructor.
- b. The instructor approves or denies the request after interviewing the student.
- c. If the instructor approves, the form will be routed to the Office of the Registrar to review eligibility.
- d. If the student meets all requirements, the form will be routed to the Business Office.
- e. The student must pay all fees (found on Credit for Prior Learning webpage) in the Business Office before the exam can be given. The fee for taking a credit by exam is non-refundable.
- f. The student takes the exam.
- g. The instructor will submit the form and appropriate documentation to the Dean and Registrar, including grade information.
- h. The Registrar will award credit and notify the student.
  - Non-course credit will be awarded for internally created exams that earn a grade of 70% or higher; for courses using CLEP exams a higher score may be required to earn credit.

**8. Portfolio Assessments**

Degree-seeking students currently enrolled at Wilkes Community College, with prior proficiency in a course due to previous educational or work experience, may apply for portfolio assessment if the course is eligible. A list of eligible courses can be found on the college's Credit for Prior Learning webpage.

Portfolio assessment can be requested only for courses listed in a student's active program of study in which it is presumed by an instructor the student can demonstrate the required level of proficiency based upon course objectives.

Federal Pell grant and VA funds may not be used to pay for credit by exam.

A successful portfolio assessment attempt may result in falling below full-time status which could negatively affect Financial Aid.

Portfolio assessment may be completed only one time for each course, and it is not allowable for a course being audited or already attempted.

The required contents of a portfolio will be determined by the division in which the student is seeking to obtain course credit.

Portfolio's will be graded based on a standardized rubric specific to the course in which the student is seeking to obtain course credit.

For a successful Portfolio assessment attempt, credit hours will contribute toward a degree, diploma, or certificate. However, the course credit will have no effect on the student's GPA.

Successful portfolio assessment attempts will be factored into the maximum amount of credits allowable through the Credit for Prior Learning policy and only twenty-five percent (25%) of a credential can be from a portfolio assessment.

**Process**

- a. The student must submit the appropriate form to obtain permission from the designated instructor.
- b. The instructor approves or denies the request after interviewing the student.
- c. If the form is approved, it will route to the Business Office.
- d. The student must pay the administrative fee (found on Credit for Prior Learning webpage) in the Business Office, which is non-refundable.
- e. The student will submit their portfolio to the instructor.
- f. The instructor will submit the form and appropriate documentation to the Dean and Registrar, including grade information.
- g. The Registrar will award all applicable credit and notify the student.
  - Non-course credit will be awarded for portfolio assessments that earn a grade of seventy percent (70%) or higher.

**9. Public Safety Training ("PST) prefix courses**

Degree-seeking students currently enrolled at Wilkes Community College, who have industry-recognized public safety training and/or certifications may receive credit for Public Safety Training (PST) courses, if the credit applies to the towards program of study the student is enrolled in.

**Process**

- a. The student must submit the appropriate form and all applicable documentation to the Office of the Registrar.
- b. The Office of the Registrar will review the documentation and award all applicable credit.
- c. The Office of the Registrar will notify the student.

**10. Documentation:**

All documentation of the CPL process, including evaluation results, must be maintained in the student's file by the Registrar's Office and other College officials as necessary.

Academic departments aid in determining the scores and outcomes required for obtaining credit for prior learning.

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The following is an overview of basic student rights. For more specific information concerning these and other rights, students are directed to review the specific policy or procedure dealing with the issue of concern.

- I.** Students are free to pursue their educational goals. The College shall provide appropriate opportunities for learning in the classroom and on the campus. Student performance will be evaluated solely on an academic basis and not on opinions or conduct in matters unrelated to academic standards. For more information regarding attendance and academic standards, see policies contained in the Policy Manual, Section 5.2 – Attendance and Academics.
- II.** Students have the right to freedom of expression, inquiry and assembly without restraint or censorship, subject to reasonable and non-discriminatory rules and regulations regarding time, place and manner. For more information, consult Policy 2.3.5 – Campus Free Speech, Distribution of Material and Assembly.
- III.** Students have the right to inquire about and to propose improvements in policies, regulations and procedures affecting the welfare of students through established student government procedures, campus committees and College offices.
- IV.** The Family Educational Rights and Privacy Act of 1974 (“FERPA”) provides safeguards regarding the confidentiality of and access to student records and the College shall adhere to the FERPA laws and regulations. Students and former students have the right to review their official records and to request a grievance if they challenge the contents of these records. No records shall be made available to unauthorized personnel or groups outside the College without the written consent of the student involved or if a legal exception applies. For more information, consult Policy 5.4.3 – Student Records – FERPA.
- V.** No disciplinary sanctions, other than temporary removal from class or activity (only for duration of said activity) may be imposed upon any student without due process. For more information concerning student due process rights with respect to disciplinary situations, consult Policy 5.3.2 – Student Code of Conduct.
- VI.** Students have the right to voluntarily withdraw from courses under certain criteria. For more information, consult Policy 5.2.2 – Withdrawal from Courses.
- VII.** Students have the right to be free from discrimination, harassment and sexual violence while attending the College and accessing the College’s programs and opportunities. For more information, consult Policy 5.3.4 – Discrimination and Harassment.

Adopted: 08/08/2019

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Wilkes Community College students are responsible for knowing the information, policies and procedures outlined in the Code of Student Conduct. The college reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online ([www.wilkescc.edu/conduct](http://www.wilkescc.edu/conduct)) for the updated versions of all policies and procedures.

**Core Values of Student Conduct at Wilkes Community College**

- A. Integrity: Students are expected to exemplify honesty, honor and a respect for the truth in all of their dealings.
- B. Community: Students are expected to build and enhance their community. They should use available campus resources to resolve differences and conflicts peacefully.
- C. Social Justice: Students are expected to be just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- D. Respect: Students are expected to show positive regard for each other, for property and for the community.
- E. Responsibility: Students are expected to follow all college policies and take ownership of individual choices and any subsequent consequences.

**I. MISSION STATEMENT**

The purpose of the student conduct process at Wilkes Community College is to protect the interests of the community and to address those whose behavior is not in accordance with college policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of college policy without information showing that it is more likely than not that a policy violation occurred, and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

**II. DEFINITION OF TERMS**

- a. The term **College** means Wilkes Community College (WCC).
- b. The term **College Premises** refers to all properties and facilities owned or leased by WCC and all off campus sites at which the college conducts classes, programs, services, or events.
- c. The term **Community Member** includes any person who is a student, faculty member, staff member, or any other person employed by the college.
- d. The term **Reporting Party** refers to the individual reporting a violation of the Code of Student Conduct.
- e. The term **Conduct Administrator** refers to college officials who are authorized to determine whether a student has violated the Code of Conduct and to impose sanctions during a hearing.
- f. The term **Conduct Hearing** refers to a meeting between an accused student and a conduct administrator. The purpose of the hearing is to review the complaint and the results of an investigation. The student will be asked to respond to the allegations of misconduct and provided an opportunity to share additional information. Based on a preponderance of the evidence, the conduct administrator will determine if the student violated the Code of Conduct. If the student is found in violation, appropriate sanctions will be imposed.
- g. The term **Preponderance of the Evidence** is a standard of evidence which means that it is more likely than not or there is a greater than 50 percent chance that a conduct violation has occurred. This standard requires a much lower level of proof than the beyond a reasonable doubt standard used for criminal matters.
- h. The term **Responding Party** refers to the individual who is alleged to have committed a violation of the Code of Student Conduct.
- i. The term **Student** includes anyone who has submitted an admission application and thereafter as long as the student has a continuing educational interest in the college. The term applies to all students, including basic skills, workforce development and community education, and curriculum.

### III. JURISDICTION

WCC students are provided, via college email, a copy of the Code of Student Conduct each semester in the form of a link on the college website. Hard copies are available upon request from the Student Services Office or a conduct administrator. Students are responsible for reading and abiding by the provisions of the Code of Student Conduct. College email is the college's primary means of communication with students. Students are responsible for all communication delivered to their college email address.

The Code of Student Conduct and the student conduct process apply to the conduct of all students, including curriculum, workforce development and community education, and basic skills, as well as all college affiliated student organizations. For the purposes of

student conduct, the college considers an individual to be a student when an admission application has been submitted and thereafter as long as the student has a continuing educational interest in the college.

The college retains conduct jurisdiction over students for any misconduct that occurred prior to a leave of absence, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll (and/or obtain official transcripts and/or graduate) and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the college may invoke these procedures and should the former student be found responsible, the college may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on college premises and at college-sponsored events. Additionally, the Code of Student Conduct applies to off-campus conduct that adversely affects the college community and/or mission/interests of the college.

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students also should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The college does not regularly search for this information but may take action if and when such information is brought to the attention of college officials. However, most online speech by students not involving college networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- a. Speech posted online that a reasonable person would view as intimidating, degrading, humiliating, undermining or threatening;
- b. Speech posted online about the college or its community members that causes a significant on-campus disruption.

The Code of Student Conduct applies to guests of WCC community members whose hosts may be held accountable for the misconduct of their guests.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for college officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the college's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to a conduct administrator or campus police.

Campus police have the authority to temporarily remove any person from WCC

property for engaging in criminal activities or violating WCC policies, including the Code of Student Conduct.

#### IV. VIOLATIONS OF THE LAW

College conduct proceedings may be instituted against a student charged with behavior that potentially violates both criminal law and the Code of Student Conduct. Proceedings under the Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of a conduct administrator.

Determinations made under the Code of Student Conduct are independent from any civil or criminal court outcomes related to the same incident.

#### V. RULES OF CONDUCT

The following section describes activities and/or behaviors that are prohibited by the college. Conduct administrators have the authority to take immediate action and begin disciplinary proceedings in response to violations of this Code of Conduct. Violation of one or more of the rules of conduct may result in one of the sanctions described in Section II of the Code of Student Conduct Procedure.

##### A. Academic Dishonesty

1. **Cheating:** Using notes or other material on an exam or class work without permission from the class instructor; receiving information from another student or artificial intelligence during an exam; obtaining a copy of an exam or questions from an exam prior to taking the exam; submitting someone else's work as one's own; or having someone take one's exam and submitting it as his/her own.
2. **Fabrication and Falsification:** Fabrication and falsification is the intentional and unauthorized alteration or invention of any information or citation in an academic exercise. Falsification is a matter of altering information, while fabrication is a matter of inventing or counterfeiting information for use in any academic exercise. Forgery and academic record tampering are included in this category.
3. **Plagiarism:** The intentional theft or unacknowledged use of work or ideas of another person or produced by artificial intelligence. Plagiarism includes but is not limited to; a) paraphrasing or summarizing another's words or works without proper acknowledgement; b) using direct quotes of material without proper acknowledgement; or c) purchasing or using a paper or presentation written or produced by another person or by artificial intelligence. If a student is uncertain about what constitutes plagiarism, he/she should discuss with the class instructor.
4. **Abuse of Academic Materials:** Abuse of academic materials is intentionally or knowingly destroying, stealing or making

inaccessible library or other academic resource material, including equipment.

- 5. Complicity in Academic Dishonesty:** Being an accomplice is intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.

\*See procedure 5.3.2.1 – Discipline and Appeal for Academic Violations

**B. Academic Disruption:** Academic disruption is disruption or obstruction of teaching, administration, or other college functions. Note: The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in behaviors which result in disruption of a class may be directed by the faculty member or college police to leave the class for the remainder of the class period. If a disruptive student refuses to leave when the faculty member tells him or her to do so, the faculty member should dismiss the class, leave the classroom, and call college police to remove the student.

**C. Unauthorized Occupation or Seizure:** Unauthorized occupation or seizure is occupation or seizure in any manner of college property, a college facility, or any portion thereof for a use inconsistent with prescribed, customary, or authorized use.

**D. Gatherings and Assemblies:** Gatherings or assemblies are considered a violation of the code of conduct when conducted in a manner which:

1. threatens or causes injury to persons or property;
2. interferes with free access to, ingress or egress of college facilities;
3. is harmful, obstructive or disruptive to the educational process or institutional functions of the college

Other violations include:

1. holding rallies, demonstrations, or any other form of public gathering without prior approval of the college;
2. remaining at the scene of such an assembly after being asked to leave by a representative of the college staff.

\*See policy/procedure 2.3.5 – Campus Free Speech, Distribution of Material and Assembly

#### **E. Abuse**

- 1. Verbal:** Verbal Abuse is verbal abuse of any person on college premises or at college supervised functions, including actions which threaten or endanger the health or safety of any such persons.
- 2. Physical:** Physical Abuse is physical abuse of any person on college premises or at college-supervised functions, including physical actions which threaten or endanger the health or safety of any such persons.

3. **Sexual Harassment:** Students are prohibited from engaging in sexual harassment as defined in the WCC Sex Discrimination and Harassment Policy. Allegations of sexual harassment are resolved according to the process described in the Title IX Sexual Harassment Grievance Procedures.

\*See policy/procedure 5.3.4/5.3.4.1 – Sex Discrimination and Harassment and Title IX Sexual Harassment Grievance

**F. Sexual Misconduct**

- G. Harm or Destruction to College Facilities or Property:** Harm or Destruction to College Facilities or Property is the damage or defacement of any college, student organization, community member, or campus visitor property on campus premises or at college functions.

- H. Theft:** Theft is unauthorized possession of college, student organization, community member, or campus visitor property on campus premises or at college functions with the intent to deprive the owner of such property.

- I. Theft – Failure to Return Property:** Theft – Failure to Return Property is failure to return college or student organization property.

- J. Concealment of Merchandise:** Concealment of Merchandise is the concealment of any merchandise while inside any retail area on the college premises.

- K. Misuse – General:** Misuse – General is the misuse of any college, student organization, community member or campus visitor property on campus premises or at college functions.

**L. Unauthorized Entry:**

- 1. Unauthorized Entry - College Property:** Unauthorized Entry - College Property is unauthorized entry upon the property of the college which has been restricted in use and thereby placed off limits.

- 2. Unauthorized Entry – Campus Buildings:** Unauthorized Entry – Campus Buildings is unauthorized entry into a college building after closing hours.

- M. Computer and Network Usage Violation:** Computer and Network Usage Violation is unlawful or malicious use of computer and network resources; use of computer and network resources for political, religious, and other personal or non-college purposes.

\*See policy 7.2 – Internet and Network Acceptable Use

- N. Unauthorized Children on Campus:** Unauthorized Children on Campus is leaving a child unattended on campus; bringing a child to class without advance permission of the instructor. The college does not allow children in computer, science, industrial, medical, and other labs, shops, or other environments that pose a safety hazard. A child may not accompany a student on a routine basis and may only attend a class if the instructor has granted permission prior to class.

**O. Drugs and Alcohol:**

1. **Drugs – Manufacture:** Drugs – Manufacture is the manufacture of any illegal drugs, except as expressly permitted by law.
2. **Drugs – Distribution:** Drugs – Distribution is the distribution of any illegal drugs, except as expressly permitted by law.
3. **Drugs – Possession:** Drugs – Possession is the possession of any illegal drugs, except as expressly permitted by law.
4. **Drugs – Use:** Drugs – Use is the use of any illegal drugs, except as expressly permitted by law.
5. **Drugs – Under the Influence:** Drugs – Under the Influence is being under the influence of illegal drugs on the college premises or at college-sponsored or supervised functions off campus or in college-owned vehicles.
6. **Alcohol – Consumption/Possession:** Alcohol Consumption/Possession is consumption or possession of alcoholic beverages on college premises or as a part of any college activities.
7. **Alcohol – Underage Distribution:** Alcohol – Underage Distribution is providing alcohol to individuals under the age of 21.
8. **Alcohol – Under the Influence:** Alcohol – Under the Influence is being in a state of intoxication on the college premises or at a college-sponsored or supervised function off campus or in college-owned vehicles.

\*See policy 5.3.5 – Students – Alcohol and Drugs on Campus

**P. Firearms:**

1. **Firearm – Possession:** Firearm – Possession is possession of a firearm, incendiary device or explosive, or instrument designed to inflict serious bodily injury to any person unless authorized in conjunction with a college-approved activity or in a manner consistent with state law.
2. **Firearm – Use:** Firearm – Use is use of a firearm, incendiary device or explosive, or instrument designed to inflict serious bodily injury to any person unless authorized in conjunction with a college-approved activity.

- Q. Fire Alarm – Misuse:** Fire Alarm – Misuse is setting off a fire alarm or using or tampering with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment.

**R. Tobacco:**

- 1. Tobacco – Use:** Tobacco – Use is use of tobacco products in campus buildings, facilities, vehicles, or on grounds and property owned or leased by the college. The prohibition includes all smoking tobacco products (cigarettes, cigars, pipes), all smokeless tobacco products (chews, dips, snuff, snus, dissolvable products), and extends to: energy dips/flavored dips; nicotine water and nicotine gel; hookahs/hookah products; all vaping products (vaporizers, electronic cigarettes, cigars, pipes, pens, and flavored cartridges); and any other items containing or reasonably resembling tobacco or tobacco products.
- 2. Tobacco – Advertising/Distribution/Sale:**  
Tobacco – Advertising/Distribution/Sale is the advertising, distribution and/or sale of tobacco products on college property or through college media outlets.

\*See policy 2.2.1 – Tobacco-Free Campus

- S. Gambling:** Gambling is any involvement in illegal gambling on campus premises or at college-sponsored events.
- T. Parking Violations:** Parking violations is multiple violations of college regulations regarding the operation and parking of motor vehicles.  
\*See policy 2.3.4 – Traffic Regulations
- U. Official Documents – Misuse:** Official Documents – Misuse is forgery, alteration, or misuse of college documents, records, or instruments of identification with intent to deceive.
- V. Failure to Comply:** Failure to comply is failure to comply with instructions of college officials acting in performance of their duties.
- W. Failure to Comply – Disciplinary Actions:** Failure to Comply – Disciplinary Actions is violation of the terms of disciplinary actions.
- X. False Information:** False Information is knowingly making false or misleading statements about college business or official records or about college employees or students.
- Y. Retaliation:** Retaliation is intimidating, threatening, coercing or discriminating against any student or college employee for reporting, providing information, or exercising one's rights or responsibilities under college policy.

\*See procedure 5.3.4.1 – Sexual Misconduct, Prohibited Relationships and-  
Non- Retaliation

**Z. Misuse:** Social Media – Misuse is the use of social media to breach privacy, discriminate or harass. Students may not make, transmit, or attempt to transmit audio or video of any person(s) on college property where there is an explicit expectation of privacy. Any posts or tweets deemed inappropriate on a college social website or blog will be deleted immediately and may result in having access to the site blocked permanently.

\*See policy 7.2 and 7.5 – Internet and Network Acceptable Use / Social Media

**AA. Lewd and Indecent Behavior:** Lewd and indecent behavior includes public physical or verbal action or distribution of obscene material based on reasonable community standards. The conduct must be objectively severe or pervasive enough that a reasonable person would agree that the conduct constitutes lewd and/or indecent behavior.

**BB. Public Exposure:** Public Exposure is deliberately and publicly exposing one's intimate body parts, public urination, public defecation, and public sex acts.

**CC. Bullying/Harassment:** Bullying/Harassment is defined as any pattern of gestures or written, electronic or verbal communications or any physical act or any threatening communication that takes place on the College premises or at any College sponsored function that: (a) places a person in actual and reasonable fear of harm to his or her self or property; or (b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits or a College employees ability to perform the essential functions of his/her job. Hostile environment means that the victim subjectively views the conduct as bullying/harassing and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying/harassing. A hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe.

**DD. Communicating Threats:** Communicating threats is threatening to physically injure another person or that person's child, sibling, spouse or dependent, or willfully threatening to damage the property of another via verbal communication, writing, through a third person or by any other means.

**EE. Public Laws:** Public laws is the violation of federal, state or local laws that occur on campus or off campus. Violations of any federal, state or local laws occurring while on campus may lead to legal actions as well as college disciplinary proceedings. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student's continued presence on campus constitutes a threat to the safety and order of the campus.

**FF. Unauthorized Recording:** Only instructors and other authorized college personnel are permitted to make video or audio recordings of lectures, labs, clinicals or practicums for educational purposes using an approved lecture capture system. Duplication, storing, sharing, or distribution of captured recordings is prohibited without written permission of the instructor or other authorized college personnel.

Adopted: 08/08/2019

Revised: 08/03/2020, 05/16/2024

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## I. OVERVIEW

The College is committed to providing an excellent educational experience for all students. Academic honesty and integrity are essential to the existence and growth of an academic community. Without maintenance of high standards of honesty, members of the instructional faculty are defrauded, students are unfairly treated, and society itself is poorly served. Although the maintenance of standards of honesty and integrity is the formal responsibility of the instructional faculty, it is ultimately shared by all members of the academic community. The academic penalty for academic-related violations should be clearly stated by the instructor in each course syllabus and reviewed at the beginning of the first-class meeting.

These procedures only apply to academic-related violations, outlined herein and defined in Policy 5.3.2 – Standards of Student Conduct. For non-academic violations, see Administrative Procedures 5.3.2.2.

## II. STUDENT VIOLATIONS OF ACADEMIC INTEGRITY

In this section are definitions of student violations of academic integrity.

A. *Intent* refers only to the intent to commit the dishonest action. Other aspects of the student's motive (e.g., a desire to avoid academic suspension, or to help a friend) are not material in determining whether an act of dishonesty has been performed; and

B. *Authorization* is legitimate only if given by the faculty member responsible for the evaluation of the student's work.

**Cheating.** Cheating is intentionally using or attempting to use unauthorized materials, information, notes, study aids or other devices in any academic exercise. This definition includes unauthorized communication of information prior to and/or during an academic exercise and having other persons complete work or take tests.

**Fabrication and Falsification.** Fabrication and falsification is the intentional and unauthorized alteration or invention of any information or citation in an academic exercise. Falsification is a matter of altering information, while fabrication is a matter of inventing or counterfeiting information for use in any academic exercise. Forgery and academic record tampering are included in this category.

**Plagiarism.** Plagiarism is presenting the work of another as one's own (i.e., without proper acknowledgement of the source).

A. An author must give due credit whenever quoting another person's actual words whenever using another person's ideas, opinions, or theories, and whenever borrowing facts, statistics, or illustrative material, unless the information is

common knowledge.

- B. Direct Quotation. Every direct quotation must be identified by quotation marks or by appropriate indentation and must be properly acknowledged. The citation must be complete and, in a style, appropriate to the academic discipline.
- C. Paraphrase. Proper acknowledgement is required when material from another source is paraphrased or summarized in whole or in part in one's own words.
- D. Borrowed Facts or Information. Information obtained in one's reading or research which is not common knowledge must be acknowledged.
- E. One citation is usually sufficient to acknowledge indebtedness when a number of connected sentences in the paper or report draw their special information from one source. When direct quotations are used, however, quotation marks must be inserted, and proper acknowledgement made. Similarly, when a passage is paraphrased, proper acknowledgement is required.

**Abuse of Academic Materials.** Abuse of academic materials is intentionally or knowingly destroying, stealing or making inaccessible library or other academic resource material, including equipment. Violations may be referred to civil authorities for prosecution under the law. (G.S. 14-398) **Complicity in Academic Dishonesty.** Being an accomplice is intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.

### **III. SANCTIONS FOR VIOLATIONS**

All acts of academic dishonesty violate standards essential to the integrity of an academic community. Infractions observed by faculty member, administrator, librarian, counselor, or other personnel are to be reported to the student's instructor. In all instances of a violation of the code, the student's instructor will issue a written notice of the nature of the violation and the penalty or penalties to be assessed. The notice shall be on a standardized form and may be included in the student's official file. The penalties which may be assessed are:

- A. A formal warning;
- B. A reduced grade (including F) for the assignment;
- C. A reduced grade (including F) for the course;
- D. Temporary dismissal from class pending resolution of the offense (pending final determination of penalty);
- E. Dismissal from class for the remainder of the semester with a grade of F. Once the grade of F has been issued and recorded for violation of this policy, it supersedes the right of the student to withdraw from the course; and/or

**F. Recommendation of disciplinary suspension from the college:**

- The chief academic officer may suspend the student from taking credit/curriculum offerings for a period of one semester, effective the next semester; or
- The president or designee may institute suspension proceedings beyond a semester when there is a pattern of dishonesty which seems to be undeterred by imposing the penalties listed above.

When the penalty chosen by the faculty member includes a reduction of grade for the assignment or for the course, the faculty member must document the reduction and the reason for the reduction on his or her personal grade roster so that all future questions regarding the grade can be answered. All grade rosters should be kept by the instructor for three years. When an instructor leaves the assigned position, his or her rosters for the past three years should be filed with the department dean (administrative assistant for the division).

**IV. INVESTIGATION AND DETERMINATION****A. Academic division investigation**

1. An instructor suspecting an incident of an academic-related violation shall present concerns to the student and provide an opportunity for the student to explain or refute the concerns.
2. Taking the student's explanation into consideration, the instructor will determine whether an academic violation has occurred and, if applicable, select and impose the appropriate sanction, explain its impact to the student, and document the process in course records. The instructor should consider the following factors in the determination of the appropriate sanction:
  - a. The nature and seriousness of the offense;
  - b. The injury or damage resulting from the misconduct;
  - c. The student's prior disciplinary record; and
  - d. The student's attitude and demeanor subsequent to the violation.
3. The instructor will inform the student of the appeal process.

**V. APPEAL PROCEDURES****A. Appeal to division chair and/or dean**

1. After discussion with the instructor, if the student is dissatisfied with the decision, the student may appeal to the instructor's immediate supervisor, either the appropriate department chair ("Chair") or the division dean ("Dean"), who will investigate the matter and consult with both the instructor and student. (The chair and dean may choose to conduct a joint investigation.) The Chair or Dean may advise the instructor in a reconsideration of the violation and/or the sanction or may affirm the instructor's original determination. If the Chair upholds the original decision of the instructor, the student may choose to continue the appeal to the Dean of the division, who will follow the same process.
2. The Dean will communicate his/her findings via email to the student's official College email address within five (5) business days of the initial meeting with the student. The findings must contain, with specificity, the evidence supporting the Dean's determination. The Dean shall also inform the student of the imposed academic sanctions. The sanction will remain in place unless modified or overturned on appeal to the Vice President.

**B. Appeal to the vice president**

1. A student who disagrees with the Dean's decision may appeal to the Vice President of Instruction. This appeal must be submitted in writing within three (3) business days of receipt of the Dean's decision and describe, with specificity, why the student believes the Dean's findings to be in error.
2. The Vice President will conduct a formal review examining the Dean's written findings and student's written appeal. The Vice President may require the student, the instructor and any other necessary party to provide additional documents as needed, including written statements, or provide written clarification to submitted documents.
3. After considering the evidence presented, the Vice President will affirm, modify or overturn the instructor's decision.
4. The Vice President will inform the student via the student's official College email address of the decision within ten (10) business days of the receipt of the student's appeal. The decision of the Vice President will be final.

Adopted: 08/08/2019

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## **I. OVERVIEW**

The Dean of Enrollment Services and Dean of Instructional Support Services is responsible for implementing these Procedures.

These Procedures apply to non-academic violations defined in Policy 5.3.2 – Student Code of Conduct. For academic-related violations, see Procedure 5.3.2.1 – Discipline and Appeal for Academic Violations. For issues regarding sexual harassment and sexual violence, see Procedure 5.3.4.1 – Title IX Sex Discrimination and Harassment and for issues related to other forms of unlawful discrimination, see Procedure 5.3.4.2 – Unlawful Discrimination.

## **II. CONDUCT PROCEDURES**

This section describes college conduct procedures in response to violations of the Code of Student Conduct described in Section V of the Code of Student Conduct Policy.

### **A. Student Conduct Authority**

The chief student services officer is authorized by the President to have responsibility for the administration of the Code of Student Conduct.

The following college officials serve as conduct administrators:

1. Dean of Enrollment Services
2. Dean of Instructional Support Services
3. Director of Career and College Readiness
4. Director of Alleghany Center
5. Dean of Ashe Campus
6. Vice President of Workforce Development and Community Education

The conduct administrators are responsible for managing the student conduct process. Duties include investigating complaints, determining whether violations of the Code of Conduct have occurred, and imposing sanctions. When complaints are brought to the attention of conduct administrators, they are obligated to initiate and oversee timely investigations and provide updates to the reporting party and the responding party.

### **B. Whom to Contact**

Any member of the college community may file a complaint against a student for violations of college policies. Help can be sought from any of the offices or individuals below:

1. **Curriculum Students:** Contact the Dean of Enrollment Services and/or Dean of Instructional Support Services;

2. **Workforce Development and Community Education Students:** Contact the Vice President of Workforce Development and Community Education;
3. **Basic Skills Students:** Contact the Director of Career and College Readiness;
4. **Alleghany Center Students:** Contact the Director of the Alleghany Center;
5. **Ashe Campus Students:** Contact the Dean of the Ashe Campus.

Individuals are urged to file a complaint as soon after an incident as possible.

Individuals have the option to file a complaint online through [www.wilkescc.edu/student-services/conduct](http://www.wilkescc.edu/student-services/conduct). Individuals should recognize that delays in filing a complaint may significantly impair the ability of the college officials to investigate and respond to such complaints.

### C. Investigation and Conduct Hearing

1. **Conduct Hearing Process:** Within seven (7) working days after the complaint is received, the conduct administrator shall complete a preliminary investigation of the complaint and meet with the accused student. Failure to attend the conduct hearing may result in the accused student being placed on interim suspension.

Prior to the conduct hearing, the conduct administrator will provide the student with written notice of the hearing and the alleged violation of the Student Code of Conduct. At the conduct hearing, the student will be given a copy of the complaint and the administrator will inform the student of the results of his/her preliminary investigation.

The student will be asked to indicate if he or she violated the conduct code. The student will also be given an opportunity to share additional information that the student would like the administrator to consider. The student cannot use any recording device at a conduct hearing.

Following the conduct hearing, the conduct administrator will take one of the actions described in Section II of the Code of Student Conduct Procedure. Unless the charges are dismissed, the student has the right to request an appeal within five (5) working days following receipt of the written decision of the conduct administrator. Failure to request an appeal within the designated timeframe constitutes a waiver of an appeal hearing, in which case the decision of the conduct administrator shall be final.

2. **Interim Suspension:** If an act of misconduct threatens the health or well-being of any member of the college community or disrupts the function or good order of the college or college premises, a conduct administrator may invoke immediate interim suspension. Interim suspension may result in exclusion from

class and/or other privileges including presence on college premises or at college-sponsored activities until a final decision has been made concerning the alleged violation. The college will also notify the student in writing of the interim suspension and the reasons for the suspension. The notice will include information about conduct procedures, including the time, date, and place of an administrative hearing.

**D. Appeal Process**

Should a student choose to appeal the decision of the conduct administrator, a written notice of appeal must be filed with the Associate Vice President of Instructional Support and Student Services. An appeal of the conduct administrator's decision shall be limited to a review of the investigation and supporting documents, as indicated below, to determine if proper procedure was followed.

1. To determine whether the investigation was conducted fairly in light of the allegations and information presented, and in conformity with prescribed procedures. Deviation from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results;
2. To determine whether the decision reached regarding the student was based on preponderance of the evidence; that is, more likely than not, a violation of college policy occurred;
3. To determine whether the sanction(s) imposed were appropriate for the violation of college policy which the student was found to have committed; and/or
4. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original investigation, because such information and/or facts were not known to the person appealing at the time of the original investigation.

The appeal must be filed within five (5) working days of the conduct administrator's decision being made known. The Vice President of Instructional Support and Student Services will conduct the process of investigating an appeal of a conduct administrator's decision. The investigation shall begin within three (3) school days after receiving the notice of appeal.

The Vice President of Instructional Support and Student Services will follow the same procedure in reviewing the case as the investigating conduct administrator. The decision of the Vice President of Instructional Support and Student Services will be final.

**Note: Summary of Timeline for Conduct Hearing and Appeal Process**

|                                   |  |
|-----------------------------------|--|
| Conduct Investigation and Hearing | Must be completed within <b>7 working days</b> after complaint is received.  |
| Deadline to Submit Appeal         | Must be submitted within <b>5 working days</b> after receipt of the written decision of the conduct administrator.                       |
| Appeal Process                    | The VP of Instructional Support and Student Services shall begin investigation within <b>3 working days</b> after receipt of the appeal. |

**E. Student Rights**

Both the reporting party and the responding party have the following rights in the conduct process:

1. Notice of the investigation to both parties;
2. An opportunity for both parties to present witnesses and other evidence;
3. Extension of any other rights given to the responding party to the reporting party;
4. Notification of available campus and community resources;
5. An opportunity to be accompanied by an advisor of the individual's choosing, including an attorney. The college restricts the advisor's participation in the process to accompanying the reporting party and the responding party to scheduled meetings that are part of the investigation; and
6. Written notice of the outcome of the investigation and appeal, if applicable. The written notice will include the alleged policy violation, the decision and any sanction rendered, if applicable.

**III. SANCTIONS**

The following section describes college sanctions available to designated conduct administrators in response to violations of the Rules of Conduct described in Section V of the Code of Student Conduct Policy. The listing is not inclusive of all options which the college may choose to exercise. WCC may impose more than one sanction for one act of misconduct.

- A. Warning:** A warning is an official written notice that the student has violated college policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the college.
- B. General Probation:** An individual may be placed on General Probation when involved in a minor disciplinary offense. General Probation has two (2) important implications: 1) the individual is given a chance to show capability and willingness to observe the Rules of Conduct without further penalty; and 2) if the individual violates additional college policy, further action will be taken. This probation will be in effect for no more than two (2) semesters, including the current semester.

- C. Restrictive Probation:** Restrictive Probation results in loss of good standing and becomes a matter of record in the student's file. Activity on campus is limited to attending class or visiting college offices (such as Student Services, bookstore, Learning Commons) to conduct business. Otherwise, a student must leave campus whenever not in class or conducting business with a college office. Additionally, the student will not be eligible for initiation into any local or national organization and may not receive any college award or other honorary recognition. The student may not occupy a position of leadership or responsibility with any college or student organization, publication or activity. This sanction also prohibits a student from officially representing the college or participating in any extracurricular activities. This probation will be in effect for not less than two (2) semesters, including the current semester. Involvement in further incidents during the restrictive probation period may result in additional sanctions, including suspension.
- D. Interim Suspension:** Interim suspension is the exclusion from class/campus and/or other college activities until an investigation is completed and a final decision made concerning the alleged violation.
- E. Suspension:** Suspension is the exclusion from class(es) and/or all other college privileges or activities for a specified period of time. Eligibility to return may be contingent upon satisfaction of specific conditions noted at the time of suspension. This sanction is reserved for those offenses warranting discipline more severe than probation or for repeated misconduct. During the suspension period, the student is banned from college property, functions, events, and activities without prior approval from a conduct administrator. This sanction may be enforced with a trespass action as necessary.
- F. Expulsion:** Expulsion is dismissing a student from the college for an indefinite period. The student is banned from college property and the student's presence at any college sponsored event is prohibited. This action may be enforced with a trespass action as necessary. A student may be readmitted to the college only with the approval of the President.
- G. Loss of Academic Credit or Grade:** Imposed as a result of academic dishonesty.
- H. No Contact:** A no contact order directs a student to refrain from: 1) approaching a particular student or employee at any time; 2) calling a specific student or employee at any time; 3) sending via email, social media, campus or regular mail anything to a specific student or employee; 4) contacting or communicating with a specific student or employee, including through a third party, in any way at any time.

- I. Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible.
- J. Driving/Parking Loss:** Revocation of driving and parking privileges on campus.
- K. Class Removal:** Removal from a class for the remainder of the semester/term.
- L. Loss of Technology Privileges:** Exclusion from all privileges associated with college technology access, including but not limited to email and network access and storage.
- M. Reflection Assignment:** Requirement to provide a written response to a series of questions designed to help evaluate actions and assist in making better decisions in the future. Additionally, the student may be required to have a follow-up meeting with a conduct administrator or designee.
- N. Behavioral Requirement:** This includes required activities such as but not limited to, seeking academic advising, counseling, substance abuse screening, writing a letter of apology, etc.
- O. Restitution:** Compensation for damage caused to the college or a specified person's property. This is not a fine, but a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- P. Revocation of Degree:** The college reserves the right to revoke an awarded degree for the discovery of previously unknown serious misconduct committed by a student prior to the student's graduation.

Adopted: 08/08/2019

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**I. PURPOSE OF ASSESSMENT**

The College has an obligation to provide a safe place for its students to learn and a safe place for its employees to work. When any College employees or students have a concern about a student's potential to have a negative consequence on the safety of College employees, other students or themselves, they are encouraged to report the matter to the Dean of Enrollment Services and/or Dean of Instructional Support Services or any member of the Care Team. A listing of Care Team members is available at [www.wilkescc.edu/care](http://www.wilkescc.edu/care). If warranted, the CARE Team, a cross-functional multidisciplinary group focused on prevention and early-intervention for students exhibiting concerning behaviors, may be used to address the situation. The following procedures are outlined to guide this process.

**II. PROCEDURES FOR ASSESSMENT**

**A. Step One**

College employees or students who are concerned about a student displaying elevated levels of distress, disturbance, or dysregulation (e.g. suicidal thoughts or impulses, violent and aggressive impulses, depression, disruptive behavior, physical or sexual abuse) or displaying behavior that poses a direct threat to the health, welfare and safety of the College community are encouraged to contact the Dean or any member of the Care Team. Additionally, an online report form is available at [www.wilkescc.edu/care](http://www.wilkescc.edu/care). In an emergency or situations that are deemed urgent, the initial contact for staff, faculty, and students should be Campus Police or 911. A student may be temporarily removed from the college until a review has been conducted.

**B. Step Two**

The Dean or another designated Care Team member will conduct an initial review based on the report. When conducting the review, the Dean or designee shall consider, among other things: (a) the severity of the reported behavior; (b) whether the reported behavior represents a direct threat to the health, welfare and safety of the College's community; (c) the student's academic, attendance and discipline records; (d) whether this type of behavior has been reported in the past; and (e) whether or not the reported behavior, if true, violates the Code of Student Conduct. When conducting the review, the Dean or designee may: (a) speak with the student; (b) gather additional evidence or information by interviewing members of the College community; (c) compile additional documentation; and (d) review other evidentiary sources. Based on the result of the conduct review, the Dean or designee may do the following: (a) treat the matter as a disciplinary action pursuant to Procedure 5.3.2 – Student Code of Conduct, if a violation is believed to have occurred; (b) make a written referral of his/her findings to the CARE Team for review; or (c) take no further action.

**III. CARE Team Membership, Function, and Review****A. Team Membership**

1. Dean of Instructional Support Services (Chair)
2. Student Services Counselors
3. Vice President of Instruction
4. Dean of Enrollment Services (Co Chair)
5. Chief of Police
6. Dean of College and Career Readiness
7. Director of Disability Services
8. Associate Vice President of Instructional Support & Student Services and Director of Advising
9. Dean of Ashe Campus
10. Director of Alleghany Center
11. Director of Resource Connections

**B. Team Function**

The purpose of the Care Team is to serve as a resource for students, faculty, and staff who have concerns regarding alarming, problematic, worrisome, and/or disruptive student behavior. The team uses a proactive approach to discuss potential problems, intervene early, and develop appropriate courses of action for referred students. The goal is to support students who may be in distress and/or whose behavior is of concern to others before situations rise to crisis levels.

The Care Team is not an administrative, treatment, or disciplinary group. The Care Team does not directly adjudicate, discipline, or impose sanctions against any member of the campus community, nor does it provide or mandate treatment.

**C. Team Review**

All matters referred to or received by the Care Team will be reviewed to determine if the speech or behavior in question is creating, or may lead to, an unsafe environment and/or impede the success of the student in question. The team may recommend any of the following actions as part of an intervention plan:

1. Refer to the college counseling center and/or community counseling resources for assessment;
2. Forward information to a conduct officer and/or designee when the student of concern has engaged in behavior that may be in violation of the Code of Student Conduct;
3. Forward information to the Title IX Coordinator and/or a Deputy Title IX Coordinator when a student of concern has engaged in behavior that may be in violation of the college's Title IX Sex Discrimination and Harassment Policy;
4. Forward information to Campus Police when a student of concern has engaged in behavior that may be in violation of local, state, or federal law

- or has demonstrated or stated intent to harm self or others;
- 5. Consider, within FERPA guidelines, notifying parents, guardians, and/or emergency contact;
- 6. Forward recommendations to appropriate college personnel regarding conditions for an individual to return as an active member of the college community.

Adopted: 08/08/2019

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**I. Notice of Nondiscrimination**

Wilkes Community College (WCC), in compliance with and as required by Title IX of the Education Amendments Act of 1972 and its implementing regulations (“Title IX”) and other civil rights laws, as well as in furtherance of its own values as a higher education institution, does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, or access to, or employment in, its programs and activities.

Discrimination and harassment are antithetical to the values and standards of the WCC community and are incompatible with the safe, healthy environment that the WCC community expects and deserves and will not be tolerated. WCC is committed to providing programs, activities, and an education and work environment free from discrimination and harassment. WCC is also committed fostering a community that promotes prompt reporting and fair and timely resolution of those behaviors.

Inquiries concerning discrimination or harassment on the basis of sex may be referred to WCC’s Title IX Coordinator or Deputy Title IX Coordinator. Exhibit A (found at the end of Title IX Sex Discrimination and Harassment Procedure 5.3.4.1) provides their contact information.

Inquiries concerning discrimination or harassment based on a protected characteristic or status other than sex may be referred to the Deputy Title IX Coordinators (for students) or Title IX Coordinator (for employees). Exhibit A (found at the end of Title IX Sex Discrimination and Harassment Procedure 5.3.4.1) provides their contact information.

Individuals may also make inquiries regarding discrimination or harassment to the U.S. Department of Education’s Office for Civil Rights by contacting the District of Columbia Office, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; Phone 800-421-3481; email: [OCR@ed.gov](mailto:OCR@ed.gov).

**II. Prohibition on Sex Discrimination and Harassment, Retaliation, and Providing False Information or Interfering with a Grievance Process**

This Policy prohibits discrimination and harassment on the basis of sex. WCC strongly encourages the prompt reporting of, and is committed to timely and fair resolution of, complaints of sex discrimination and harassment.

Sexual Harassment, as defined by Title IX and herein, is a specific type of sex discrimination/harassment that includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking and that WCC addresses using its Title IX Sexual Harassment Grievance Procedures, as required by Title IX.

This Policy also prohibits Retaliation, as defined by Title IX and herein. Complaints alleging Retaliation may be filed with the Title IX Coordinator or Deputy Title IX Coordinators and, at the discretion of the Title IX Coordinator or Deputy Title IX Coordinators, may be addressed under WCC's Title IX Sexual Harassment Grievance Procedures or other grievance procedures adopted by WCC.

Additionally, any individual who knowingly files a false Formal Complaint or who interferes with a WCC grievance process may be subject to disciplinary action. Interference with a grievance process may include, but is not limited to, attempting to coerce, compel, or prevent an individual from providing testimony or relevant information; removing, destroying, or altering documentation relevant to an investigation; or providing false or misleading information to WCC officials who are involved in the investigation and/or resolution of a Formal Complaint, or encouraging others to do so.

### **III. Reporting and Period of Limitations**

Any person (whether or not alleged to be the victim) may report sex discrimination or harassment, including Sexual Harassment, in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator or Deputy Title IX Coordinators listed in Exhibit A (found at the end of Title IX Sex Discrimination and Harassment Procedure 5.3.4.1), or by any other means that results in the Title IX Coordinator or a Deputy Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

In addition to the Title IX Coordinator and Deputy Title IX Coordinators, WCC has designated the following employees as individuals with the authority to institute corrective measures on behalf of WCC: President, Vice Presidents, Deans. Accordingly, these employees are *required* to report discrimination and harassment on the basis of sex to the Title IX Coordinator or a Deputy Title IX Coordinator.

WCC *strongly encourages* all employees and other members of the WCC community to promptly report concerns regarding suspected or known discrimination/harassment on the basis of sex to the Title IX Coordinator or a Deputy Title IX Coordinator.

Additionally, WCC has designated the following employees as confidential resources for students.

| <b>Name</b>   | <b>Contact Information</b>   |
|---|--|
| Mike Roope, EdS, LCMHC<br>Director of Counseling and Career<br>Services | 336-838-6147<br><a href="mailto:mroope085@wilkescc.edu">mroope085@wilkescc.edu</a> |
| Amber Cook, MSW, LCSWA<br>Counselor                                     | 336-838-6229<br><a href="mailto:alcook636@wilkescc.edu">alcook636@wilkescc.edu</a> |

Information about sex discrimination or harassment shared with these confidential resources typically will not be reported to other WCC personnel (including the Title IX Coordinator or Deputy Title IX Coordinators), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). (Confidential resources may report *non-identifying* statistical information to the Title IX Coordinator or a Deputy Title IX Coordinator for recordkeeping and compliance purposes.)

WCC will address allegations of sex discrimination and harassment appropriately no matter the length of time that has passed since the alleged conduct. However, WCC strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay may compromise the ability to investigate, particularly if the individuals involved in the alleged conduct are no longer WCC students or employees.

#### **IV. Applicability of Policy and Grievance Procedures**

This Policy applies to any allegation of sex discrimination or harassment made by or against a student or an employee of WCC or a third party, regardless of sex, sexual orientation, sexual identity, gender expression, or gender identity.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of Sexual Harassment in WCC's Education Program or Activity (as defined herein).

WCC will address allegations of other types of sexual harassment (i.e., that do not meet the definition of Title IX Sexual Harassment) by: (1) using other student and employee conduct disciplinary procedures deemed appropriate by the Title IX Coordinator or Deputy Coordinators in consultation with other WCC administrators; and/or (2) Supportive Measures, which are defined and discussed in more detail herein.

#### **V. Rights of Parents**

When a student Complainant or Respondent is a minor or has a guardian appointed and their parent or guardian has the legal right to act on the student's behalf, then the parent or guardian may file a Formal Complaint on behalf of the student, although the student would be the "Complainant." In such a situation, the parent or guardian may exercise the rights granted to the student under this Policy, including requesting Supportive Measures and participating in a grievance process. Similarly, the parent or guardian may accompany the student to meetings, interviews, and hearings during a grievance process to exercise rights on behalf of the student, while the student's Advisor of choice may be a different person from the parent or guardian. Whether or not a parent or guardian has the legal right to act on behalf of an individual would be determined by state law, court orders, child custody arrangements, or other sources granting legal rights to parents or guardians.

Additionally, FERPA and its implementing regulations address the circumstances under which a parent or guardian is permitted to inspect and review a student's education records. However, in circumstances in which FERPA would not grant a party the opportunity to inspect and review evidence in connection with a grievance process, pursuant to Title IX and its implementing regulations, the student has an opportunity to do so, and a parent or guardian who has a legal right to act on behalf of the student has the same opportunity.

#### **VI. Definitions Applicable of Policy and Grievance Procedures:**

Capitalized terms used herein are defined as follows.

**“Actual Knowledge”** means notice of Sexual Harassment or allegations of Sexual Harassment to WCC's Title IX Coordinator, Deputy Title IX Coordinators, President, Vice Presidents, or Deans. “Notice” as used in this paragraph includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator or a Deputy Title IX Coordinator.<sup>1</sup>

**“Clery Act”** refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

**“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, irrespective of whether a Formal Complaint has been filed.

**“Consent”** is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

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<sup>1</sup> This standard is not met through imputation of knowledge based solely on vicarious liability or constructive notice. This standard also is not met when the only individual with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one to whom notice of Sexual Harassment or allegations of Sexual Harassment constitutes Actual Knowledge.

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor's age; persons with mental disabilities, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are Incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Harassment.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness and readiness to continue and capacity to Consent. Neither party should make assumptions about the other's willingness and readiness to continue.

**“Day”** means a business day, unless otherwise specified.

**“Education Program or Activity”** means all of WCC's operations and includes (1) locations, events, or circumstances over which WCC exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred; and (2) any building owned or controlled by a student organization that is officially recognized by WCCShortened Name.

**“Education Record”** has the meaning assigned to it under FERPA.

**“FERPA”** is the Family Educational Rights and Privacy Act, a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 C.F.R. § 99. FERPA protects the privacy of student Education Records. FERPA grants to eligible students the right to access, inspect, and review Education Records, the right to challenge the content of Education Records, and the right to consent to the disclosure of Education Records.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that WCC investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in WCC's Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator or a Deputy Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator/Deputy Coordinators in Exhibit A (found at the end of Title IX Sex Discrimination and Harassment Procedure 5.3.4.1). As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant

is the person filing the Formal Complaint.

**“Incapacitated”** means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

**“Respondent”** means an individual who has been reported to be the perpetrator of conduct alleged to constitute Sexual Harassment.

**“Retaliation”** means (1) any adverse action (including direct and indirect intimidation, threats, coercion, discrimination, or harassment (including charges for conduct violations that do not involve sex discrimination or harassment or Sexual Harassment but that arise out of the same facts or circumstances as a report or complaint of sex discrimination or harassment or a report or Formal Complaint of Sexual Harassment) that is (2) threatened or taken against a person (a) for the purpose of interfering with any right or privilege secured by Title IX; or (b) because the person has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Title IX.<sup>2</sup>

**“Sexual Harassment”** means conduct on the basis of sex that satisfies one or more of the following:

- (1) an employee of WCC conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. (commonly referred to *quid pro quo* harassment);
- (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to WCC’s Education Program or Activity; or
- (3) **“Sexual Assault,”** as defined in 20 U.S.C. § 1092(f)(6)(A)(v): an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

**“Dating Violence,”** as defined in 34 U.S.C. § 12291(a)(10): violence committed by a person—(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship;

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<sup>2</sup> Retaliation does not include (1) the exercise of rights protected under the First Amendment; (2) charging an individual with making a materially false statement in bad faith in the course of a grievance proceeding (provided, however, that a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith); or (3) good faith actions lawfully pursued in response to a report of prohibited conduct.

**“Domestic Violence,”** as defined in 34 U.S.C. § 12291(a)(8): felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or

**“Stalking”** as defined in 34 U.S.C. § 12291(a)(30): engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

**“Supportive Measures”** are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant and/or a Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to WCC’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or WCC’s educational environment or deter Sexual Harassment.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. WCC will maintain as confidential any Supportive Measures provided to a Complainant or a Respondent, to the extent that maintaining such confidentiality would not impair WCC’s ability to provide the Supportive Measures. The Title IX Coordinator and Deputy Title IX Coordinators are responsible for coordinating the effective implementation of Supportive Measures.

Adopted: 08/10/2020

Reinstated 02/13/2025

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**IMPORTANT INFORMATION FOR INDIVIDUALS WHO MAY BE VICTIMS OF  
SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING:**

If you or someone you know may have been a victim of the behaviors listed above or any other type of violence, you are strongly encouraged to seek immediate assistance.

**ASSISTANCE CAN BE OBTAINED 24 HOURS A  
DAY, 7 DAYS A WEEK, FROM  
THE WCC POLICE DEPARTMENT  
(LOCATED IN/AT CLASSROOM BUILDING #7 AND AVAILABLE  
BY PHONE AT 336-838-6275).**

During business hours (8:00 a.m. to 5:00 p.m., Monday through Thursday; 8:00 a.m. to 3:00 p.m., Friday), you are also strongly encouraged to contact one of the following individuals:

| WHO TO CONTACT                             | POPULATION SERVED   | CONTACT INFORMATION  |
|--|---|--|
| Sherry Cox, Title IX Coordinator           | Faculty/Staff   | 336-838-6422<br><a href="mailto:spcox072@wilkescc.edu">spcox072@wilkescc.edu</a>         |
| Scott Johnson, Deputy Title IX Coordinator | Curriculum and Workforce Development & Community Education Students | 336-838-6141<br><a href="mailto:sajohnson366@wilkescc.edu">sajohnson366@wilkescc.edu</a> |

For additional information about seeking medical assistance and emotional support, as well as important contact information for local law enforcement agencies, hospitals, and other resources, see Exhibit A at the end of this document.

**A. APPLICABILITY, COMPLAINT INTAKE, AND OVERARCHING PROVISIONS**

**1. Applicability of Grievances Procedures**

As noted above, these Grievance Procedures apply to allegations of Sexual Harassment in WCC's Education Program or Activity (and to related Retaliation, at the discretion of the Title IX Coordinator or a Deputy Title IX Coordinator). WCC treats Complainants and Respondents equitably by providing remedies to a Complainant where WCC makes a determination of responsibility for Sexual Harassment against a Respondent under these Grievance Procedures and also by following these Grievance Procedures before imposing any disciplinary sanctions against a Respondent for Sexual Harassment.

**2. Obligation to Respond and Initial Outreach to Complainant**

When WCC has Actual Knowledge of Sexual Harassment (or allegations thereof) against a person in the United States in its Education Program or Activity, WCC is obligated to respond and to follow Title IX's specific requirements, which are addressed and incorporated in these Grievance Procedures.

Promptly upon receiving allegations of Sexual Harassment against a person in the United States in WCC's Education Program or Activity, the Title IX Coordinator or a Deputy Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a Formal Complaint and to explain to the Complainant the process for filing a Formal Complaint.

**3. Filing of a Formal Complaint**

As noted in the Definitions section above, a Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator or a Deputy Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that WCC investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in WCC's Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator or a Deputy Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in Exhibit A . As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint.

When the Title IX Coordinator or a Deputy Title IX Coordinator believes that, with or without the Complainant's desire to participate in a grievance process, a non-deliberately indifferent response to the allegations requires an investigation, the Title IX Coordinator/Deputy Title IX Coordinator has the discretion to initiate the grievance process by signing a Formal Complaint. Where the Title IX Coordinator/Deputy Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator/Deputy Title IX Coordinator is not a Complainant or otherwise a party under these Grievance Procedures. Furthermore, initiation of a Formal Complaint by the Title IX Coordinator/Deputy Title IX Coordinator is not sufficient alone to imply bias or that the Title IX Coordinator/Deputy Title IX Coordinator is taking a position adverse to the Respondent.

Once a Formal Complaint is initiated, an alleged victim will be referred to as a "Complainant," and an alleged perpetrator will be referred to as a "Respondent."

**4. Notice of Allegations**

Upon receipt of a Formal Complaint, the Title IX Coordinator or Deputy Title IX Coordinator will provide the Complainant and any known Respondent written notice of these Grievance Procedures and of the allegations of conduct potentially constituting Sexual

Harassment, including sufficient details known at the time and with at least five days to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.

The written notice will include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice also will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and that at appropriate junctures the parties and their advisors may review and inspect evidence collected during the investigation. Additionally, the written notice will inform the parties of WCC's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, WCC decides to investigate allegations of Sexual Harassment involving the Complainant or Respondent that are not included in the original written notice of allegations, WCC will provide notice of the additional allegations to the parties whose identities are known.

#### **5. Dismissal**

WCC will investigate the allegations in a Formal Complaint; however, WCC *will* dismiss a Formal Complaint or a portion of the allegations therein if (1) the conduct alleged in the Formal Complaint, even if substantiated, would not constitute Sexual Harassment; (2) at the time of filing the Formal Complaint the Complainant was not participating in or attempting to participate in WCC's Education Program or Activity; (3) the conduct alleged in the Formal Complaint did not occur in WCC's Education Program or Activity; or (4) the conduct alleged in the Formal Complaint did not occur against an individual in the United States. Such a dismissal may take place at the conclusion of the investigation or at any time prior to the conclusion of the investigation.

Additionally, WCC *may* dismiss a Formal Complaint or a portion of the allegations therein if (1) the Complainant notifies the investigating Title IX Coordinator or Deputy Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed at WCC; or (3) despite efforts to do so, WCC is unable to gather evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In the event the investigating Title IX Coordinator or Deputy Title IX Coordinator determines that dismissal of a Formal Complaint or a portion of the allegations is appropriate, the investigating Title IX Coordinator or Deputy Title IX Coordinator will promptly notify the parties in writing of the dismissal and the reasons for it. Dismissal does not impair WCC's ability to proceed with any appropriate investigatory or disciplinary actions under the Sex Discrimination and Harassment Policy or another WCC policy or procedure and/or to

provide Supportive Measures to the parties.

Either party may appeal a decision to dismiss a Formal Complaint or a portion of the allegations on the following grounds by submitting a written appeal to the investigating Title IX Coordinator or Deputy Title IX Coordinator five days of the issuance of the written notice of the dismissal: (1) procedural irregularity that affected the decision to dismiss; (2) new evidence that was not reasonably available at the time of dismissal and that could affect the outcome of the matter; or (3) the investigating Title IX Coordinator or Deputy Title IX Coordinator or other participant in the dismissal having a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the decision to dismiss.

The investigating Title IX Coordinator or Deputy Title IX Coordinator will promptly notify the other party of the appeal, and the non-appealing party may submit a response to the appeal within three days of notification of the appeal.

The Title IX Coordinator will appoint an appeal officer and will contemporaneously share the appeal officer's name and contact information with the Complainant and the Respondent.

Within two days of being provided the contact information for the appeal officer, the Complainant, or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias on the part of the appeal officer. The Title IX Coordinator will consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

The Title IX Coordinator will forward the Formal Complaint and any documents upon which the dismissal decision was based, as well as the appeal and any response to the appeal to the appeal officer.

Within seven days of receipt of those materials, the appeal officer will determine whether any of the grounds for appeal warrant overturning or modifying the dismissal. The decision by the appeal officer is final.

## **6. Advisors**

The Complainant and the Respondent may be accompanied to any meeting or proceeding under these Grievance Procedures by the advisor of their choice, who may be, but is not required to be, an attorney. WCC will not limit the choice or presence of the advisor for either the Complainant or the Respondent in any meeting or grievance proceeding. Advisors, however, are not allowed to disrupt any such meeting or proceeding or to speak on behalf of the Complainant or the Respondent, with the exception of cross-examination during any hearing conducted under these Grievance Procedures, which must be conducted by an advisor and never personally by the Complainant or the Respondent.

Parties must provide the name and contact of their advisor to the investigating Title IX

Coordinator or Deputy Title IX Coordinator in writing as soon as reasonably possible and must provide updated information if their advisor changes. All advisors will be required to assent to WCC's Expectations for Advisors.

If a party does not have an advisor present at the hearing, WCC will provide, without any charge to that party, an advisor of WCC's choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Absent accommodation for a disability, the Complainant and the Respondent may not be accompanied by more than one advisor or by other individuals during meetings or proceedings under these Grievance Procedures.

#### **7. Amnesty**

WCC considers the reporting and adjudication of Sexual Harassment to be of paramount importance. WCC does not condone underage drinking or the use of illegal drugs; however, WCC may extend amnesty to Complainants, Respondents, witnesses, and others involved in a grievance process from punitive sanctioning for illegal use of drugs and/or alcohol when evidence of such use is discovered or submitted in the course of a grievance process. Similarly, WCC may, in its discretion, provide amnesty for other conduct code violations that are discovered in the course of a grievance process.

#### **8. Timing**

WCC will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occurs in as timely and efficient a manner as possible. The timelines set forth in these Grievance Procedures are guidelines and may be altered for good cause with written notice to the Complainant and the Respondent of any delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; natural disasters, pandemic restrictions, and similar occurrences; or the need for language assistance or accommodation of disabilities.

WCC will strive to complete its investigation and resolution of a Formal Complaint (not including an appeal, if applicable) within 90 days of the receipt of the Formal Complaint, absent extenuating circumstances. Hearings generally will take place within 20 days of the conclusion of the investigation. Within seven days of the conclusion of the hearing, both the Complainant and the Respondent will receive a final outcome letter.

Either party may request an extension of any deadline by providing the investigating Title IX Coordinator or Deputy Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The investigating Title IX Coordinator or Deputy Title IX Coordinator will review the request and will make a determination with regard to the request within three days.

#### **9. Written Notice of Meetings**

WCC will provide, to a party whose participation is invited or expected, written notice of the date time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

**10. Effect of Corollary Criminal Investigation**

WCC's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, WCC will implement any appropriate Supportive Measures and will evaluate the need for other actions necessary to assist or protect the Complainant, the Respondent, and/or the WCC community.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate a matter is determinative of whether Sexual Harassment has occurred in the eyes of WCC.

**11. Emergency Removal and Administrative Leave**

WCC may remove a Respondent from WCC's Education Program or Activity on an emergency basis, provided that WCC first undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and does so in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

Additionally, WCC may place a non-student employee Respondent on administrative leave during the pendency of WCC's response to allegations of Sexual Harassment provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

**12. Effect of Respondent Withdrawal, Graduation, or Resignation During Grievance Process**

At the discretion of WCC, a Respondent who withdraws or resigns from WCC during the pendency of a grievance process under these Grievance Procedures may be barred from WCC property and WCC activities and events and may be ineligible for re-enrollment or to be re-hired. If a Respondent completes all requirements to graduate during the grievance process, WCC may hold the Respondent's diploma until full resolution of the Formal Complaint.

**13. Privacy and Disclosure**

Except as may be permitted by FERPA or as required by law or to carry out any investigation or resolution of sex discrimination or harassment allegations, WCC will keep private the identity of any individual who has made a report or complaint of sex discrimination or harassment (including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any Respondent, and any witness.

WCC may report alleged Sexual Harassment to local law enforcement if warranted by the nature of the allegations at issue, and WCC administrators will share information regarding alleged Sexual Harassment, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar Sexual Harassment, and address the effects of the Sexual Harassment. Additionally, information regarding alleged Sexual Harassment may be used as a statistical, anonymous report for data collection purposes under the Clery Act.

To comply with FERPA, Title IX, and other applicable laws and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, grievance processes carried out under these Grievance Procedures are not open to the general public. Accordingly, documents prepared in connection with such processes; documents, statements, or other information introduced in interviews, meetings, and proceedings; and the final outcome letter may not be disclosed outside of those processes except as may be required or authorized by law.

As permitted by and subject to the limitations of FERPA, WCC reserves the right to notify parent(s) or guardian(s) of a student Respondent of the outcome of any investigation involving that Respondent, redacting names of any other students who do not consent to the disclosure of their information. At the written request of a party, WCC may include a party's advisor on communications and share access to documents, including the investigation report. This access is subject to the advisor's acknowledgment and agreement to maintain the confidentiality of the documents.

While WCC strongly encourages parties to maintain privacy in connection with a grievance process, WCC does not prohibit parties from discussing the allegations under investigation or in any way inhibit the parties from gathering or presenting relevant evidence. In addition, WCC's policy does not prohibit disclosure of the final outcome letter by either the Complainant or the Respondent.

#### **14. Conflicts of Interest, Bias, and Training**

WCC will ensure that any individual designated by WCC as a Title IX Coordinator, Deputy Title IX Coordinator, investigator, or decision-maker under these Grievance Procedures does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If any employee designated to participate in the investigation or resolution of a Formal Complaint is the Respondent or a relevant witness, then the Title IX Coordinator will appoint another employee to perform their duties. (If the Title IX Coordinator is the Respondent, then the President will appoint another qualified person to perform their duties.)

WCC also ensures that the Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and advisors receive training, as applicable, on the definition of Sexual Harassment; the scope of WCC's Education Program or Activity; how to conduct an

investigation and grievance process, including hearings, and appeals; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. WCC further ensures that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, and that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Additionally, WCC ensures that decision-makers receive training on any technology to be used at live hearings.

Materials used to train the Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and advisors will not rely on sex stereotypes and promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

**15. Burden of Proof**

At all times, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on WCC, not on either of the parties.

**16. Presumption of No Responsibility until Determination**

Respondents are presumed to be not responsible for alleged Sexual Harassment until WCC makes a determination regarding responsibility pursuant to these Grievance Procedures.

**17. Objective Evaluation of All Relevant Evidence: Credibility Determinations**

The investigators and decision-makers under these Grievance Procedures will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness.

**18. Academic Freedom**

WCC affirms its commitment to academic freedom but notes that academic freedom does not allow any form of Sexual Harassment. WCC recognizes that an essential function of education is a probing of opinions and an exploration of ideas, some of which, because they are controversial, may cause students and others discomfort. This discomfort, as a product of free academic inquiry within a faculty member's area(s) of expertise, shall in no way be considered or construed to constitute Sexual Harassment. Academic inquiry may involve teaching, research and extramural speech. Furthermore, nothing in this document shall be interpreted to prohibit bona fide academic requirements for a specific WCC program or activity. When investigating complaints that a party or the Title IX Coordinator/Deputy Title IX Coordinator believes may involve issues of academic freedom, the investigating Title IX Coordinator or Deputy Title IX Coordinator will consult with the Vice President of Instruction with respect to contemporary academic practices and standards.

**19. Documentation**

WCC will retain documentation (including but not limited to any Formal Complaint, notifications, recording or transcripts of interviews, investigative report, written findings of fact, petitions for appeal, notifications of decisions (including the final outcome letter), audio

recordings of hearings, and written communication with the Complainant and Respondent), for no less than seven years.

**20. Consolidation of Formal Complaints**

WCC may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in these Grievance Procedures to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

**21. Individuals with Disabilities**

WCC will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in WCC’s grievance processes. Student requests for accommodation must be made to the Director of Disability, Inclusion, & Diversity. All other requests for accommodation must be made to the Executive Director of Human Resources.

**B. THE INVESTIGATION**

**22. Appointment of Investigators and Challenging of the Same**

Unless a Formal Complaint is dismissed, one or more members of the Title IX Coordinator/Deputy Title IX Coordinator team will initiate the investigation. The lead investigator will contemporaneously share their names and contact information with the Complainant and Respondent.

Within two days of receiving notification from the lead investigator, the Complainant or the Respondent may identify to the lead investigator in writing any alleged conflicts of interest or bias on the part of the assigned investigators. The lead investigator will review this information with the Title IX Coordinator/Deputy Title IX Coordinator team and will promptly assign different investigators if the Title IX Coordinator/Deputy Title IX Coordinator team determines that a material conflict of interest or material bias exists.

**23. The Investigators’ Activities**

Upon receipt of the Formal Complaint, the investigators will promptly begin their investigation, taking such steps as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); summarizing such interviews in writing; collecting and reviewing relevant documents; visiting, inspecting, and taking or reviewing photographs of relevant sites; and collecting and reviewing other relevant evidence.

**24. The Investigative Report and Evidence Review**

The investigators will prepare a written investigative report that fairly summarizes relevant evidence and includes items such as the Formal Complaint, written statements of position,

summaries or transcripts of all interviews conducted, photographs, descriptions of relevant evidence, and summaries or copies of relevant electronic records.

Prior to the completion of the investigative report, the investigators will send to each party and the party's advisor, if any, an electronic or hard copy of any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including (1) any evidence upon which WCC does not intend to rely in reaching a determination regarding responsibility; and (2) both inculpatory and exculpatory evidence.

The parties have ten days from the time that the evidence is provided to submit to the investigators a written response to the evidence. In the response, the parties may address the relevancy of any evidence that the parties believe should be included in or excluded from the investigative report and may also address any further investigation activities or questions that they believe are necessary. If a party wishes to submit additional evidence at this stage, they should explain how the evidence is relevant and why it was not previously provided.

The investigators will review and consider the parties' written submissions and may conduct additional investigative activities as appropriate prior to finalizing the investigative report. The need for additional investigative activities may result in a delay or extension to the timelines set forth in these Grievance Procedures.

At least ten days prior to the hearing, the investigators will send an electronic or hard copy of the investigative report to each party and the party's advisor, if any. Any response a party wishes to make to the investigative report may be included in that party's pre-hearing statement, which is discussed more below in Section 2C.05.

Due to the sensitive nature of the investigative report, neither the parties nor their advisors may copy, publish, photograph, print, image, record or in any other manner duplicate the report. Parties who violate these restrictions may be disciplined, and advisors who violate these restrictions may be disciplined and/or be barred from further participation in the grievance process.

Nothing in this document restricts the ability of either party to discuss the allegations under investigation or to gather, preserve, and/or present relevant evidence.

**25. Submission of Evidence: Expert Witnesses**

Any evidence that the parties wish for the hearing officer to consider should be presented to the investigators as early as possible during the investigation process. Evidence that is not submitted in a timely manner and prior to finalization of the investigative report may be excluded from the hearing at the discretion of the hearing officer.

Similarly, all relevant witnesses should be identified to the investigators as early as possible during the investigation. The hearing officer generally will not call or consider written statements from witnesses who were not identified to investigators and interviewed during the

investigation. However, in their discretion and for good cause, the hearing officer may choose to consider information from witnesses who were not interviewed during the investigation.

Any party who wishes to present testimony from an expert witness should identify that witness by providing the witness's name, contact information and a summary of (1) the witness's qualifications to offer expert testimony; and (2) any opinions the witness expects to offer related to the allegations or evidence. Any evidence upon which the witness relies must be provided to the investigators and will be made available to the other party and their advisor, as well as to any expert witness the other party has identified. This information must be provided as early as possible in the investigation and in no event later than finalization of the investigative report. The parties must make any expert witnesses available to be interviewed by investigators and to testify at the hearing. If an expert witness is not available to provide live testimony at the hearing, the hearing officer must disregard any information submitted by that expert.

**26. Treatment Records**

WCC will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent.

**C. HEARING AND APPEALS**

**27. The Formal Resolution Process**

Unless a Formal Complaint is dismissed, following the investigation the appointed hearing officer will conduct a hearing in which they may question the Complainant, the Respondent, and any witnesses whose testimony the hearing officer deems relevant. During the hearing, the hearing officer and the parties may also question the investigators as necessary to clarify information provided in the investigative report.

**28. Appointment of the Hearing Officer and Challenging of the Same**

The Title IX Coordinator will appoint a lead hearing officer and two employees to serve on the hearing panel for student cases. The hearing panel will serve as the decision-maker regarding responsibility and determine sanctions. The Title IX Coordinator will appoint a hearing officer for employee cases. The hearing officer will serve as the decision-maker regarding responsibility. The President will determine sanctions. The Title IX Coordinator will contemporaneously share the hearing officer's name and contact information with the Complainant and the Respondent. The Title IX Coordinator will provide to the hearing officer the Formal Complaint, all evidence directly related to the allegations, the parties' written responses to the evidence, and the investigative report.

Within two days of such appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the hearing officer or hearing panel. The Title IX Coordinator will promptly assign a different

hearing officer or hearing panel member if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

**29. Noticed of the Hearing**

Promptly after the appointment of the hearing officer and no less than seven days prior to the hearing, the hearing officer will provide concurrent written notice to the Complainant and the Respondent setting forth the date, time, and location of the hearing. Any modifications to the hearing date, time, or location will be provided in writing to both parties prior to the date of the hearing.

**30. Pre-Hearing Submissions**

Each party may submit a written statement to the hearing officer that includes any response the party wishes to make to the investigative report. Each party's pre-hearing statement must be submitted at least five days prior to the hearing. The hearing officer will share the statement with the other party, who may submit a response within two days.

**31. Failure to Appear**

If any party, advisor, or witness fails to appear at the hearing after having been provided proper notice of the hearing as set forth above, then absent extenuating circumstances the hearing officer will proceed with the hearing and issuance of their responsibility determination and, as applicable, sanction recommendation. WCC will provide an advisor to any party who attends the hearing unaccompanied.

**32. Evidentiary Matters**

A Title IX hearing does not take place within a court of law and is not bound by formal rules of evidence.

Evidence of and questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted at the hearing, with the following exceptions: (1) if the questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally investigated or found responsible for such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged Sexual Harassment at issue before the hearing officer, provided that the Respondent has not been found "not responsible" by WCC in a proceeding related to such conduct.

WCC will not access, consider, disclose, or otherwise use in a grievance process any party's treatment records that are maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional/paraprofessional capacity unless the party provides voluntary, written consent. Questions and/or evidence that

constitute or seek disclosure of information protected under a legally recognized privilege are not permitted, unless the person holding the privilege has waived the privilege in writing. WCC will make the evidence that the investigators provided to the parties for their review and inspection prior to finalization of the investigative report available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

**33. Conduct of the Hearing and Questioning of Witnesses and Parties**

The hearing will be conducted with parties in separate rooms, using technology to ensure that each party can see and hear any party or witness answering questions. At the discretion of the hearing officer, the hearing may be conducted partially or entirely remotely, with any or all participants participating virtually.

The Complainant and the Respondent will have equal opportunity to address the hearing officer, if desired, and both the hearing officer and the parties' advisors will have the opportunity to question the other party and any witnesses, including investigators and expert witnesses. The hearing officer will first ask any questions of each party and each witness through direct examination. After the hearing officer has completed direct examination, the advisor for each party will have an opportunity to conduct a cross-examination of the other party and/or the witnesses. Any questions that a party has for a witness or the other party must be posed by the party's advisor. A party's advisor will not have the opportunity to question the party for whom they serve as advisor.

Before a party or witness answers a cross-examination question, the hearing officer will determine whether the question is relevant and allowed under these Grievance Procedures. For example, the hearing officer may exclude as not relevant duplicative questions or questions posed solely to harass a witness or the other party. The hearing officer will explain any decision to exclude a question.

If a party does not have an advisor present at the hearing, WCC will provide an advisor, at no cost to the party, to conduct cross-examination on behalf of that party.

Members of the WCC community are expected to provide truthful testimony, and any member of the WCC community who knowingly provides false information during this process is subject to discipline.

**34. Unavailability or Refusal to Testify or Submit to Cross-Examination**

The Respondent and/or the Complainant may choose not to testify at the hearing; however, the exercise of that option will not preclude the hearing officer from making their responsibility determination and, as applicable, sanction recommendation regarding the Formal Complaint. Also, if a party or witness does not submit to cross-examination at the hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility or, as applicable, recommendation regarding sanctions. The hearing officer will not draw an inference regarding responsibility or

sanctions based solely on a party's or witness' absence from the hearing or refusal to testify or submit to cross-examination.

**35. Recording**

WCC will record the hearing. This recording will be the only recording permitted of the proceedings and will be the property of WCC. The parties and the appeal officer may use the recording as part of the appeal process. Reasonable care will be taken to ensure a quality recording; however, technological problems that result in no recording or in an inaudible one will not affect the validity of the outcome of a hearing.

**36. The Determination of the Hearing Officer Regarding Responsibility**

Following the hearing, the hearing officer will determine whether the evidence establishes that it is more likely than not<sup>1</sup> that the Respondent committed Sexual Harassment. The hearing officer will render a finding of "Responsible" or "Not Responsible" and will provide the rationale for the decision. If the Respondent is found "Responsible," the hearing officer will specify the specific type(s) of Sexual Harassment for which the Respondent is found "Responsible" (for example, Sexual Assault, Stalking, etc.). When feasible, the hearing officer will orally communicate the finding of "Responsible" or "Not Responsible" to the parties on the day of or day following the hearing. Additional information regarding the decision, including the rationale and sanctions (if applicable) will be communicated in the final outcome letter (as described below).

**37. Determination of Sanctions**

If the hearing officer concludes that the Respondent is "Responsible," they will appropriate sanctions to be imposed on the Respondent. The sanctions will be determined within the context of the sanctioning guidelines, the Respondent's disciplinary history, the institution's handling of similar cases, and other relevant factors.

Sanctions following a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline, or both. Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for students may include, but are not limited to, expulsion or suspension from WCC, disciplinary probation, social restrictions, suspension or revocation of admission, suspension or revocation of degree.

Other potential sanctions for Respondents may include, but are not limited to, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as community service, reflection paper(s), and/or fines) as deemed appropriate by the hearing officer.

<sup>1</sup>In other words, the standard of proof will be the preponderance of the evidence standard.

In determining sanctions, the hearing officer will consider whether a sanction will bring an end to, prevent a recurrence of, and remedy the effects of the Sexual Harassment. The hearing officer also will consider the impact of separating a student from their education. The appropriate sanctions for Sexual Assault generally will include at a minimum a period of separation from WCC.

**38. Implementation of Sanctions**

Sanctions generally are effective immediately upon issuance of the final outcome letter described below. However, if necessary to protect the welfare of the Complainant, Respondent, or WCC community, the hearing officer may determine that any sanctions are effective at any time after the conclusion of the hearing and continue in effect until the issuance of the final outcome letter.

**39. Final Outcome Letter**

Within seven days after the hearing, the hearing officer will issue a final outcome letter through the Title IX Coordinator to the Respondent and Complainant simultaneously.

The final outcome letter will (1) name the Respondent; (2) identify the allegations potentially constituting Sexual Harassment; (3) describe procedural steps taken from the filing of the Formal Complainant through the determination; (4) provide findings of fact in support of the hearing officer's determination; and (5) provide a statement of rationale for the result as to each allegation, including the responsibility determination and any sanctions.

**40. Appeals**

The Complainant or the Respondent may appeal the decision of the hearing officer regarding responsibility and/or the sanction(s) imposed on the Respondent.

The following are the only permissible grounds for an appeal of the hearing officer's responsibility determination: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the determination and that could affect the outcome; and (3) the Title IX Coordinator, Deputy Title IX Coordinator, an investigator, or the hearing officer had a conflict of interest or bias that affected the outcome.

Sanctions may only be appealed on the ground that the severity is incommensurate to the gravity of the Sexual Harassment for which the Respondent was found responsible.

Appeals must be submitted in writing to the Title IX Coordinator within five days from the date of the final outcome letter. The Title IX Coordinator will promptly inform the other party of the filing of the appeal. The other party will have three days from such notification to submit a written response to the appeal.

**41. Appointment of the Appeal Officer and Challenging of the Same**

The Title IX Coordinator will appoint an appeal officer and will share the appeal officer's name and contact information with the Complainant and the Respondent.

Within two days of being provided the contact information for the appeal officer, the Complainant, or the Respondent may identify to the Title IX Coordinator in writing alleged Conflicts of interest or bias on the part of the appeal officer. The Title IX Coordinator will consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

**42. Appellate Review**

The Title IX Coordinator will share the Formal Complaint, the investigative report, the hearing recording, all statements introduced at the hearing, any other evidence considered by the hearing officer, the hearing officer's written findings, and the written appeal submissions with the appeal officer. In addition, if an appeal raises procedural issues, the Title IX Coordinator may provide the appeal officer additional information relevant to those issues.

Within ten days of the receipt of the appeal the appeal officer will determine (a) that the decision of the hearing officer should stand; or (b) that the decision of the hearing officer should be overturned and will issue a written explanation of that result and the rationale behind it.

In the event that the appeal officer determines that the decision of the hearing officer should be overturned, the appeal officer will specify, after consultation with the Title IX Coordinator and other WCC administrators as necessary, the appropriate steps to be taken to come to a final resolution of the Formal Complaint (which may include another hearing before the same hearing officer or a different one).

Adopted: 08/10/2020

Reinstated: 02/13/2025

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**EXHIBIT A**

**Suggested Actions for People Who Have Experienced Sexual Harassment**

If you have experienced Sexual Harassment, WCC's first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal or WCC complaint.

**a. Ensure Your Physical Safety.**

You may seek help from **local law enforcement agencies** or by contacting the WCC **Police Department**. The WCC Police Department can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Officers are on duty at the WCC Police Department 24 hours a day, seven days a week.

**b. Seek Medical Assistance and Treatment.**

Local options for medical care include Wilkes Medical Center (336-651-8100), Ashe Memorial Hospital (336-846-0748), and Alleghany Memorial Hospital (336-372-5511). It is crucial that you obtain medical attention as soon as possible after a sexual assault, for example, to determine the extent of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 120 hours.

Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charges at a later date.

It is advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before an evidence collection kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

**c. Obtain Emotional Support**

The Counseling Center (located in Student Services Office, Alumni Hall) can help students sort through their feelings and begin the recovery process. The professionals at the Counseling Center are trained to provide crisis intervention on short-term and emergency issues. The Counseling Center can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students' records, and will not be reported to other WCC personnel.

Employees may contact the Executive Director of Human Resources for a counseling referral.

**d. Obtain Information/Report Misconduct**

You are encouraged to report incidents of sexual assault to WCC's Title IX Coordinator or a Deputy Title IX Coordinator (even if you have filed a report directly with law enforcement). The Title IX Coordinator or a Deputy Title IX Coordinator can help you access resources and can provide you with support and information, including information on WCC's procedures for investigating and addressing instances of sexual assault.

**e. Resources**

**i. Title IX Coordinator/Deputy Title IX Coordinators:**

| WHO TO CONTACT                             | POPULATION SERVED  | CONTACT INFORMATION  |
|--|--|--|
| Sherry Cox, Title IX Coordinator           | Faculty/Staff  | 336-838-6422<br><a href="mailto:spcox072@wilkescc.edu">spcox072@wilkescc.edu</a>         |
| Scott Johnson, Deputy Title IX Coordinator | Curriculum and Workforce Development & Community Education | 336-838-6141<br><a href="mailto:sajohnson366@wilkescc.edu">sajohnson366@wilkescc.edu</a> |

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**ii. Confidential Resources**

| <b>Name</b>  | <b>Contact Information</b>   |
|--|--|
| Mike Roope, EdS, LCMHC<br>Director of Counseling and Career Services | 336-838-6147<br><a href="mailto:mroope085@wilkescc.edu">mroope085@wilkescc.edu</a> |
| Amber Cook, MSW, LCSWA<br>Counselor                                  | 336-838-6229<br><a href="mailto:alcook636@wilkescc.edu">alcook636@wilkescc.edu</a> |

**iii. Campus Police**

|                              |  |
|------------------------------|--|
| Earl Byrd<br>Chief of Police | 336-838-6481<br><a href="mailto:vebyrd213@wilkescc.edu">vebyrd213@wilkescc.edu</a>   |
| Craig Greer<br>Sargeant      | 336-838-6515<br><a href="mailto:cjgreer844@wilkescc.edu">cjgreer844@wilkescc.edu</a> |

**iv. Community Resources**

|  |   |
|--|---|
| A Safe Home for Everyone (A.S.H.E.)<br>626 Ashe Central School Rd., Unit 1<br>Jefferson , NC 28640<br>Office: 336-982-8851<br>Crisis: 336-246-5430<br><a href="http://www.ashechildren.org">www.ashechildren.org</a> | D.A.N.A. (Domestic Abuse is Not Acceptable)<br>Alleghany County Crisis Line:<br>336-372-DANA (3262)<br>Toll Free: 866-261-DANA (3262)<br><a href="http://www.danaservices.com">www.danaservices.com</a> |
| OASIS (Opposing Abuse with Service,<br>Information, and Shelter)<br>225 Birch St.<br>Boone, NC 28607<br>Phone: 828-264-1532  | Shelter Home of Caldwell County<br>Caldwell County: 828-758-0888<br>Alexander County: 828-635-8850<br><a href="http://www.shelterhomecc.org">www.shelterhomecc.org</a>                                  |

The College strives to make its campuses inclusive, safe and a welcome learning environment 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, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status, sex, sexual orientation, gender, gender identity, gender expression.

**I. DEFINITIONS**

The following definitions shall apply to this Procedure and shall be collectively referred to herein as "Unlawful Discrimination".

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. 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.

**B. 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, intimidating, 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.

Harassment may include but is not limited to: threatening or intimidating conduct directed at another because of the individual's Protected Status; ethnic slurs, negative stereotypes and hostile acts based on an individual's

Protected Status.

**C. Protected Status:**

race, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status., sex, sexual orientation, gender, gender identity, gender expression.

**D. Standard of Evidence:**

the College uses the preponderance of the evidence as the standard for proof of whether a violation occurred. In the student due process hearing and employee grievance process, legal terms like "guilt, "innocence" and "burden of proof" are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the alleged Perpetrator either "responsible" or "not responsible" for violating these Procedures.

**II. STATEMENTS OF PROHIBITION**

**A. Prohibition of Retaliation.**

The College strictly prohibits punishing students or employees for asserting their rights to be free from Unlawful Discrimination. Retaliation against any person participating in connection with a complaint of Unlawful Discrimination is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figures or peers, reprisals (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against any employee or student found to have retaliated against another.

**B. Prohibition of Providing False Information.**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Unlawful Discrimination.

**III. REQUESTING ACCOMMODATIONS**

**A. Students.**

Students with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in

alternative accessible formats should contact the College's Office of Disability Services. Information provided by students is voluntary and strict confidentiality is maintained. All requests for accommodations will be considered following the appropriate federal and state laws.

The College will also provide reasonable accommodation of a student's religious beliefs/practices provided such expression/practice does not create a hostile environment for other students and employees and/or the accommodation does not cause an undue hardship for the College.

**B. Employees.**

Employees with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College's Office of Human Resources. Information provided by employees is voluntary and strictly confidential.

The College will also provide reasonable accommodation of an employee's religious beliefs/practices provided such expression/practice does not create a hostile environment for other employees and students and/or the accommodation does not cause an undue hardship for the College.

**IV. REPORTING OPTIONS****A. Student Complaints.**

Any student wishing to make a report relating to Unlawful Discrimination may do so by reporting the concern to the Associate Vice President of Instructional Support & Student Services.

For Unlawful Discrimination incidents between students and employees, the Dean of Student Services will work in partnership with the Executive Director of Human Resources to investigate and resolve the allegations.

**B. Employee Complaints.**

Any employee wishing to make a report related to Unlawful Discrimination may do so by reporting the concern to the College's Executive Director of Human Resources.

**V. INITIAL INVESTIGATION**

As these Procedures apply to both students and employees as either the Complainant or the Respondent, the administrator receiving the incident report will determine if the case should be handled by: 1) the Dean, or designee (student/student); 2) the Executive Director of Human Resources, or designee (employee/employee); or 3) both

(student/employee). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

**A. Student Investigation.**

1. Students 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 (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 Dean shall fully investigate any complaints and will, as needed, and if the complaint also involves an employee, collaborate with the College’s Executive Director of Human Resources. During the course of the investigation, the Dean may consult with other relevant College administrators and the College attorney.
2. During the investigation, and if applicable to the complaint<sup>31</sup>, the Dean shall meet with the Complainant and the Respondent separately and give each party an equal opportunity to provide evidence, including informing the Dean of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Dean 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 complete coursework); or directives that include no contact between the involved parties.
4. A confidential file regarding the complaint shall be maintained by the Dean. 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 proceedings under these Procedures.
5. The Dean shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Dean may have an additional ten (10) calendar days to complete the investigation. The Dean shall notify the parties of this extension.
6. Complainants will be notified of available counseling services and their options of changing academic situations and other interim protective measures.

<sup>31</sup> The Complainant’s complaint need not necessarily be against a specific individual but could concern an action, policy, procedure or decision by the College that the individual believes constitutes Unlawful Discrimination.

**B. Employee Investigations.**

1. Employees 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 Executive Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Executive Director of Human Resources may consult with other relevant College administrators and the College Attorney.
2. During the investigation, and if applicable to the complaint<sup>32</sup>, the Executive Director of Human Resources shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Executive Director of Human Resources of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Executive Director of Human Resources 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 Executive Director of Human Resources may suspend an employee with pay pending an investigation if such action is in the College’s best interest.
4. A confidential file regarding the complaint shall be maintained by the Executive Director of Human Resources. 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 proceedings under these Procedures.
5. The Executive Director of Human Resources shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Executive Director of Human Resources may have an additional ten (10) calendar days to complete the investigation and shall notify the parties of this extension.
6. Complainants will be notified of available counseling services and other interim protective measures.

<sup>32</sup> See footnote 1.

**I. RECOMMENDATION AND APPEAL****A. Students.**

1. After the investigation is complete, the Dean will put forward a recommendation of finding, based on the Standard of Evidence, and sanction(s) to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become effective. The Dean will submit to each party a final outcome letter that will include, but is not limited to, the following:
  - a. Determination if the Respondent is responsible or not responsible for violating these Procedures;
  - b. Sanction;
  - c. Whether monitoring of academic schedules is needed between the parties to ensure that the individuals involved are not in classes together (the Vice President will assist in this process).
  - d. Short-term College counseling services available to each party.
2. If the Dean's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. The Vice President will convene a hearing panel and preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advisor. The advisor may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.

- a. Both parties have a right to a written notice of the hearing outcome.

**B. Employees.**

1. After the investigation is complete, the Director of Human Resources will put forward a recommendation of finding, based on the Standard of Evidence, to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:
  - a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
  - b. Sanction(s), if appropriate.
  - c. Monitoring of academic schedules or workplace schedule if needed.
  - d. Short-term counseling services will be offered to each party.
2. If the Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal to the College President.

**C. Sanctioning.**

The following sanctions may be imposed for those who have violated these Procedures.

1. Students.
  - a. Verbal or Written Warning
  - b. Probation
  - c. Administrative withdrawal from a course without refund
  - d. Required Counseling
  - e. No Contact Directive
  - f. Suspension
  - g. Expulsion (President must impose)
  - h. Other consequences deemed appropriate

2 Employees.

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Demotion (President must impose)
- f. Suspension with or without Pay (President must impose)
- g. Termination (President must impose)
- h. Other consequences deemed appropriate to the specific violation

Adopted: 08/08/2019

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## Drug and Alcohol Policy Prevention Program

### STUDENTS

#### I. POLICY

The manufacture, distribution, dispensation, sale, possession, and/or use of alcohol, drugs, controlled substances, banned substances, and/or illegal substances is prohibited on college premises or as a part of any of its activities. Equally, being under the influence or intoxicated on alcohol, drugs, controlled substances, and/or illegal substances is prohibited on college premises or as part of any of its activities. *Alcohol* means any beverage containing at least one-half of one percent (.05%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquors and mixed beverages. *Controlled substance* means any substance listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, this term refers to drugs whose manufacture, use, or possession is controlled by government and includes, but is not limited to narcotics, hallucinogens, stimulants, depressants, anesthetics, opioids, and steroids. This term also includes any drugs that are illegal under federal, state, or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption. *Banned substances* include all smokeless tobacco products (chews, dips, snuff, snus, dissolvable products); energy dips/flavored dips; nicotine water and nicotine gel; hookahs/hookah products, all vaping products (vaporizers, electronic cigarettes, cigars, pipes, pens, and flavored cartridges), and any other items containing or reasonably resembling tobacco or tobacco products. Furthermore, any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs is also considered a violation of the Drug and Alcohol Policy. WCC faculty and staff have the right to ban any substance or any smoking/inhalation device, whether legal or illegal, whether characterized as a tobacco product or not, that can potentially create a biohazard for other employees and students on campus. The college maintains a separate Tobacco-Free College Policy (Policy 2.2.1) for further reference. Exceptions to the alcohol possession and use provision may be made by the president in accordance with local, state, and federal laws in specific circumstances and designated areas. Violation of this policy may result in consequences such as, but not limited to, a counseling assessment, required treatment, probation, dismissal, suspension, expulsion from the college, and/or referral for prosecution, consistent with local, State, and Federal law.

It is the responsibility of each student to comply with all provisions of the Drug and Alcohol Policy while participating in college-sponsored events, athletics, student activities, and instructional activities. The scope of the policy includes all WCC campuses and centers, off-campus instructional sites, clinical sites, athletic fields, college-sponsored transportation (including, but not limited to, WCC vans and rented or chartered buses), and any other property that is owned, leased, or controlled by WCC. Each student is required to inform the college, in writing, within five days after he/she is convicted for violations of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation

occurred while on or at a college location. Failure to do so could result in disciplinary action.

Students engaged in off-campus instructional or clinical activities (including internships, practicums, externships, and work-based learning) may expect to be subjected to the additional drug and alcohol policies of those sites. Those policies may include provisions for drug and alcohol testing prior to and during placement at those sites. Those policies are enacted and enforced by the management of those specific facilities. Violations of a specific site's policy does not exclude consequences under WCC's Drug and Alcohol Policy, as clinical placement for academic credit is considered a college-sponsored activity.

The illegal use of drugs and alcohol constitutes a serious crime under federal, state, and local laws. Convictions may result in imprisonment, fines, and/or mandatory community service.

Every student is entitled to procedural due process; these procedures are published and accessible to students in the general catalog of the college, published under the heading "Student Grievance Process."

## **II. LEGAL CONSEQUENCES**

North Carolina law makes it illegal to possess, manufacture, sell, deliver, possess with intent to sell or deliver, or traffic in controlled substances. Violations of North Carolina law may result in imprisonment, fine, court costs, mandatory community services, and/or loss of driving privileges. Individuals convicted of drug or alcohol violations may have a criminal history that could affect them for the rest of their lives. Graduate schools, limited admissions programs, professional organizations, and employers could use such a record to reject an applicant. Though not inclusive, the following information represents some of the N.C. laws pertaining to substance use:

## **III. UNDERAGE DRINKING AND DRUNK DRIVING**

- A. The drinking age in North Carolina is 21. The legal blood alcohol limit to drive on the highway or state right-of-way is .08%. Driving with any amount of alcohol in the body is illegal for those under 21. A person can be charged with driving while impaired with blood alcohol concentrations less than .08% if law enforcement observes erratic driving and/or the driver fails field sobriety tests.
- B. Driving-Under-Influence convictions carry a range of sentences and fines, depending on prior convictions. Penalties can include from 24 hours to two years in prison, between \$100 and \$2,000 court fines, and from one year to permanent suspension of license. If someone is injured or dies because of your drunk driving, you can face additional criminal and civil charges and go to jail for much longer.
- C. If you are under 21 years of age, it is illegal to purchase, attempt to purchase, or possess alcohol (including beer, fortified wines, spirits, and mixed drinks). The legal penalties include fines, court costs, and possible imprisonment.

- D. It is a criminal offense to aid or abet in the purchase of alcoholic beverages or give alcoholic beverages to anyone under the age of 21. If you buy an underage person alcohol you can face fines, court costs, possible imprisonment, and loss of driver's license for a year. Additionally, if you serve underage persons alcohol while under your supervision or provide or aid underage persons in consuming alcohol resulting in death or serious injury, North Carolina laws allow suit for civil damages up to \$500,000 per occurrence.
- E. If you use a fake, altered, or borrowed ID to buy alcohol (including at concerts) or lend your ID to someone, you risk criminal charges and having your own driver's license suspended.
- F. It is illegal to have an open container of alcohol in any part of a vehicle's passenger area if the driver has any blood alcohol content. Open containers of spirituous liquors or fortified wine in the passenger area are unlawful regardless of driver consumption. It is illegal to transport spirituous liquors or fortified wine in any container other than in the manufacturer's original unopened container.

For more complete information on laws and consequences pertaining to alcohol, contact the N.C. Highway Patrol, local DMV, or visit the following websites: <https://www.ncleg.gov/Laws/GeneralStatutes> (search text: alcohol); <https://abc.nc.gov> (click on the "Legal" tab); and [www.ncdps.gov](http://www.ncdps.gov).

#### IV. ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

- A. The Controlled Substance Act is the federal law that prohibits the manufacture, importation, possession, distribution, and use of certain substances. The CSA created five schedules of substances, ranked according to the substance's potential for abuse and accepted medical use. Schedule I drugs rank high in potential for abuse with no accepted medical value (e.g., marijuana and heroin). Schedule V drugs rank low in abuse and dependence potentials and high in medical value (e.g., anticonvulsants, cough medicine).
- B. Controlled substances include narcotics, hallucinogens, stimulants, depressants, anesthetics, opiates, and steroids. They are all ranked in the CSA Schedule I-V classification system.
- C. The federal penalties and sanctions depend upon the drug schedule, prior convictions, and type of use (i.e., trafficking vs. personal use). Based on these factors, legal consequences can include between 15 days and 20 years in prison; fines between \$1,000 and \$250,000; forfeiture of housing, vehicles, boats, or aircraft used to possess or transport; and civil fines of up to \$100,000.
- D. For more information concerning schedules of drugs and penalties, please see [www.deadiversion.usdoj.gov/schedules/index.html](http://www.deadiversion.usdoj.gov/schedules/index.html) or Title 21 (Sections 844, 853, 881) of the United States Code at <http://uscode.house.gov/search/criteria.shtml>.

Additionally, if convicted of an alcohol or drug-related offense, there can be other tangible consequences. Federal and state sanctions can cause revocation of certain licenses such as pilot licenses, public housing tenancy, and professional licenses. There may be increases in insurance premiums or denial of benefits in such areas as student loans, grants, contracts, and professional and commercial licenses. A record of a misdemeanor or felony conviction may prevent a person from entering a chosen career.

## **V. HEALTH RISKS**

### **A. Illegal Drugs**

No illicit drug is free of health risks. Most carry the danger of psychological or physical addiction or both. All cause distortion of brain functioning and can alter thinking, perception, and memory, as well as affect behavior. Risk to health involves factors such as frequency of abuse, degree of tolerance, amounts ingested, and interactions with medical conditions. Though not comprehensive, the following list shows category of drugs, examples/street names, and possible health consequences of drugs within that category:

1. cannabis (marijuana, hash, Mary Jane, weed) – impaired coordination, respiratory infections, memory problems, anxiety, depression, certain cancers when smoked.
2. depressants (barbiturates, benzodiazepines, downers, yellow jackets, roofies) – sedation, respiratory depression, drowsiness, life-threatening withdrawal, coma, death.
3. hallucinogens (LSD, PCP, acid, mushrooms) – altered perceptions, hallucinations, increased blood pressure/temperature/heart rate, tremors, paranoia.
4. opioids (morphine, fentanyl, heroin, codeine, opiates, roxys, oxys, pink, smack, white horse, big O) – euphoria, respiratory failure, sedation coma, death.
5. steroids (testosterone, roids, juice) – hostility and aggression, acne, liver/kidney/prostate cancer, male sexual impotence, development of masculine characteristics.
6. stimulants (cocaine, crack, amphetamines, meth, ecstasy, crank, speed) – increased temperature and heart rate, chest pain, cardiac and neurological damage, respiratory failure, psychotic behavior, violence.
7. club drugs/designer drugs (often share categories--MDMA, ecstasy, rohypnol, GHB, Eve, roofies, Georgia Home Boys, forget pill)—emphatic feelings, lowered inhibition, sweating, memory loss, seizures, coma
8. bath salts (K2, spice, black mamba, bliss)—agitation, increased heart rate, confusion, hallucinations, paranoia, psychotic behavior, violence.

The use of intravenous drugs adds layers of danger by introducing the risk of skin infections and lesions, along with potentially deadly blood-borne diseases (e.g., HIV, AIDS, hepatitis). Generalized health problems may also develop as result of damage to the respiratory, circulatory, and other body systems (e.g., endocarditis). Every illicit drug has the potential to result in death, whether from the body's own reaction to the abuse of drugs or from accidents caused by persons who are impaired.

For further information, the [National Institute on Drug Abuse's \(NIDA\) website, https://www.drugabuse.gov/, has charts containing commonly abused drugs, street names, short-term and long-term health effects, and treatment options.](https://www.drugabuse.gov/)

## **B. Alcohol**

Although alcohol is not an illegal substance when consumed by adults over the age of 21, it presents many of the same health risks as illicit drugs. Alcohol consumption causes various marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol increase the incidences of a variety of aggressive acts, including partner relational violence, child abuse, and sexual assault. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other central nervous system depressants, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol after established dependence can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, convulsions, and seizures. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and liver and increases the risk of certain cancers, stroke, and cirrhosis. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants may suffer irreversible physical abnormalities and intellectual deficiencies. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

## **C. Tobacco**

The use of tobacco and tobacco products, including cigarettes, energy dips, chews, pipes, dissolvable strips, and snus introduces nicotine into the bloodstream via smoking, inhalation, chewing, or consumption. Nicotine is a central nervous system stimulant, and increases heart rate, respiration, and blood pressure, while increasing neurotransmitter levels responsible for pleasurable feelings. Tobacco has been clinically linked to lung cancer, oral cancer, heart disease, respiratory infections, and stroke. Tobacco moves from use stages to addiction stages within weeks. Withdrawal from tobacco products, such as depressive symptoms and irritability, lead individuals back to the drug.

**D. Electronic cigarettes/Vaping pens**

Electronic cigarettes (e cigs), vaping pens, and vaping devices use electronic elements to heat flavored or nicotine cartridges. E cigs and vaping devices are not approved by the FDA as acceptable smoking cessation devices. Almost one-third of e cig users eventually escalate to tobacco cigarettes use. Harmful chemicals, such as diacetyl, acetaldehyde, and formaldehyde have been found in vaping cartridges, chemicals that damage the lining of mouth, throat, and lungs, and are possibly linked to heart damage, lung damage, and cancer. Continued use of vaping pens and e-cigs have been shown to cause obliterative bronchiolitis, or “popcorn lung,” an irreversible inflammation and obstruction of the bronchioles, the smallest airways of the lungs.

**VI. AVAILABLE RESOURCES AND TREATMENT/PREVENTION PROGRAM**

Student Services provides mental health and substance abuse assessments for students free of charge. Appointments are preferred, but drop-ins are welcome. Sessions are available at no cost but are limited to short-term treatment needs. Short-term issues can range from depression and anxiety to relational issues or adjustment problems. If issues cannot be resolved within a few sessions, a counselor will speak to you about a referral to a more comprehensive community program. For faculty and staff, the college maintains an Employee Assistance Program (EAP), which provides three treatment sessions with a community provider at no cost to the employee. Staff or faculty requesting EAP assistance can contact the director of Human Resources at 336-838-6422.

Resources include public and private agencies for those needing assistance with drug or alcohol issues. Public resources have 24-hour emergency care services. The following numbers reach the public mental health system serving our region:

- A. Wilkes County: 336-667-5151
- B. Alleghany County: 336-372-4095
- C. Ashe County: 336-246-4542
- D. 24-hour, toll-free crisis number 1-877-492-2785.

Another resource is the federal government hotline 1-800-662-HELP. This is the Substance Abuse and Mental Health Services Administration’s Treatment Referral Routing Service where individuals can get information and referrals to appropriate treatment facilities. The National Alliance on Mental Illness (NAMI) maintains a website, [www.naminc.org](http://www.naminc.org), that includes links to a helpline for finding treatment facilities in North Carolina. Additionally, a variety of referral information is available on the college website at [www.wilkescc.edu/student-resources/counseling](http://www.wilkescc.edu/student-resources/counseling).

For lists or information about treatment options and assistance with determining the most appropriate actions, contact a Student Services counselor at 336-838-6135.

Drug-free events abound throughout the year. The college has walking trails, student commons, a gymnasium, and a wellness center that are drug and alcohol-free and promote wellness. Additionally, any student activities sponsored through WCC (e.g., Spring Fling, Fall Festival, outings, SGA, club events) are drug and alcohol-free.

Educational activities and information are provided for students and employees to emphasize prevention. These activities are offered throughout the year. Events are promoted through local media, social media, the college website, and advertisements throughout the campus. Events include guest speakers, interactional demonstrations, and promotional items that encourage a drug and alcohol-free lifestyle. Counselors are available throughout the year for classroom educational presentations, based on instructor request. Student and college personnel participation is encouraged in all aspects of WCC's program to prevent illegal drug use and alcohol abuse.

## **VII. DISSEMINATION TO COLLEGE COMMUNITY**

All students are introduced to the policy during new student orientation and via orientation handbooks. The policy is maintained on the college's website and students are sent emails each semester, containing linkages to the policy and descriptions of upcoming educational events. Further, students are reminded of the policy through ACA and general course syllabi and through policy signs located in all WCC buildings.

## **EMPLOYEE**

### **I. POLICY**

The manufacture, distribution, dispensation, sale, possession, and/or use of alcohol, drugs, controlled substances, banned substances, and/or illegal substances is prohibited on college premises or as a part of any of its activities. Equally, being under the influence or intoxicated on alcohol, drugs, controlled substances, and/or illegal substances is prohibited on college premises or as part of any of its activities. *Alcohol* means any beverage containing at least one-half of one percent (.05%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquors and mixed beverages. *Controlled substance* means any substance listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, this term refers to drugs whose manufacture, use, or possession is controlled by government and includes, but is not limited to narcotics, hallucinogens, stimulants, depressants, anesthetics, opioids, and steroids. This term also includes any drugs that are illegal under federal, state, or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption. *Banned substances* include all smokeless tobacco products (chews, dips, snuff, snus, dissolvable products); energy dips/flavored dips; nicotine water and nicotine gel; hookahs and hookah products; all vaping products (vaporizers, electronic cigarettes, cigars, pipes, pens, flavored cartridges), and any other items containing or reasonably resembling tobacco or tobacco products. Further, WCC faculty and staff have the right to ban any substance or any smoking/inhalation device, whether legal or illegal, whether characterized as a tobacco product or not, that can potentially create a biohazard for other employees and students on campus. The college maintains a separate Tobacco-Free College Policy (Policy 7.15) for further reference.

An employee who violates any of these prohibited acts is subject to disciplinary actions such as, but not limited to, a counseling assessment, required treatment, probation, suspension, or

dismissal from the college. An exception to the alcohol possession and use provision may be made by the president in accordance with local, state, and federal laws in specific circumstances and designated areas.

It is the responsibility of each employee to comply with all provisions of the Drug and Alcohol Policy while participating in college-sponsored events, athletics, student activities, and instructional activities. The scope of the policy includes all WCC campuses and centers, off-campus instructional sites, clinical sites, athletic fields, and college-sponsored transportation (including but not limited to WCC vehicles, rented/chartered vans/buses and any other property that is owned, leased, or controlled by WCC). Employees will not report to or remain at the campus or any campus worksites when unable to adequately perform their duties because of the effect of any alcoholic beverage, controlled substances, and/or drugs whether illegal, prescribed, or over-the-counter.

Any employee found in violation of this policy will be subject to disciplinary action, including suspension, termination, or dismissal, at the discretion of the president. Administrative response to such situations will be in accordance with the requirements and other procedures established in support of this policy:

- A. any employee determined to be involved in the unlawful manufacture, distribution, dispensing, and/or selling of alcoholic beverages, illegal drugs, and/or controlled substances on the college premises or any college worksite will be terminated.
- B. Any employee determined to be in possession of alcohol or illegal drugs on the college premises or any college worksite will receive one written warning unless the offense is so serious that the president determines that it is cause for suspension, demotion, or dismissal. A second offense will be grounds for dismissal.
- C. Any employee determined to be using or impaired by alcohol on the college premises or any college worksite will receive a written warning unless the offense is so serious that the president determines that it is cause for suspension, demotion, or dismissal and will be referred for counseling assistance. If the employee fails to receive counseling or fails to participate in recommended action, he/she may be dismissed. A second offense will be grounds for dismissal.
- D. Any employee determined to be using and/or impaired by an illegal drug or controlled substance on the college premises or any college worksite will be subject to drug screening tests. Such determination will be based on reasonable suspicion and such tests will be authorized only by the president/designee. The employee will be suspended with pay pending the outcome of the test results. The employee will have the right to request a backup test. The employee will bear the cost of such backup testing. If test results are positive, the employee will be given one written warning and will be referred for counseling assistance. If the employee fails to receive counseling assistance and/or fails to participate in recommended action, he/she may be dismissed. Refusal to submit to such test will result in disciplinary actions, which may include dismissal. A second offense

will be grounds for dismissal. Any employee who intentionally tampers with a sample provided for drug screening, violates a chain-of-custody or identification procedures, or falsifies a test result will be subject to dismissal.

The college will report illegal drug and/or alcoholic use activity defined by this policy to the appropriate law enforcement authority.

Any employee convicted of any criminal drug and/or alcoholic beverage law, statute, or regulation occurring on college premises or any college worksite will notify the president/designee no later than (5) five calendar days after such conviction. Failure to report such information will be grounds for automatic dismissal. When required by federal law, the college administration will notify the appropriate federal agency of such a conviction within (10) ten days of college notification.

All employees, as a condition of employment, will be required, upon the request of the president/designee, based on reasonable suspicion of a violation of this policy, to submit to the following: searches of college and personal vehicles brought on or parked on college premises or any college worksite; reasonable searches of all clothing, packages, purses, briefcases, tool boxes, lunch boxes, or other containers on college premises or any college worksite; searches of desks, file cabinets, lockers, or other office or shop equipment in or on college premises or any college worksite. Failure to comply with such a request as part of an administrative investigation will be deemed grounds for disciplinary actions, which may include dismissal.

If the employee has reason to believe that an error was made, an appeal may be made utilizing the due process policy set forth in Section 2 of the policy manual.

## **II. LEGAL CONSEQUENCES**

North Carolina law makes it illegal to possess, manufacture, sell, deliver, possess with intent to sell or deliver, or traffic in controlled substances. Violations of North Carolina law may result in imprisonment, fine, court costs, mandatory community services, and/or loss of driving privileges. Individuals convicted of drug or alcohol violations may have a criminal history that could affect them for the rest of their lives. Graduate schools, limited admissions programs, professional organizations, and employers could use such a record to reject an applicant. Though not inclusive, the following information represents some of the N.C. laws pertaining to substance use:

## **II. UNDERAGE DRINKING AND DRUNK DRIVING**

- B. The drinking age in North Carolina is 21. The legal blood alcohol limit to drive on the highway or state right-of-way is .08%. Driving with any amount of alcohol in the body is illegal for those under 21. A person can be charged with driving while impaired with blood alcohol concentrations less than .08% if law enforcement observes erratic driving and/or the driver fails field sobriety tests.

- C. Driving-Under-Influence convictions carry a range of sentences and fines, depending on prior convictions. Penalties can include from 24 hours to two years in prison, between \$100 and \$2,000 court fines, and from one year to permanent suspension of license. If someone is injured or dies because of your drunk driving, you can face additional criminal and civil charges and go to jail for much longer.
- D. If you are under 21 years of age, it is illegal to purchase, attempt to purchase, or possess alcohol (including beer, fortified wines, spirits, and mixed drinks). The legal penalties include fines, court costs, and possible imprisonment.
- E. It is a criminal offense to aid or abet in the purchase of alcoholic beverages or give alcoholic beverages to anyone under the age of 21. If you buy an underage person alcohol you can face fines, court costs, possible imprisonment, and loss of driver's license for a year. Additionally, if you serve underage persons alcohol while under your supervision or provide or aid underage persons in consuming alcohol resulting in death or serious injury, North Carolina laws allow suit for civil damages up to \$500,000 per occurrence.
- F. If you use a fake, altered, or borrowed ID to buy alcohol (including at concerts) or lend your ID to someone, you risk criminal charges and having your own driver's license suspended.
- G. It is illegal to have an open container of alcohol in any part of a vehicle's passenger area if the driver has any blood alcohol content. Open containers of spirituous liquors or fortified wine in the passenger area are unlawful regardless of driver consumption. It is illegal to transport spirituous liquors or fortified wine in any container other than in the manufacturer's original unopened container.

For more complete information on laws and consequences pertaining to alcohol, contact the N.C. Highway Patrol, local DMV, or visit the following websites: <https://www.ncleg.gov/Laws/GeneralStatutes> (search text: alcohol); <https://abc.nc.gov> (click on the "Legal" tab); and [www.ncdps.gov](http://www.ncdps.gov).

### **III. ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE**

- A. The Controlled Substance Act is the federal law that prohibits the manufacture, importation, possession, distribution, and use of certain substances. The CSA created five schedules of substances, ranked according to the substance's potential for abuse and accepted medical use. Schedule I drugs rank high in potential for abuse with no accepted medical value (e.g., marijuana and heroin). Schedule V drugs rank low in abuse and dependence potentials and high in medical value (e.g., anticonvulsants, cough medicine).
- B. Controlled substances include narcotics, hallucinogens, stimulants, depressants, anesthetics, opiates, and steroids. They are all ranked in the CSA Schedule I–V classification system.
- C. The federal penalties and sanctions depend upon the drug schedule, prior convictions, and type of use (i.e., trafficking vs. personal use). Based on these factors, legal consequences can include between 15 days and 20 years in prison; fines between \$1,000 and \$250,000; forfeiture of housing, vehicles, boats, or

aircraft used to possess or transport; and civil fines of up to \$100,000.

- D. For more information concerning schedules of drugs and penalties, please see [www.deadiversion.usdoj.gov/schedules/index.html](http://www.deadiversion.usdoj.gov/schedules/index.html) or Title 21 (Sections 844, 853, 881) of the United States Code at <http://uscode.house.gov/search/criteria.shtml>.

Additionally, if convicted of an alcohol or drug-related offense, there can be other tangible consequences. Federal and state sanctions can cause revocation of certain licenses such as pilot licenses, public housing tenancy, and professional licenses. There may be increases in insurance premiums or denial of benefits in such areas as student loans, grants, contracts, and professional and commercial licenses. A record of a misdemeanor or felony conviction may prevent a person from entering a chosen career.

#### **IV. HEALTH RISKS**

##### **B. Illegal Drugs**

No illicit drug is free of health risks. Most carry the danger of psychological or physical addiction or both. All cause distortion of brain functioning and can alter thinking, perception, and memory, as well as affect behavior. Risk to health involves factors such as frequency of abuse, degree of tolerance, amounts ingested, and interactions with medical conditions. Though not comprehensive, the following list shows category of drugs, examples/street names, and possible health consequences of drugs within that category:

1. cannabis (marijuana, hash, Mary Jane, weed) – impaired coordination, respiratory infections, memory problems, anxiety, depression, certain cancers when smoked.
2. depressants (barbiturates, benzodiazepines, downers, yellow jackets, roofies) - sedation, respiratory depression, drowsiness, life-threatening withdrawal, coma, death.
3. hallucinogens (LSD, PCP, acid, mushrooms) – altered perceptions, hallucinations, increased blood pressure/temperature/heart rate, tremors, paranoia.
4. opioids (morphine, fentanyl, heroin, codeine, opiates, roxys, oxys, pink, smack, white horse, big O) – euphoria, respiratory failure, sedation coma, death.
5. steroids (testosterone, roids, juice) – hostility and aggression, acne, liver/kidney/prostate cancer, male sexual impotence, development of masculine characteristics.
6. stimulants (cocaine, crack, amphetamines, meth, ecstasy, crank, speed) – increased temperature and heart rate, chest pain, cardiac and neurological damage, respiratory failure, psychotic behavior, violence.
7. club drugs/designer drugs (often share categories--MDMA, ecstasy, rohypnol, GHB, Eve, roofies, Georgia Home Boys, forget pill)— emphatic feelings, lowered inhibition, sweating, memory loss, seizures, coma

8. bath salts (K2, spice, black mamba, bliss)—agitation, increased heart rate, confusion, hallucinations, paranoia, psychotic behavior, violence.

The use of intravenous drugs adds layers of danger by introducing the risk of skin infections and lesions, along with potentially deadly blood-borne diseases (e.g., HIV, AIDS, hepatitis). Generalized health problems may also develop as result of damage to the respiratory, circulatory, and other body systems (e.g., endocarditis). Every illicit drug has the potential to result in death, whether from the body's own reaction to the abuse of drugs or from accidents caused by persons who are impaired.

For further information, the [National Institute on Drug Abuse's \(NIDA\) website, https://www.drugabuse.gov/](https://www.drugabuse.gov/), has charts containing commonly abused drugs, street names, short-term and long-term health effects, and treatment options.

### **C. Alcohol**

Although alcohol is not an illegal substance when consumed by adults over the age of 21, it presents many of the same health risks as illicit drugs. Alcohol consumption causes various marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol increase the incidences of a variety of aggressive acts, including partner relational violence, child abuse, and sexual assault. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other central nervous system depressants, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol after established dependence can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, convulsions, and seizures. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and liver and increases the risk of certain cancers, stroke, and cirrhosis. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants may suffer irreversible physical abnormalities and intellectual deficiencies. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **D. Tobacco**

The use of tobacco and tobacco products, including cigarettes, energy dips, chews, pipes, dissolvable strips, and snus introduces nicotine into the bloodstream via smoking, inhalation, chewing, or consumption. Nicotine is a central nervous system stimulant, and increases heart rate, respiration, and blood pressure, while increasing

neurotransmitter levels responsible for pleasurable feelings. Tobacco has been clinically linked to lung cancer, oral cancer, heart disease, respiratory infections, and stroke. Tobacco moves from use stages to addiction stages within weeks. Withdrawal from tobacco products, such as depressive symptoms and irritability, lead individuals back to the drug.

#### **E. Electronic cigarettes/Vaping pens**

Electronic cigarettes (e cigs), vaping pens, and vaping devices use electronic elements to heat flavored or nicotine cartridges. E cigs and vaping devices are not approved by the FDA as acceptable smoking cessation devices. Almost one-third of e cig users eventually escalate to tobacco cigarettes use. Harmful chemicals, such as diacetyl, acetaldehyde, and formaldehyde have been found in vaping cartridges, chemicals that damage the lining of mouth, throat, and lungs, and are possibly linked to heart damage, lung damage, and cancer. Continued use of vaping pens and e-cigs have been shown to cause obliterative bronchiolitis, or “popcorn lung,” an irreversible inflammation and obstruction of the bronchioles, the smallest airways of the lungs.

### **V. AVAILABLE RESOURCES AND TREATMENT/PREVENTION PROGRAM**

The college will maintain a prevention program to inform employees and students about the dangers of alcohol and drug abuse. The college maintains an Employee Assistance Program (EAP), which can authorize three treatment sessions with a community provider at no cost to the employee. Staff or faculty needing further information about the EAP can contact the director of Human Resources at 336-838-6422. Resources include public and private agencies for those needing assistance with drug or alcohol issues. Public resources have 24-hour emergency care services. The following numbers reach the public mental health system serving our region:

- A. Wilkes County: 336-667-5151
- B. Alleghany County: 336-372-4095 C. Ashe County: 336-246-4542
- D. 24-hour, toll-free crisis number 1-877-492-2785.

Another resource is the federal government hotline 1-800-662-HELP. This is the Substance Abuse and Mental Health Services Administration’s Treatment Referral Routing Service where individuals can get information and referrals to appropriate treatment facilities. The National Alliance on Mental Illness (NAMI) maintains a website, [www.naminc.org](http://www.naminc.org), that includes links to a helpline for finding treatment facilities in North Carolina. Additionally, a variety of referral information is available on the college website at [www.wilkescc.edu/student-resources/counseling](http://www.wilkescc.edu/student-resources/counseling).

Drug-free events abound throughout the year. The college has walking trails, a gymnasium, and a wellness center that are drug and alcohol-free and promote wellness.

Educational activities and information are provided for students and employees to stress prevention. These activities are highlighted each October during Drug and Alcohol Prevention Month. Events are promoted through local media, social media, the college website, and

throughout the campus. Events include guest speakers, interactional demonstrations, and promotional items that encourage a drug and alcohol-free lifestyle. Counselors are available throughout the year for classroom educational presentations, based on instructor request. College personnel participation is encouraged in all aspects of WCC's program to prevent illegal drug use and alcohol abuse.

## **II. DISSEMINATION TO COLLEGE COMMUNITY**

The president will designate the responsibility of the Drug and Alcohol Prevention Program to the director of Human Resources and Student Services personnel. Every employee will be given a copy of this policy regarding an alcohol and drug-free worksite during new employee orientation. All employees will be required to report to their immediate supervisors any observed and/or suspected violations of this policy. While visiting campus, members of the public are required to adhere to this policy.

The board of trustees will update the Drug and Alcohol Policy as necessary, based upon recommendations of the president/designee. The president/designee will distribute the policy to employees and students and provide notification of changes through a variety of methods, which include reminder email messages each semester to all students and employees, new student orientation presentations and handbooks, policy pamphlets during new employee orientations, advertisements for upcoming educational events, ACA and general course syllabi, policy signs located in all WCC buildings, and multiple links on the college website.

Adopted: 08/08/2019

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## **I. GRIEVANCE PROCESS OVERVIEW**

In order to maintain a harmonious and cooperative environment between and among the College and its students, the College provides for the settlement of problems and differences through an orderly grievance procedure. Every student shall have the right to present his/her problems or grievances free from coercion, restraint, discrimination or reprisal. This Policy provides for prompt and orderly consideration and determination of student problems and grievances by College administrators and ultimately the President.

A grievance is any matter of student concern or dissatisfaction with the College's control except: (a) student discipline matters regarding academic and non-academic violations (Policy 5.3.2 – Student Conduct); (b) discrimination and unlawful harassment, including sexual harassment and sexual violence (Policy 5.3.4 – Discrimination and Unlawful Harassment); (c) a grade appeal (Policy 2.5.2 – Grade Appeal); or (d) any other matter that has a specific grievance process outlined in that policy or procedure.

## **II. GRIEVANCE PROCESS**

### **A. Informal Grievance – Step One**

In the event the alleged grievance lies with an instructor/staff member, the student must first go to that instructor/staff member and attempt to informally resolve the matter within five school days. Both the student and instructor/staff member must have an informal conference to discuss the situation and document the attempts taken to resolve the grievance at this level. If the attempt to resolve the complaint is unsuccessful, the student may pursue resolution with the employee's supervisor. If the complaint is still unresolved, the student may pursue resolution with the supervisory succession through the appropriate director or division dean. In the event that the student is unsatisfied with the resolution reached at the informal conference, he/she may proceed to Step Two within five (5) business days after the informal conference. Not proceeding to Step Two within the time period will result in the grievance not being heard and the matter being closed.

If the grievance concerns issues unrelated to a particular instructor/staff member (for example, an issue with College policy), the student can skip the informal process and proceed to Step Two.

### **B. Formal Grievance – Step Two**

If the grievance is not resolved at Step One (or, given the nature of the

grievance, Step Two begins the process) the student may submit a written grievance to the senior instructional, workforce development or instructional support & student services officer (Vice President). A written/formal grievance is defined as a written expression of dissatisfaction with the performance of a college employee, a specific college experience, and/or a college procedure. The written grievance must contain, with specificity, the facts supporting the grievance and the attempt, if applicable, to resolve the grievance at the informal level.

The Vice President shall review the written grievance and conduct whatever further investigation, if any, is necessary to determine any additional facts that are needed to resolve the grievance. The Vice President shall provide his/her written decision within five (5) business days after receipt of the grievance.

If the student is unsatisfied with the resolution reached by the Vice President, he/she may proceed to Step Three within five (5) business days after receipt of the Vice President's written determination. Not proceeding to Step Three within the time period will result in the grievance not being heard and the matter being closed.

### **C. Formal Grievance – Step Three**

If the complaint is not resolved with steps one and two, a grievance committee may be convened. In cases resulting in a grievance committee, a Vice President or designee who has not previously heard the grievance will chair the grievance committee and will explain the grievance process to the person(s) filing the grievance. An appeal of a Vice President's decision shall be limited to a review of the investigation and supporting documents, as indicated by items below, to determine if proper procedure was followed.

1. To determine whether the investigation was conducted fairly in light of the allegations and information presented, and in conformity with prescribed procedures. Deviation from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results;
2. To determine whether the decision reached was based on preponderance of the evidence; that is, more likely than not, a violation of college policy occurred;
3. To determine whether the sanction(s) imposed were appropriate for the violation of college policy; and/or
4. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original investigation, because such information and/or facts were not known to the person appealing at the time of the original investigation.

Should cases involve suspension from course(s), the student must obtain permission from the Vice President to attend course(s) pending resolution. Upon reviewing both

sides of the grievance, the committee will render a decision by majority vote. All parties will be informed of the committee's decision. The committee's decision is final.

Complaints entered into the grievance process are to be handled diligently so as to protect the rights, privileges, and confidentiality of the college's students and employees. All parties involved are expected to make the resolution of these matters a top priority to bring the grievance to a rapid but fair conclusion.

Adopted: 07/19/2019

Revised: 08/23/2024, 10/29/2025 updated titles

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Pursuant to the Student Right to Know and Campus Security Act (the “Act”), the College is required to publicly disclose relevant graduation and transfer rate information for its students. The Act is a consumer information report designed for public access to relevant graduation and transfer information to enable students to make informed decisions regarding their college choice. The College makes available to currently enrolled as well as prospective students the graduation and transfer rate for the most recent cohort of entering students based on a one- year reporting period.

The Acts’ report is a cohort-based study. The cohort is made up of students who enrolled as first-time college students who attended full-time (i.e., twelve [12] or more hours) and had declared themselves as degree seeking. The graduation and transfer rate for the cohort is calculated one year after the cohort's initial date of enrollment. These numbers can be misleading because many community college students attend part-time. Those students are not included in this report. Moreover, students with academic goals other than transfer or degree seeking students are not included in this report. Also, not included with the report are those students who leave school to serve in the armed services, an official church mission or with a recognized foreign aid service of the Federal government.

The report is updated annually and is available in the Student Services Office.

Adopted: 08/08/2019

Legal Reference: P.L. 101-542 – Student Right-To-Know Act

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## I. POLICY OVERVIEW

The College is committed to providing a safe and secure environment for all members of the College's community and visitors. The College shall comply with the Crime Awareness and Security Act of 1990, as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## II. DEFINITIONS

A. *Campus Security Authority* ("CSA") is a Clery-specific term that encompasses four groups of individuals and organizations associated with an educational institution:

1. A member of the educational institution's police department or campus security department;
2. Any individual(s) who has responsibility for campus security but who does not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into the College's property);
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. For purposes of this College, this individual is the Vice President of Student Services; and
4. An official or someone who has significant responsibility for student and campus activities, including, but not limited to: student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on the College's behalf.

B. *Clery Act Crimes* are the following crimes that must be reported by Campus Security Authorities to law enforcement and crimes that are listed in the College's Annual Security Report:

1. Murder/non-negligent manslaughter; negligent manslaughter; sex offenses (forcible and non-forcible); domestic and dating violence; stalking; robbery; aggravated assault; burglary; motor vehicle theft; and arson;
2. Hate Crimes: any of the above-mentioned offenses, and any incidents of larceny-theft; simple assault; intimidation; or destruction/damage/vandalism of property that was motivated by

bias on race, religion ethnicity, national origin, gender, sexual orientation, gender identity or disability; and

3. Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc); drug abuse violations and liquor law violations.

C. *College Property* is all the following property:

1. Campus Grounds, Buildings and Structures – Any building or property owned by or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College’s educational purposes; and any building or property that is within or reasonably contiguous to such buildings or property that is owned by the College but controlled by another person and is frequently used by students and supports College purposes.
2. Off-Campus and Affiliated Property – Any building or property owned or controlled by a student organization that is officially recognized by the College; or any building or property owned or controlled by the College that is used in direct support of, or in relation to, the College’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the College.
3. Public Property – All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

### III. SAFETY AND REPORTING PROCEDURES

The College encourages all members of the College community to report suspicious or criminal activity to law enforcement as soon as possible. Crimes may be reported anonymously. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911.

In addition, CSAs have a legal obligation to file a report of suspected criminal activity with law enforcement and with the Vice President of Student Service’s Office to ensure statistical inclusion of all Clery Act Crimes in the College’s Annual Security Report when those crimes occur on or near College Property. Any individual identified by the College as a CSA shall receive notification of that designation and the requirement that the individual report information about Clery Act Crimes. Training will also be provided to all so designated persons. While CSAs must report any Clery Act Crime that comes to their attention, at the request of the victim, the victim’s identity may remain anonymous.

To promote safety and security at the College, and in compliance with the Clery Act, the College shall:

- A. Submit crime statistics to the United States Department of Education;
- B. Maintain a daily crime log (open to public inspection);
- C. Issue campus alerts to timely warn the College community when there is information that a Clery Act Crime has occurred that represents a serious or ongoing threat to campus safety;
- D. Issue emergency notifications upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The College tests the emergency notification procedure bi-annually.
- E. Publishes and maintains an Annual Security Report containing safety and security related policy statements and statistics of Clery Act Crimes occurring on College Property. To prepare the Annual Security Report, the College collects, classifies and counts crime reports and crime statistics. The Annual Security Report is available on the College's website and hard copies are available through the Office of Student Services for inspection.

Adopted: 08/08/2019

Legal Reference: 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46; *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, available at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>)

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All student records must be current and maintained with appropriate measures of security and confidentiality. The College is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained by the College.

**A. COMPLIANCE WITH FERPA RIGHTS**

- A. The Family Educational Rights and Privacy Act (“FERPA”) provides students with certain rights to privacy of their educational records and rights of access by others to their educational records. College employees are expected to fully comply with this Policy.
- B. For purposes of this Policy, “student” means an individual who has submitted an admission application and thereafter as long as the student has a continuing educational interest in the college.

**B. ANNUAL NOTIFICATION OF RIGHTS**

The College shall provide every student with an annual notice of their rights under FERPA. The Dean of Enrollment Services, or his/her designee, is responsible for preparing and delivering this annual notice.

**C. RIGHT TO INSPECT RECORDS**

- A. Students who want to inspect their education records should direct that request to the Registrar and within the timeframe as designated in the annual notice. Records which are available for inspection shall be provided to the student during regular business hours.
- B. Students may obtain copies of their educational records if circumstances make on-site inspection impractical and the student is in good standing. When copies are provided, the student may be charged a reasonable fee for the actual copying expense. The College reserves the right to coordinate with another institution or entity to facilitate student access to their educational records.

**D. DIRECTORY INFORMATION**

- A. The College may release Directory Information without student consent. The College designates the following information as Directory Information
  - 1. Names of students
  - 2. Major field of study
  - 3. Most recent previous school attended
  - 4. Full or part-time enrollment status
  - 5. Terms and dates of enrollment
  - 6. President’s list, Dean’s list, and other officially recognized student honors, awards and special achievements
  - 7. Hometown of members of President’s list, Dean’s list, and other officially recognized student honors, awards, and special achievements

8. Participation in officially recognized student activities and sports
9. Photograph
10. Graduation list D
11. Degrees, diplomas, and certificates received and the completion date

- B. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, educational interest in the information or provide a direct service to the College; however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless the student specifically restricts the release of their Directory Information.
- C. Students who do not wish to have their Directory Information released to the individuals and organizations identified above shall comply with the "opt out" provisions designated in the FERPA Annual Notice Procedure 5.4.3.2.

#### **V. RELEASE OF EDUCATIONAL RECORDS**

- A. The College will not release a student's educational records, aside from Directory Information, to any third-party unless the student consents to the release; this policy specifies otherwise; or a valid, legal exception applies.
- B. The College shall disclose the educational records of a student, who is under the age of 18, to:
- the student's school administrators and school counselors at the secondary school in which the student is dually enrolled, and
  - to the student's parent(s) or guardian(s), so long as the parent or guardian claims the student as a dependent on the parent or guardian's federal tax return.

Prior to registration in any course at the College, a minor student must acknowledge in writing that the minor student's education records shall be disclosed as set forth in this subsection. The minor student shall provide the College with the name, address, and phone number of the student's parents in which the student is a tax dependent. The College may also require parents or guardians to certify that they claimed the student as a dependent on their most recent federal tax returns, as set forth in Section VII D below.

- C. Disclosures may be made to school officials which include any of the following when that person has a legitimate educational interest in having access to the information:
- any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the

- College;
  - A member of the College's Board of Trustees;
  - a contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, criminal or administrative investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the College with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records;
  - a person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.
- D. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.
- E. The College may release a student's educational records to the student's parents when requested by the parents and:
  - I. the student is listed as a dependent on the parents' tax returns;
  - II. the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or
  - III. the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation. For disclosure of records under (i), the College may require parents or guardians to certify they claimed the student as a dependent on their most recent federal tax returns, as set forth in Section VII D below.

## VI. CORRECTING RECORDS

A student has the right to challenge an item in his/her records believed to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The student may file a grievance pursuant to Policy 5.3.6 – Student Grievance beginning at Step Three. If the final decision is that the information in the record is, in the College's determination, not inaccurate,

misleading or otherwise in violation of the privacy rights of the student, the Vice President of Student Services shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.

## **VII. MISCELLANEOUS**

- A. Students who believe their rights have been violated may file a complaint with the Family Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington D.C. 20202. Complaint must be filed within 180 days of the date of the alleged violation or the date the student knew or should have known of the alleged violation.
- B. A hold may be applied to the release of an official transcript, diploma or other information requested from an official record for a student who has an overdue indebtedness to the College. A hold may be applied for failure to comply with a disciplinary directive. Such a student continues to have the right to see his/her official record upon request.
- C. The College shall only destroy student records in accordance with federal and state laws and regulations and as allowed by the [Records Retention & Disposition Schedule](#) for North Carolina Community Colleges. The College shall not destroy student records if there is an outstanding request, grievance or legal matter related to those records.
- D. If the parents of a student, who is a dependent for federal tax purposes, request access to the student's education records without consent from the student, the parents may demonstrate the tax dependency of a student by submitting to the College a copy of the first and signature pages of their most recently filed federal income tax return (with personal financial data redacted).

Adopted: 08/08/2019

Revised Date: 10/09/2025

Legal Reference: 10 U.S.C. § 983; 20 U.S.C. § 1232g; 34 C.F.R. pt. 99

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## **I. STUDENT RECORDS**

The College is required to maintain, at a minimum, current, complete and accurate records to show the following:

- A. An application for admission that includes the student's educational and personal background, age and other personal characteristics.
- B. Progress and attendance including date entered, dates attended, subjects studied and class schedule. This record shall be in a form which permits accurate preparation of transcripts of educational records for purpose of transfer and placement, providing reports to government services or agencies or for such other purposes as the needs of the student might require. Such transcripts shall be in a form understandable by lay persons and educators alike. The grading system on such transcripts shall be explained on the transcript form. Subjects appearing on the transcripts shall be numbered or otherwise designated to indicate the subject matter covered.
- C. All student enrollment agreements shall include at a minimum, the program of study, program tuition and fees, date programs are to begin, time period covered by the tuition payment and statement of or reference to the College's tuition refund policy.
- D. All student account ledgers shall include, at a minimum, monies owed and paid by each student, and refunds issued by the College.
- E. A copy of the student's high school transcript or certificate of high school equivalency or a signed, notarized attestation of either graduation from a public or private high school that operates in compliance with State or local law, graduation from a state registered home high school, or receipt of a certificate of high school equivalency, if the student provides the school with written evidence of the student's inability to obtain a copy of the student's high school transcript or certificate of high school equivalency or, for persons at least 18 years old who did not graduate from a public, private or state registered home high school or obtain a certificate of high school equivalency, demonstration of an ability to benefit as determined by any test instrument approved by the Department of Education.

## **II. INSPECTION BY STATE BOARD OF COMMUNITY COLLEGES**

- A. Students' records shall be open for inspection by properly authorized State Board officials.

- B. The College's financial records shall be open for inspection by properly authorized State Board officials.

Adopted: 08/08/2019

Legal Reference: 2A SBCCC 400.11

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The Family Educational Rights and Privacy Act ("FERPA"), a federal law, provides students with certain rights with respect to their education records. These rights are:

- A. The right to inspect and review your education records within forty-five (45) days of the day the College receives a request for access. You should submit to the College's Registrar a written request that identifies the record(s) you wish to inspect. The College's Registrar will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the College's Registrar, the Registrar will advise you of the correct official to whom your request should be made.
- B. You have the right to challenge an item in your education records believed to be inaccurate, misleading or otherwise in violation of your privacy rights. You may file a grievance pursuant to Policy 5.3.6 – Student Grievance beginning at Step Three. If the final decision is that the information in the record is, in the College's determination, not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Vice President of Student Services or designee shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.
- C. The right to consent to disclosures of personally identifiable information contained in your education records. FERPA requires that the College obtain your written consent prior to the disclosure of any such information with certain exceptions. College officials with a legitimate educational interest are an exception and do not need your consent. For a complete list of the disclosures that may be made without your consent, see 34 CFR Part 99.31 – 99.39. Exceptions to disclosures include, but are not limited to:
  - 1. Organizations conducting studies;
  - 2. Health/safety emergencies;
  - 3. Under the U.S. Patriot Act;
  - 4. Federal, state and local authorities;
  - 5. Accrediting organizations;
  - 6. State, local or tribal welfare agencies;
  - 7. College officials with legitimate educational interest;

8. In response to subpoenas and court orders; and
  9. In response to a lawsuit where a student names the College as a party.
- D. A College official includes any of the following when that person has a *legitimate educational interest* in having access to the information:
1. Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College;
  2. A member of the College's Board of Trustees;
  3. A contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information from education records; and
  4. A person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.

A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- E. The College may release Directory Information about you unless you have advised the College to the contrary. The College has designated the following information as Directory Information: name; major field of study; most recent or previous schools attended; full or part-time enrollment status; terms and dates of enrollment; President's list, Dean's list and other officially recognized student honors, awards, and special achievements; hometown of members of President's list, Dean's list and other officially recognized student honors, awards, and special achievements; participation in officially

recognized activities and sports; photographs; graduation list; and degrees, diplomas and certificates received and the completion date.

1. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, education interest in the information or provide a direct service to the College; provided, however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless you specifically restrict the release of your Directory Information.
  2. If you do not want the College to disclose your Directory Information described above from your education records to the recipients identified above without your prior written consent, you must submit a request in writing to the Office of the Registrar within fourteen (14) days of the beginning of each academic year or within fourteen (14) days of you enrolling in the College.
- F. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.
- G. The College may release a student's educational records to the student's parents when requested by the parents and: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.
- H. You have the right to file a complaint with the U.S. Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is the:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901  
(202) 260-3887 – Telephone

(202) 260-9001 – Fax  
FERPA@ED.GOV – Email

Questions regarding student records should be directed to the College's  
Office of the Registrar.

Adopted: 08/08/2019

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. pt. 99

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Each area of the campus that handles student records shall establish internal procedures to protect the security and confidentiality of student information, including hard copy and digital formats. The following guidelines must be followed when accessing confidential information and student records.

**I. TRAINING**

To ensure compliance and confidentiality, all new employees must successfully complete a FERPA course provided through the college's third-party online training system before they are given access to student information systems or any student information. All full-time and part-time employees must complete the FERPA training on an annual basis. If an employee fails to complete the training in the allotted time, the employee's accounts will be disabled until the training has been completed.

**II. HARD COPY DATA**

- A. Student information with social security numbers and birth dates shall not to be placed on hard copy file folder labels (use student ID instead).
- B. Student information with social security numbers and birth dates should not be left unsecured at any time.
- C. File folders (hard copies) containing student information with social security numbers and birth dates must be kept in a locked drawer or a locked room with access only by appropriate personnel.
- D. Any documents containing student information that is confidential should be shredded before discarding.
- E. Interoffice mail containing sensitive student information shall be sent using a sealed, opaque envelope.

**III. ELECTRONIC DATA**

- A. Electronic data shall be maintained by ITS and shall be backed up to a separate location daily. The only exception to this is that Distance Learning student course records are housed off-campus through Remote-Learner. These records do not contain student SSN and are also backed up daily by Remote-Learner.
- B. Electronic student and confidential information is only accessible to appropriate personnel in accordance with procedures approved by ITS.

- C. Access to information systems is only given to appropriate personnel upon permission by a staff member's supervisor. Permission records will be maintained by ITS.
- D. Personnel who have been granted authority to access student information will be issued an ID and password by ITS to access information systems.
- E. Each staff member is only to use his/her designated ID and password to access student and confidential information. Under no circumstances should an ID and password be shared or should a staff member access College information systems under an ID and password that has not been issued to him or her.
- F. Student information with social security numbers and birth dates is not to be distributed or transmitted through email or otherwise made accessible to users without clearance to see this information.
- G. The student ID generated by the College's operating system will be used in place of the social security number for identification purposes and in all communications.
- H. ITS reserves the right to revoke all privileges to information systems if College Information Technology policies and procedures are not followed.
- I. Faxing of sensitive student information shall be done by first verifying the fax number. Once the number has been verified the intended recipient must be readily available to retrieve the information.

#### **IV. STUDENT COMMUNICATIONS**

- A. Students are required to create a unique password upon setting up their accounts in the College's information systems.
- B. Electronic communication with an active student should only be sent to that student's College email address. Communication with prospective students or past students may be sent to the student's personal email, but should not include any sensitive information (e.g., student grades).
- C. When communicating with students regarding technical support, registration, transcripts, financial aid and financial information, students should not be asked for a social security number or birth date in public/within hearing distance of other people.

- D. Two forms of authentication must be requested when verbally verifying student identification. Appropriate forms of authentication include the student Colleague ID number, current program of study, name of WCC class in which the student is enrolled, name of WCC course completed, and last term enrolled.
- E. When requested to disclose information by telephone, institutions must use reasonable methods to authenticate student's identity by asking identifying questions specific to the student. A comprehensive list of FERPA complaint question is maintained by the Registrar.

## **V. SECURITY BREACH**

- A. Any security breach or loss of records should be reported to one's immediate supervisor immediately upon discovery of the breach/records loss.
- B. Any student that has had their sensitive information compromised shall be contacted within 24 hours via telephone. In the event that the student cannot be reached, the College will use the emergency contacts to try to establish communications with the student. After the College has exhausted these resources the next form of contact will be First Class mail or other traceable delivery service in accordance with N.C.G.S. § 75-65.
- C. While sensitive student information is in transport to the College, the information shall remain locked in the trunk or other secure area of the vehicle. If the vehicle does not have a secure location, the sensitive student information must not be transported until the information can be transported securely unless it will be transported with no stops that will require the vehicle to be left unattended.
- D. Any student information that is collected off-campus or after campus hours shall remain in the custody of the student, agency or business until the sensitive student information can be delivered to the College.
- E. With the exception of coursework to be graded, no College employee will have hard copies of sensitive student information in their possession overnight without prior approval from that employee's supervisor or the college president. Any digital records removed from campus should be encrypted and password protected.

Adopted: 08/08/2019

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As a condition of enrollment at the College, the student grants the College a non- exclusive, perpetual, world-wide, royalty-free right and license to reproduce and publicly or privately display, distribute, or perform the student's work, in whole or in part, for the College's own educational purposes. This includes:

- A. The use of student work in order to demonstrate compliance with accrediting bodies.
- B. Research conducted by College personnel and presentation or publication resulting from such research.
- C. The use of student work in order to demonstrate student and instructor activities for the purposes of promoting the college and its endeavors.

Nothing herein permits the disclosure of a student's educational record, including student grades, nor can student work be presented in a personally identifiable manner without the student's exclusive permission. This license does not extend to commercialization of the work. Intellectual property created by the student for commercial purposes singularly or in cooperation with the College shall be governed by the Policy 4.2.2 – Intellectual Property.

Adopted: 08/08/2019

## I. 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 and other animals on campus by qualified individuals with disabilities or individuals authorized to provide training.

## II. DEFINITIONS

- A. **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. Service Animals are limited to service dogs and, in some cases, miniature horses.
- B. **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".
- C. **Pets** – any animal that is not an Emotional Support Animal or a Service Animal.

## III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on College property. Subject to the rules set forth in section IV and V below, Emotional Support Animals and Service Animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons.

**IV. Responsibilities of the Service/Emotional Support Animal Owner/Handler****A. Registration****1. Service Animals**

Students and employees are not required to register Service Animals. However, they are encouraged to notify the Office of Disability Services (students) or the Office of Human Resources (employees) if they intend to use a Service Animal on campus so that appropriate College officials are aware of the animal's presence and to assist with the Service Animal's access to areas within the College's campus. Visitors with Services Animals are not required to register their animals.

**2. Emotional Support Animals**

Students and employees with disabilities may request permission to have an Emotional Support Animal on campus. The determination of whether this accommodation is granted shall be made based on the following considerations:

- 1) does the person have a disability that substantially limits one or more major life activities; 2) does the Emotional Support Animal perform tasks for the benefit of the person or provide emotional support that alleviates one or more of the identified symptoms; 3) is the request an undue burden on the College or does it fundamentally alter a College program.

Any requests for an Emotional Support Animal accommodation shall be directed to the Office of Disability Services (students) or the Office of Human Resources (employee).

After the College has made a determination that an Emotional Support Animal is allowed on campus, the student or employee must register the animal with the Office of Disability Services (students) or the Office of Human Resources (employees).

**3. Care and Supervision**

1. The care and supervision of a Service/Emotional Support Animal is the responsibility of the animal's handler.
2. The handler 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 tag at all times.
3. The Service/Emotional Support Animal must be under the control of the handler at all times and may not be left alone. A Service/Emotional Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length. In situations where a leash or other device interferes with a Service Animal's ability to perform its task or service, the Service Animal must remain under the control of the handler at all times.
  4. The handler of the Service/Emotional Support Animal is responsible for any damage of personal property or any injuries to an individual caused by the Service/Emotional Support Animal.
  5. The handler must ensure the animal is "housebroken" and trained and must clean up and remove all animal waste created by the animal.
  6. The Service/Emotional Support Animal may not disrupt the operation of the College or any class.

#### **V. Responsibilities of the College Community**

If the need for a Service Animal is obvious, College officials may not question the presence of the animal on campus. If the need for a Service Animal is not obvious, College officials are permitted to ask the handler only two questions:

1. Is the animal required because of a disability?
2. What work or task(s) has the animal been individually trained to perform?

At no time may a College official 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 student or employee on campus has a covered disability under the ADA that includes an allergic reaction to animals, and that person has contact with a Service Animal, a request for accommodation should be made to the Office of Disability Services (student) or the Office of Human Resources (employee). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

**VI. Removal of Service/Emotional Support Animals**

The College has the authority to remove a Service/Emotional Support Animal from its facilities or properties if the Service/Emotional Support Animal becomes unruly or disruptive, unclean and/or unhealthy, and 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. 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.

Adopted: 08/08/2019

Cross Reference: Policy 2.2.9; Policy 3.4.9

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## **I. OVERVIEW**

The College attempts to provide extracurricular activities for students since the College believes that such activities contribute to the overall growth and educational development of an individual. Students are expected to exhibit high standards of responsible citizenship during all College functions whether on or off campus. The Division of Student Services encourages and helps conduct a program of student activities. The student activity program is a part of the educational experience available to all students. Admission for all student activities shall be non-discriminatory.

## **II. STUDENT GOVERNMENT ASSOCIATION**

- A. The Student Government Association (“SGA”) is made up of representatives from the student body. The SGA coordinates and regulates student activities and serves as the student body’s official voice. The President of the SGA is a non-voting member of the College’s Board of Trustees.
- B. The SGA’s organizational documents shall be updated and shall be on file with the College’s Student Life Coordinator. (“Coordinator”)<sup>35</sup>. Any revisions to the SGA’s organizational documents shall be reviewed and approved by the Director of Student Support Services and Associate Vice President of Instructional Support and Student Services.
- C. State funds cannot be used for athletics or other extracurricular activities; therefore, almost all student activities are established and maintained by student activity fees. The student activity budget will be approved by the SGA and Student Life Coordinator and submitted for approval by the Director of Student Support Services as early in the school year as possible. Once approved, no further approvals for expenditure of funds will be required by the SGA unless changes to the budget are adopted. All expenditures of funds must still be approved by the Coordinator.

## **III. OTHER STUDENT CLUBS AND ORGANIZATIONS**

- A. The College maintains that extracurricular activities compliment the academic programs. Students are encouraged to participate in all phases of the student activities program as long as such participation is consistent with sound educational practices.
- B. The following criteria must be considered by clubs who seek recognition as an official College student organization:
  - 1. The organization must serve an area of student activity need;

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<sup>35</sup>Or appropriate administrator.

2. The membership provisions must not exclude anyone because of his/her race, color, religion, sex, gender, national origin, age, disability or sexual orientation;
  3. The organization must agree to abide by the College's policies and administrative procedures;
  4. The organization's purpose must be compatible with the College's philosophy and educational objectives; and
  5. Such other reasonable rules and regulations required by the President.
- C. Recognized Student Clubs and Organizations. Only officially recognized student clubs and organizations shall be allowed to function on the College's campus. In order to achieve recognition, the applying club or organization must complete an official application, on file with the Coordinator, and receive approval by the SGA and the Dean of Student Services.

#### IV. FUNDRAISING

The President, in consultation with the Vice President for Student Services and the Coordinator, shall establish rules and regulations regarding student clubs and organizations' fundraising activities. In addition to such rules and regulations, student clubs and organizations are limited as follows:

- A. **Raffles** - The North Carolina General Statutes consider raffles as a form of gambling and are generally unlawful in the state of North Carolina. However, there is an exception that allows two (2) raffles per year for each tax exempt non-profit organization. The total cash prizes offered or paid by any exempt non-profit organization may not exceed ten thousand dollars (\$10,000) in any calendar year.

Student clubs and organizations are encouraged to use alternative methods of fundraising aside from raffles.

- B. **Food** – Unless clubs and organizations have prior, written permission from the President or designee, clubs and organizations may only sell pre-packaged food items, professionally prepared food items prepared by a permitted entity, pre-wrapped items and beverages in sealed containers and must comply with all local Health Department regulations. Examples of these items include bottled/canned soft drinks, pre-wrapped sub sandwiches, wrapped/package desserts, etc. Muffins or cookies must be pre-packaged. The sale of food prepared or assembled at point of sale, such items as tacos, hot dogs, chili, sandwiches, etc. is

prohibited unless prior authorization by the President or designee. The sale of potentially hazardous foods as described in 15A NCAC 18A .2635(9) shall not be allowed.

Pursuant to N.C.G.S. § 130A-250(7), the College, as a tax-exempt entity, is exempted from temporary food establishment permitting requirements for preparing or serving food or drink, for pay, no more frequently than once a month for a period not to exceed two consecutive days.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 14-309.15, 130A-250(7); 15A NCAC 18A .2635(9)

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## **I. TUITION AND FEES GENERAL REQUIREMENTS**

Tuition and fees shall be charged in accordance with state statutes and according to schedules established by the North Carolina State Board of Community Colleges (“State Board”) and/or the College’s Board of Trustees (“Board”). The State Board establishes a general and uniform semester tuition rate for curriculum students. The State Board establishes both a North Carolina resident rate and a nonresident rate. Whether a student is a resident for tuition purposes shall be established in accordance with N.C.G.S. § 116-143.1 and -143.3 (for purposes of Armed Forces personnel and their dependents). For more information concerning residency requirements, see Policy 6.1.2 – Tuition Residency Requirements. The rate for auditing a course is the same as taking the course for credit.

## **II. TUITION AND REGISTRATION FEE WAIVERS**

The North Carolina General Assembly and the State Board have promulgated statutes and administrative regulations dealing with authorized groups of students with respect to tuition and registration fee waivers. For information concerning tuition and registration waivers, see N.C.G.S. §§ 115B-1, 115D-5, 1E SBCCC 800.2 and the [North Carolina Community Colleges Tuition and Registration Fee Waiver Reference Guide](#).

To obtain a tuition and registration fee waiver, individuals must establish proof of eligibility as a member of an authorized group. 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. The College shall not grant tuition and registration fee waivers to students enrolled in self-supporting courses. The 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.

Annually, the President shall report to the State Board the amount of tuition and registration fees waived by the College on behalf of individuals who are members of authorized groups.

## **III. LOCAL FEES**

### **A. Authorization**

Pursuant to 1E SBCC 700.1, the Board adopts the following local fees. The College shall deposit receipts derived from local fees in an unrestricted institutional account. The College will only use the local fee receipts for the purposes for which the local fee was approved. The President shall annually report all required local fees to the State Board.

**B. Local Fee Waiver<sup>37</sup>**

The following groups are exempt from the Student Activity Fee, the Instructional Technology Fee and the College Access and Parking Fee: 1) all students who are exempt from paying tuition and registration fees; 2) continuing education students, except as other listed herein; and 3) individuals who participate only in meetings and seminars organized by the College (i.e., a group of people gathered for a one-time basis primarily for discussion under the direction of a leader or resource person).

All students will be required to pay applicable Specific Fees and Other Fees.

**C. Authorized Local Fees<sup>38</sup>****1. Student Activity Fee**

Pursuant to 1E SBCCC 700.2, the Board establishes a Student Activity Fee<sup>39</sup> as follows: \$3.25 per credit hour up to a maximum of \$32.50 per semester (fall and spring) for all curriculum students.

The Student Activity Fee receipts shall be used for the permissible activities and expenses listed in 1E SBCCC 700.2(b)(1)-(2).

**2. Instructional Technology Fee**

Pursuant to 1E SBCCC 700.3, the Board establishes an Instructional Technology Fee<sup>40</sup> as follows: \$4 per credit hour up to a maximum of \$16 per semester (fall and summer) for all curriculum students; continuing education students - \$5 per course<sup>41</sup>.

The Instructional Technology Fee receipts shall be used to support costs of procuring, maintaining and operating instructional technology used primarily for instructional purposes and specialized instruction equipment necessary for hands-on instruction.

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<sup>37</sup> This is a local board decision as to whom is exempt from local fees. 1E SBCCC 800.2. This is our model policy language but does not have to be used. Any language regarding waivers for Local Fees should be included in this section.

<sup>38</sup> These are all the possible categories of Local Fees authorized by the SBCC Code.

<sup>39</sup> Per 1E SBCCC 700.2, this fee may not be more than \$35 per academic semester. The language is based on your current activity fee. Do you want to charge this fee to continuing education students, if so, at same rate or different rate?

<sup>40</sup> Per 1E SBCCC 700.3, this fee may not exceed more than \$48 per academic semester for curriculum students. The language is based on your current technology fee.

<sup>41</sup> The SBCC Code allows the College to charge this to continuing education students. It is not, however, required.

**3. College Access and Parking (“CAP”) Fee**

Pursuant to 1E SBCCC 700.4, the Board establishes a CAP Fee<sup>42</sup> at a rate of \$20 for each academic semester (fall, spring and summer) for all curriculum students. The CAP Fee receipts shall only be used to support costs of acquiring, constructing and maintaining the College’s parking facilities, parking enforcement and security of College property.

**4. Required Specific Fees<sup>43</sup>**

Pursuant to 1E SBCCC 700.5, specific fees will be charged to students for select courses to cover academic costs for consumable goods or services that are specifically required for that course. Such academic costs include, but are not limited to: tools, uniforms, insurance, certification/licensure fees, e-text, labs and other consumable supplies. The specific fee rate must be based on the estimated cost of providing the good or service.

The Board hereby delegates to the President the authority to approve all specific fees under \$300 per course. Any specific fees over \$300 per course must be approved in advanced by the Board. A list of all approved specific fees will be maintained in the College’s business office and the President shall provide an annual report to the Board regarding such specific fees.

**5. Other Fees<sup>44</sup>**

Pursuant to 1E SBCCC 700.6, other fees will be charged to students 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.

The Board hereby delegates to the President the authority to approve all other fees under \$300. Any other fees over \$300 must be approved in advanced by the Board. A list of all approved specific fees will be maintained in the College’s business office and the President shall provide an annual report to the Board regarding such other fees.

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<sup>42</sup> 1E SBCCC 700.4 does not provided a limit as to the amount of this fee. The language is based on your current “campus access fee”. As with student activity fee, do you want to charge to continuing educations students, if so, at same rate or different rate?

<sup>43</sup> The President could create Procedure 6.1.1.1 – Required Specific and Other Fees, and list all the types of specific and other fees (i.e., insurance, transcript, graduation, etc.) that have been approved by the President under the waiver (\$300) or already approved by the Board. Given that these will likely change often, best to have in a procedure than listed out in a policy.

<sup>44</sup> See footnote 7.

**6. Excess Receipts**

The fees collected under subsection 4 and 5 above, receipts shall be used for the purpose for which they are charged. If the receipts exceed expenditures for the purpose for which they are charged, the College shall use excess receipts to support to the costs of either instruction, student support services, student financial aid (e.g., scholarships, grants, and loans), student refunds, student activities, curriculum development, professional development, promotional giveaway items, instructional equipment, and capital improvements and acquisition of real property.

Excess receipts shall not be used for any of the following purposes: supplemental compensation or benefits of any personnel, administrative costs, entertainment expenses, and fundraising expenses.

**IV. TUITION AND FEE DEFERMENT<sup>45</sup>**

All students, after registering for courses for the specific term, must pay or establish a payment plan through a provider approved by the College on or before a specific date prescribed by the College that is on or before the first date of the course section. Students applying for financial aid that completed their application before the established deadline, and appear to be eligible for assistance, will be allowed to remain in their courses until their financial aid is processed. Students that did not apply for financial aid prior to the established deadline may establish a payment plan.

- A.** Students wanting to enroll but lacking funds to pay tuition and fees must meet one of three criteria to defer their payment beyond the payment deadline set by the registrar's office:
  - 1. Must have applied for financial aid by the application deadline set by the financial aid office and, through preliminary review, appear to qualify for assistance;
  - 2. Must provide (or have their sponsor provide) documentation in writing from a valid third-party agency that the student may be sponsored by the third-party agency once a final review is complete; or
  - 3. Must enroll in a payment plan to satisfy the outstanding balance through a third-party provider contracted by the College. All balances must be paid before the last day of the semester.
- B.** Students who have not completed all requirements by the financial aid office, not supplied a final authorization from their third-party agency or who fail to pay the balance owed by the end of the semester will be subject to the following restrictions until payment in full has been received or until assistance is granted to satisfy the account balance:
  - 1. Grades for the term shall be withheld;
  - 2. Transcripts shall not be released;

<sup>45</sup> From current Policy 5.04 and Procedure 5.04A.

3. Registration for future terms shall not be permitted; and
  4. Permission to participate in graduation shall be denied.
- C. Students with outstanding balances shall be notified by a Statement of Account showing the account balance and the nature of the charges and shall be dealt with pursuant to Policy 6.2.9 – Debt Collection.

Adopted: 08/08/2019

Revised: 04/07/2022

Legal Reference: N.C.G.S. §§ 115B-1 *et al.*, 115D-5, -39, 116-143.1 and -143.3; 1E SBCCC

200.2, 700.1 – 700.6, 800.2; *NC Community College Tuition and Registration Fee Waiver Reference Guide – FY 2015-17 Edition*

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## I. DEFINITIONS

- A. *Domicile*: a person's fixed, and permanent home and place of habitation of indefinite duration (for an indefinite period of time); it is the place where he or she intends and is able to remain permanently and to which, whenever the person is absent, he or she expects to return. Domicile may be established by birth, law and/or choice.
- B. *Nonresident*: is a person who does not qualify as being domiciled in North Carolina.
- C. *Residence*: a place of abode, whether permanent or temporary. A person may have many residences but only one permanent residence.
1. *Permanent Residence*: the legal residence or domicile.
  2. *Temporary Residence*: one's abode for an undetermined or temporary duration.
- D. *Resident*: is a person who qualifies as being domiciled in North Carolina.

For more complete definitions of these and other terms, consult the North Carolina Residency Determination Service ("RDS") [Guidebook](#). All the definitions contained in the [RDS Guidebook](#) are incorporated herein by reference.

## II. RESIDENCY STATUS

### A. Establishing Residency

Residency status of all applicants must be determined for the purpose of tuition assessment. Nonresidents are admitted under the same admission requirements as residents but are required to pay out-of-state tuition except for courses classified as self-supporting curriculum courses or continuing education courses.

To qualify as a resident, an applicant must have established a permanent residence in North Carolina and maintained that permanent residence for at least 12 uninterrupted months immediately prior to his or her classification as a resident. The applicant must maintain his/her residence for purposes of maintaining a bona fide domicile rather than maintaining a mere residence for purposes of enrollment in an institution of higher education. All applicants for admission shall be required to make a statement as to his/her length of residence in the State. An applicant shall not be classified as a resident until s/he provides evidence related to his/her legal residence and its duration.

To determine whether a student has established a domicile in North Carolina, as opposed to a mere temporary residence, one must first determine if the student has capacity to establish residency and then reach a conclusion about the intent of the student, as measured by objectively verifiable conduct of the student. The conduct of the student, taken in total, must demonstrate an intention to make North Carolina his or her permanent dwelling place. The determination of domicile does not depend on one fact or a required combination of certain circumstances. The determination is made based on all the facts and circumstances taken together and viewed as a whole showing by a preponderance of evidence (more likely than not) that some particular location is the student's domicile. Oftentimes, this evidence will include personal statements provided by the student regarding his/her intention to make a residence his/her domicile. While such statements are appropriate evidence to consider, there is no requirement that they be accepted at face value. Student's personal statements should be considered carefully but also cautiously even if there is no concrete evidence that the student is being untruthful. The student's conduct and actions taken toward establishing a domicile are generally of greater evidentiary value than personal statements, especially when the student's conduct and actions are inconsistent or in conflict with the student's statements of intent. Statements of a student's intent to take actions towards establishing domicile at some time in the future generally are not considered sufficient.

For a student to be classified as a resident, the balancing of all the evidence must show that there is a preponderance of evidence supporting the student's claim of domicile. To satisfy this requirement, more of the evidence than not must consist of a cluster, focus or accumulation of favorable information that the student established a domicile in North Carolina at a point in time at least 12 months prior to the domiciliary classification. Because there is almost always variation among cases and individuals, the domiciliary inquiry is more a function of reasonable review and balancing of the total circumstances of each individual case rather than a formulaic computation.

Each applicant for admission is required to complete the RDS application for initial consideration concerning residency before, during or after submitting an application for admission.

#### **B. Special Rules for Domicile**

In addition to establishing a person's domicile as noted above, the determination of domicile and residence status for tuition purposes is also affected by special rules set out in North Carolina statutes. For some, but not all, of these special rules, eligible nonresidents remain classified as out-of-state students and are charged in-state tuition rates. For more specific information regarding these special results, consult the Manual.

These special rules impact the following categories of students:

1. Minors;
2. Members of the Armed Forces and their families;
3. Non-military federal personnel, volunteers and missionaries;
4. Non-U.S. citizens;
5. Prisoners/inmates;
6. Married persons; and
7. Special Exemptions for certain community college students:
  - a. Business-sponsored students - When an employer (other than the armed services) pays tuition for an employee to attend a community college and the employee works at a North Carolina business location, the employer shall be charged the in-state tuition rate.
  - b. Business and military transferred families - A community college may charge in-state tuition to up to one percent (1%) of its out-of-state students (rounded up to the next whole number) to accommodate the families transferred into North Carolina by business or industry, or civilian families transferred into North Carolina by the military. A student seeking this benefit shall provide evidence of the following:
    - i. Relocation to North Carolina by the student and if applicable, the student's family, within the 12 months preceding enrollment;
    - ii. Written certification by the employer on corporate letterhead that the student or some member of the student's family was transferred to North Carolina for employment purposes;
    - iii. Certification of student's compliance with the requirements of the Selective Service System, if applicable; and
    - iv. If a family member of the transferred individual is applying for this benefit, the family member must also establish the familial relationship with the transferred individual; live in the same residence as the transferred individual; and provide evidence of financial dependence on the transferred individual.
  - v. Students sponsored by a non-profit entity - A lawfully admitted nonresident of the United States who is sponsored by a North Carolina non-profit entity is eligible for the in-state resident community college tuition rate. The student is considered to be "sponsored" by a North Carolina nonprofit entity if the student

resides in North Carolina while attending the community college and the North Carolina nonprofit entity provides a signed affidavit to the community college verifying that the entity accepts financial responsibility for the students tuition and any other required educational fees. A North Carolina nonprofit may sponsor no more than five nonresident students annually under this provision. This provision does not make a person a resident of North Carolina for any other purpose.

- vi. N.C. public school graduates – Any person lawfully admitted to the United States who satisfied the qualifications for assignment to a public school under North Carolina law (G.S. 115C-366) and graduated from the public school to which the student was assigned shall be eligible for the State resident community college tuition rate.
- vii. Refugees – A refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes. While the refugee must live in North Carolina to be eligible for in-state tuition, the refugee is not required to be domiciled in North Carolina for the 12-month qualifying period.
- viii. Nonresidents of the United States – A non resident of the United States who has resided in North Carolina for a 12-month (365 days) qualifying period and has filed an immigrant petition (Forms I-130, I-360, or I-140) with the United States Citizen and Immigration Service (USCIS) shall be considered a North Carolina resident for community college tuition purposes.
- ix. Federal law enforcement officers, firefighters, EMS personnel and rescue and life-saving personnel – Federal law enforcement officers, firefighters, EMS personnel, and rescue and lifesaving personnel whose permanent duty stations are within North Carolina are eligible for the State resident community college tuition rate for courses that support their organizations' training needs. The State Board of Community Colleges must approve the courses designed to support law enforcement officers, firefighters, EMS personnel, and rescue and lifesaving personnel's training needs prior to the college awarding the State resident community college tuition rate.

**C. Loss of Resident Status**

If a person has been properly classified as a resident for tuition purposes and enjoyed that status while enrolled at an institution of higher education in this state, a change in that person's state of residence does not result in an immediate, automatic loss of entitlement to the in-state tuition rate. Students in this situation are allowed a "grace period" during which the in-state rate will still be applicable even though the student is no longer a legal resident of North Carolina. The grace period can apply under certain circumstances both to currently enrolled students as well as to students who are no longer enrolled or who have graduated.

**8. Currently Enrolled Students**

To qualify for the grace period if the student is currently enrolled, the student must satisfy the following conditions:

- a. The student must have been properly classified as a resident for tuition purposes on the basis of a valid finding that the student in fact was domiciled in North Carolina and had been for the required 12-month period prior to classification; and
- b. At the time of change of legal residence to a state other than North Carolina, the individual must have been enrolled in an institution of higher education in North Carolina. "Enrolled" shall include both persons who are actually attending the institution during an academic term as well as those whose consecutive attendance of academic terms has been interrupted only by institutional vacation or summer recess periods. A person whose change in legal residence occurred during a period while not enrolled is not entitled to the benefit of the grace period.

The grace period extends for 12 months from the date of the change in legal residence, plus any portion of a semester or academic term remaining at the time the change in legal residence occurred. No change in applicable tuition rates resulting from the expiration of the basic 12-month grace period will be effective during a semester, quarter, or other academic term in which the student is enrolled; the change in tuition rates are effective at the beginning of the following semester, quarter, or other academic term. Once perfected, the grace period is applicable for the entire period at any institution of higher education in the State.

**9. Students who are no Longer Enrolled**

To qualify for the grace period if the student is no longer enrolled, the student must satisfy the following conditions:

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- a. The student must have been properly classified as a resident for the tuition purposes at the time the student ceased to be enrolled or graduated from an institution of higher education in this state; and
  - b. If the student subsequently abandons his/her domicile in North Carolina and then reestablishes domicile in this state within twelve (12) months of abandonment, the student may reenroll at an institution of higher education in this state as a resident for tuition purposes without having to satisfy the 12-month durational requirement as long as the student continuously maintains his/her reestablished domicile in North Carolina at least through the beginning of the academic term for which in-state tuition status is sought.

It is important to note that a student may benefit from this particular grace period only once during his/her life. There is no such limitation on the grace period available to students who experience a change in residence status while still enrolled at an institution of high education in this state.

### **III. RECONSIDERATION AND APPEAL OF RESIDENCY DECISIONS**

If the student does not agree the initial consideration concerning his/her residency status, the student may seek a reconsideration or appeal with RDS. For more information concerning the reconsideration and appeal process and deadlines, the student should consult with the [RDS Guidebook](#).

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-39; 116-143.1; N.C. Session Law 2015-241, Section 11.23; 1E SBCCC 300.2; *North Carolina Residency Determination Service Guidelines* (November 2016)

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**I. AUTHORITY TO CHARGE SELF-SUPPORTING FEES**

Pursuant to North Carolina law, the College is authorized to offer curriculum and continuing education course sections on a self-supporting basis and charge self-supporting fees to students who enroll in self-supporting course sections.

**II. SELF-SUPPORTING FEE RATES**

**A. Differing Rates**

The College may adopt different self-supporting fees for different courses and activities.

**B. Curriculum Self-Supporting Fee Rates**

The College must determine self-supporting fees for curriculum courses using one of two methods:

1. **Pro-Rata Share Method.** The amount charged to each student shall approximate the pro-rata share of the direct and indirect costs associated with providing self-supporting instruction. Unless the College can demonstrate a need for a higher rate, the College may estimate indirect costs by applying its federal indirect cost rate or a rate up to twenty-five percent (25%), whichever is higher, to the direct costs of providing the self-supporting activity. The amount charged to the student shall be calculated based on either: 1) the estimated costs of an individual self-supporting course section divided by the number of students expected to enroll in the course section; or 2) the estimated costs of a set of self-supporting course sections divided by the number of students expected to enroll in the set of course sections. Each student must pay the self-supporting fee even if the sum of the curriculum tuition and self-supporting fees charged to the student for the academic term exceeds the maximum tuition rate set by the State Board and academic term.
2. **Transparent Rate Method.** The College shall charge each student an amount consistent with the curriculum tuition rate based on residency status. The transparent rate method shall only be used if the receipts generated through this method can adequately support the direct and indirect costs of the self-supporting instruction.

**C. Continuing Education Self-Supporting Fee Rates**

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.

### **III. USE OF SELF-SUPPORTING FEES**

#### **A. Deposit of Self-Supporting Fees**

The College shall deposit self-supporting fee receipts in an institutional unrestricted general ledger account. Any course section initially designated as self-supporting cannot be changed to a State-funded designation after the College collects any receipts for the course section.

#### **B. Use of Self-Supporting Fee Receipts**

Self-supporting fee receipts shall be used to support the direct and indirect costs of the self-supporting course sections. The College shall not use state funds for direct costs of self-supporting course sections. If a full-time curriculum instructor teaches a self-supporting course section, the College shall either: 1) pro-rate the instructor's salary based on the time allocated between state-funded and self-supporting course sections in the instructor's course load; or 2) reimburse State funds an amount equal to the number of instructional hours associated with self-supporting course section multiplied by the instructor's hourly rate of pay.

#### **C. Excess Receipts**

Specific fee receipts shall be used for the purpose for which they are charged. If self-supporting receipts exceed expenditures for the purpose for which they are charged, the College shall use excess receipts to support the costs of future self-supporting course sections, instruction, student support services, student financial aid (e.g. scholarships, grants, and loans), student refunds, student activities, curriculum development, professional development, promotional giveaway items, instructional equipment, and capital improvements and acquisition of real property.

Excess receipts shall not be used for any of the following purposes: supplemental compensation or benefits of any personnel, administrative costs, entertainment expenses, and fundraising expenses.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 600.1 – 600.4

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**I. CURRICULUM TUITION/FEE REFUNDS**

**A. Definitions**

1. *Academic Period* – an academic term or subdivision of an academic term during which the College schedules a set of course sections.
2. *Non-regularly scheduled course section* – is any of the following: a) a class where a definitive beginning and ending time is not determined; b) a class offered in a learning laboratory type setting; c) a self-paced class; d) a class in which a student may enroll during the initial College registration period or at any time during the semester; or e) any class not meeting the criteria for a regularly scheduled class.
3. *Off-cycle course section* – a regularly scheduled course section that is not offered consistent with an academic period.
4. *Officially Withdraw* – the removal of a student from a course section by one of the following methods:
  - a. The student notifies the authorized College official, as defined by the College's published procedures for withdrawal, of the student's intent to dis-enroll in a course section as outlined in the College's published procedures for withdrawal; or
  - b. The College removes the student from the course section because the College cancels the course section or for any other reason authorized by written College policy.
5. *On-cycle course section* – a regularly scheduled course section that is offered consistent with an academic period.
6. *Regularly scheduled course section* – is a class that meets any of the following criteria: a) assigned definite beginning and ending times; b) specific days the class meets is predetermined; c) specific schedule is included on the College's Master Schedule or other official College documents; d) class hours are assigned consistent with the College's catalog; or e) identified class time and dates are the same for all students registered for the class excluding clinical or cooperative work experience.
7. *Census Date* – The date marking the end of the add/drop period for a course section, as determined by the College in compliance with the

State Board of Community Colleges Code.

The College shall issue tuition refunds using State funds, and fees only in the following circumstances:

**Refunds for On-Cycle Course Sections**

1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees 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.
2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After an on-cycle course section begins, the College shall provide a seventy-five (75%) percent refund to the student for tuition only if the student officially withdraws or is officially withdrawn by the College from the course section prior to or on the ten percent (10%) point of the academic period.

**Refunds for Off-Cycle Sections**

1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the student officially withdraws or is officially withdrawn by the College prior to the first day of the off-cycle course section.
2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After an off-cycle course section begins, the College shall provide a seventy-five percent (75%) refund to the student for tuition only if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on the ten percent (10%) point of the course section.

**Non-Regularly Scheduled Course Sections**

1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the student officially withdraws or is officially withdrawn by the College prior to the first day of the non-regularly scheduled course section.

2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After a non-regularly scheduled course section begins, the College shall provide a seventy-five percent (75%) refund to the student for tuition only if the student officially withdraws or is officially withdrawn by the College from the non-regularly scheduled course section prior to or on the tenth (10<sup>th</sup>) calendar day after the start of the course section.

## II. CONTINUING EDUCATION TUITION/FEE REFUNDS

### A. Definitions

1. *Non-regularly scheduled course section* – is any of the following: a) a course section where a definitive beginning and ending time is not determined; b) a course section offered in a learning laboratory type setting; c) a self-paced course section; d) a course section in which a student may enroll during the initial College registration period or at any time during the semester; or e) any class not meeting the criteria for a regularly scheduled class.
2. *Officially Withdrawn* – the removal of a student from a course section by one of the following methods:
  - a. The student notifies the authorized College official, as defined by the College's published procedures for withdrawal, of the student's intent to disenroll in a course section as outlined in the College's published procedures for withdrawal; or
  - b. The College removes the student from the course section because the College cancels the course section or for any other reason authorized by written College policy.
3. *Regularly scheduled course section* – is a course section that meets all of the following criteria:
  - a. Has an assigned definite beginning and ending times;
  - b. Has specific predetermined days and times the course section meets;
  - c. Students may enroll during the initial registration period or any time prior to the census date;
  - d. The course section is consistent with the course standards

pursuant to ID SBCCC 300.5(c); or

- e. Times and dates are the same for all students registered for the course section excluding clinical or cooperative work experience.
4. *Independently Scheduled Course Section* – is a course sections that meets all of the following criteria:
  - a. Where the begin and end times of the course are not defined;
  - b. Instructional content is delivered asynchronously; and
  - c. A student may enroll during the College’s initial registration period or enroll at any time prior to the census date of the course section.
5. *Census Date* – The date marketing the end of the add/drop period for a course section, as determined by the College in compliance with the State Board of Community Colleges Code.

**B. Refunds.** The College shall issue tuition refunds using State funds only in the following circumstances:

1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the student officially withdraws or is officially withdrawn by the College from the course section prior to the first course section meeting.
2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After a regularly scheduled or independently scheduled course section begins, the College shall provide a seventy-five percent (75%) refund of tuition only upon the request of the student if the student officially withdraws or is officially withdrawn by the College from the course section prior to or on the census date of the course section. This section applies to all course sections except those course sections that begin and end on the same calendar day. The College shall not provide a student a refund using the State funds after the start of a course section that begins and ends on the same calendar day.
4. After a non-regularly scheduled course section begins, the College shall provide a seventy-five percent (75%) refund of tuition only upon the request of the student if the student withdraws or is withdrawn by the College from the course section prior to or on the

tenth (10<sup>th</sup>) calendar day after the start of the course section.

### **III. OTHER REFUND CIRCUMSTANCES**

#### **A. Death of a Student**

If a student, having paid the required tuition and fees for a course section, dies prior to completing that course section, all tuition and fees for that course section shall be refunded to the estate of the deceased upon the College becoming aware of the student's death.

#### **B. Military Refund**

Upon request of the student, the College shall:

1. Grant a full refund of tuition and 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
2. Buy back textbooks through the Colleges' bookstore operations to the extent allowable under the College's buy back procedures.
3. The College 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.

#### **C. Self-Supporting Tuition and Fees**

Refunds to students enrolling in self-supporting curriculum courses and self-supporting continuing education courses shall be regulated in the same manner as stated in Sections I and II.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 900.1 – 900.5

**I. FISCAL YEAR AND FINANCIAL STATEMENTS**

In accordance with the North Carolina State Board of Community Colleges, the College's fiscal year will be July 1 through June 30.

The President or designee shall prepare and submit expenditure reports and annual financial statements to the Board of Trustees ("Board") and, if otherwise required, to the appropriate state and county agencies.

**II. BUDGETING PROCESS**

**A. Preparation and Submission**

The President shall be responsible for the preparation of the College's annual budget. The President shall develop procedures for soliciting budget recommendations from the appropriate College administrators and stakeholders. The President shall submit the proposed budget to the Board who shall approve the proposed budget.

The Board shall submit its proposed budget to the State Board in the format established in

N.C.G.S. § 115D-54(b) on such date as determined by the State Board. The Board shall also submit to the Wilkes County, Ashe County and Alleghany County Commissioners for their approval that portion of the budget within the Commissioners' authority as established in N.C.G.S. § 115D-55(a).

Upon final approval by the State Board and Commissioners, the Board shall adopt its final budget. In the event that the final budget has not been adopted by the new fiscal year beginning on July 1, the Board, pursuant to N.C.G.S. § 115D-57, hereby authorizes the President to pay salaries and the College's other ordinary operating expenses for the interval between the beginning of the new fiscal year and the adoption of the new budget.

**B. Budget Amendments and Budget Transfers**

The President, or designee, shall report budget amendments to the Board in the budget report at the next regular Board meeting. The Board hereby delegates to the President the authority to make inter-budget transfers as authorized in N.C.G.S. § 115D-58(c). The President, or designee, shall report budget transfers to the Board in the budget report at the next regular Board meeting.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-54 through -58

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**I. FIRE, FLOOD, AND CASUALTY INSURANCE – COLLEGE BUILDINGS**

- A. The College shall insure each building to the extent of not less than eighty percent (80%) of the current insurable value as determined by the insured and insurer against fire, lightning, windstorm, hail, explosion, aircraft or vehicles, riot or civil commotion, smoke, vandalism, sprinkler leakage, sinkhole collapse, volcanic action, falling objects, weight of snow, ice or sleet, or water damage.
- B. The College shall insure each building and its contents to the extent of not less than eighty (80%) of the current insurable value, as determined by the insurer and the insured, of each of its insurable buildings against flood when that property is located, or becomes located in, an area identified on the latest Flood Insurance Rate Map produced by the Federal Emergency Management Agency as area that will be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year.
- C. For all College buildings and equipment and other contents of College buildings therein that is State or College property, the College shall secure and maintain fire and casualty insurance as proscribed in N.C.G.S. §§ 115D- 58.11(a).
- D. The County shall provide to the College the funds necessary to purchase such fire, flood, and casualty insurance.
- E. All insurance must be purchased from companies duly licensed and authorized to sell insurance in North Carolina.

**II. LIABILITY INSURANCE**

- A. The Trustees may purchase liability insurance to adequately insure the Trustees against any and all liability for any damages by reasons of death or injury to person or property proximately caused by the negligence or torts of the College's agents and employees when acting within the scope of their authority or the course of their employment.
- B. All insurance must be purchased from companies duly licensed and authorized to sell insurance in North Carolina or from other qualified companies to sell insurance as determined by the N.C. Department of Insurance.
- C. The Trustees are authorized to pay as a necessary expense the lawful premiums of the retained liability insurance.

Adopted: 08/08/2019

Revised: 04/07/2022

Legal Reference: N.C.G.S. §§ 115C-58.11 and -58.12

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The following categories of employees shall be bonded by a surety company authorized to do business in North Carolina at an amount, to be determined by the President, which sufficiently protects the College's property and funds:

- A. All employees authorized to draw or approve checks or vouchers drawn on local funds.
- B. All employees authorized or permitted to receive College funds from whatever source; and
- C. All employees responsible for or authorized to handle College property.

In lieu of a surety bond for the above employees, the Board of Trustees may obtain and maintain adequate insurance coverage sufficient for the protection of institutional funds and property. The College shall provide the funds necessary for the payment of the premiums of such bonds.

Adopted: 08/08/2019

Revised: 04/07/2022

Legal Reference: N.C.G.S. § 115D-58.10

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The Trustees may provide by appropriate resolution the use of facsimile machines, signature machines, signature stamps or similar devices in signing checks and drafts. The Trustees may charge the President or some other bonded employee with the custody of the necessary machines, stamps, plates or other devices, and that person and the sureties on the official bond are liable for any illegal, improper or unauthorized use of them.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-58.8

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All money regardless of source or purpose collected or received by a College officer, employee and/or agent shall be provided to the College's Cashier and deposited intact daily.<sup>47</sup> Deposits shall be given to the Cashier in the College's Business Office prior to the end of the business day. The Cashier will provide to the officer, employee and/or agent a receipt for the money. All individuals shall physically deliver the money to be deposited to the Business Office and provide directly to the Cashier or a Business Office staff member. Individuals are prohibited from sending money to the Cashier through interoffice mail or leaving the money on the Cashier's desk.

Tuition and all revenues declared by law to be State moneys or otherwise shall be deposited pursuant to the rules of the State Treasurer.

Adopted: 08/08/2019

Legal Reference: N.G.C.S. §§ 115D-58.9; 147-77

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<sup>47</sup> The statute does say that the Board has the discretion to only require a daily deposit when the funds exceed \$250; however, all funds, regardless of amount, must be deposited by the last day of business of the month.

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- I. Club Advisors or designee are responsible for collecting funds and bringing to the Business Office to deposit in accordance with Policy 6.2.5 – Daily Deposits. All monies collected must be deposited by the end of the business day in which it was collected.
  - II. The College will not accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks).
  - III. The Club Deposit Form<sup>48</sup> shall be used with all deposits and given to the Cashier. The Cashier will verify the deposit and print a receipt.
  - IV. Club Advisors or designees must verify that cash is available prior to spending.
  - V. Once items have been received, the appropriate documentation (receiving and/or invoice) shall be forwarded to Accounts Payable for payment.

Adopted: 08/08/2019

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<sup>48</sup> Or othersimilar form alreadyusedby the College.

The College's book of accounts shall be audited a minimum of once every two years or, if additional audits are necessary, as required by the State Board. The College may use state funds to contract with the North Carolina State Auditor or with a certified public accountant to perform the audit. The College shall submit the results of the audit to the State Board. The audit provides assurances that departments are complying with internal and external policies, procedures and regulations as well as verifying that financial statements and required reporting is completed in a timely and accurate manner.

Additionally, all state fund reports are submitted monthly to the North Carolina Community College System's finance office. These reports are reviewed and reconciled prior to the release of state funds for the subsequent months.

Nothing herein would prohibit the President, if he/she deemed it necessary, from requesting a special audit of the College's accounting records by an outside agency. The President is also authorized, as needed, to develop procedures regarding internal controls to ensure that there are adequate controls in place to promote efficiency and protect the College's assets.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-58.16

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**I. DEFINITIONS**

- A. *Cash Balance* – amount equal to all moneys received into institutional funds minus all expenses and withdrawals from those accounts in an Official Depository of the College as approved by the Board.
- B. *Official Depository* – one or more banks, savings and loan associations or trust companies in North Carolina as approved by the Board.

**II. SELECTION OF DEPOSITORY**

A. Deposits

The Board shall designate one or more Official Depositories for the College's use. The College may deposit at interest all or part of the College's Cash Balance of any fund in an Official Depository. Moneys may be deposited at interest in any Official Depository in the form of such deposit accounts as may be approved for county governments. In addition, moneys may be deposited in the form of such deposit accounts as provided for a local government or public authority. Public moneys may also be deposited in Official Depositories in Negotiable Order of Withdrawal accounts where permitted by applicable federal or state regulations.

B. Deposit Security

The amount of funds on deposit in an Official Depository or deposited at interest shall be secured by deposit insurance, surety bonds, letters of credit issued by a Federal Home Loan Bank, or investment securities of such nature, in a sufficient amount to protect the College on account of deposit of funds made therein, and in such manner, as may be prescribed by rule or regulation of the Local Government Commission. When deposits are secured, no public officer or employee may be held liable for any losses sustained by the College because of the default or insolvency of the depository. No security is required for the protection of funds remitted to and received by a bank, savings and loan association, or trust company acting as fiscal agent for the payment of principal and interest on bonds or notes, when the funds are remitted no more than sixty (60) days prior to the maturity date.

**III. INVESTMENTS**

The College's investment objective is to realize the highest earnings possible on invested cash. Pursuant to N.C.G.S. § 115D-58.6, the College may deposit all or a part of the Cash Balance of any fund in an Official Depository and shall manage the investments subject

to the Board's restrictions. The investment program shall be so managed that investments deposits can be converted to cash when needed. All investments shall be secured as provided in N.C.G.S. § 159-31(b). The Board shall appoint an Investment Committee ("Committee") which shall consist of a minimum of three (3) people who have sufficient financial background to review and evaluate the College's investment options. These individuals should have experience in institutional or retail investment management with knowledge of fixed income and public equities. The Committee shall make recommendations to the Board on those investment options as well as monitor the performance of investments once made. With respect to investments, the Board shall discharge their duties with respect to management and investment of College funds as follows:

- A. Investment decisions shall be solely in the interest of the College and the students, faculty and staff.
- B. Investments shall be for the exclusive purpose of providing an adequate return to the College.
- C. The college shall adhere to any donor-imposed restrictions on scholarship funds such as the restrictions to use only the interest from invested funds, in which case, unless otherwise stated by the donor, the principals of said funds shall be maintained in perpetuity.
- D. Investments shall be made with the care, skill and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose.
- E. Investment decisions shall be made impartially, taking into account the College's best interest, with special attention to conflict of interest or potential conflicts of interest.
- F. Investments shall incur only costs that are appropriate and reasonable.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-58.6 and -58.7; 159-31(b).

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**I. DISBURSEMENT OF STATE MONEY**

The deposit of money in the State treasury to credit the College shall be made in monthly installments, and additionally as necessary, at such time and in such manner as may be convenient for the operation of the community college system. Before an installment is credited, the College shall certify to the Community Colleges System Office the expenditures to be made by the College from the State Current Fund during the month.

The Community Colleges System Office shall determine whether the moneys requisitioned are due the College and, upon determining the amount due, shall cause the requisite amount to be credited to the College. Upon receiving notice from the Community Colleges System Office that the amount has been placed to the credit of the College, the College may issue State warrants up to the amount so certified. Money in the State Current Fund and other moneys made available by the State Board of Community Colleges shall be released only on warrants drawn on the State Treasurer, signed by the President and the Chief Financial Officer.

**II. DISBURSEMENT OF LOCAL MONEY**

All local public funds received by or credited to the College shall be disbursed on checks signed by the President and the Chief Financial Officer. The officials so designated shall countersign a check only if the funds required by such check are within the amount of funds remaining to the credit of the College and are within the unencumbered balance of the appropriation for the item of expenditure according to the College's approved budget. Each check shall be accompanied by an invoice, statement, voucher or other basic document which indicates, to the satisfaction of the signing officials, that the issuance of such check is proper.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-58.3 and -58.4

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## **I. STUDENT DEBT COLLECTION**

Tuition and fees for all College students are due and payable prior to the beginning of each term. A student's registration will be subject to cancellation when prior term, past due charges have not been resolved before the current term. Students not paying or deferring current term charges by the due date may be subject to cancellation. Any unpaid balance on a student's account may prevent registration. In addition, transcripts and diplomas may be withheld until outstanding balances are paid.

Students who leave the College with unpaid balances are subject to collection actions. These actions will begin with a letter reminding the student of the unpaid debt and encouraging immediate payment, payment arrangements or other action to resolve the debt and avoid additional action. If the student fails to respond satisfactorily, a final letter will be sent. Next steps include referral to collection agencies, litigation where appropriate and actions pursuant to the NC State Offset Debt Collection Act ("SODCA") and the NC State Employee Debt Collection Act ("SEDCA"), when applicable.

Uncollected student debts will be written off and expensed as bad debt once collection efforts have been exhausted. Writing off the account balance does not relieve the student's legal obligation to pay the debt. A record of the debt and the related student account holds are maintained along with SODCA and SEDCA reporting until the debts are paid or collected. If the write-off debt is later collected, then the resulting funds will be recognized as a recovery of the write-off.

The President is hereby authorized to develop procedures consistent with this Policy.

## **II. NON-STUDENT DEBT COLLECTION**

Accounts receivable or uncollected billings that may be submitted for collection include, but are not limited to: salary overpayments, contract work completed by the College for which the College has not received payment, fees owed to the College, deposited checks returned unpaid for insufficient funds, and nonpayment for goods or services purchased from the College.

The President is hereby authorized to develop procedures consistent with this Policy.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 105A-1; 115D-5; -39

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The following Procedures shall be used for student debt collection:

**I. ENROLLED STUDENTS**

- A. As charges become past due, the student will be informed regarding holds impacting future registration, transcripts and diplomas. Such holds remain in place until the past due amount is resolved.
- B. Students with past due charges will receive a letter regarding holds at least once during Fall and Spring semester prior to registration opening for the next Spring or Fall term. Failure of the student receiving the letter shall not, however, excuse the debt or vacate the hold.

**II. PREVIOUSLY ENROLLED STUDENTS**

- A. The College shall send the previously enrolled student a letter informing the student of the terms of the debt and how to pay the debt.
- B. If, after thirty (30) days, there is no satisfactory response to the letter, the College shall send a second and final letter; and
- C. If, after thirty days, there is no satisfactory response to the second letter:
  - 1. Refer the matter to one of the State approved collection agencies; and
  - 2. Refer the matter to the North Carolina Department of Revenue pursuant to the Set-off Collection Act and the State Employees Debt Collection Act.

If the Student is paying a debt in periodic payments satisfactory to the College, the account may be retained until the account is satisfied.

Adopted: 08/08/2019

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## **I. SCOPE OF PROCEDURE**

This Procedure shall be used for all College non-student accounts receivable. Accounts receivable or uncollected billings that may be submitted for collection include, but are not limited to: salary overpayments, contract work completed by the College for which the College has not received payment, fees owed to the College, deposited checks returned unpaid for insufficient funds, and nonpayment for goods or services purchased from the College.

## **II. AGE OF ACCOUNTS AND COLLECTIONS OF PAST DUE BILLINGS**

- A. Current: An account that is invoiced but not due. For example, an account is invoiced April 1 but not due until April 30. The period from April 1 through April 30 is considered current.
- B. 1-30 days past due: In the above example, this period is from May 1 to May 30. The account is considered 30 days past due after May 30. The College will mail the first past-due letter (demand letter) to the debtor; make phone contact; and receive a promise to pay.
- C. 31-60 days past due: In the above example, this period is from May 31 to June 29. The account is considered 60 days past due after June 29. The College will mail the second and final demand letter to the debtor and send a confirmation letter for repayment.

## **III. ASSESSMENT OF LATE FEES**

If, after thirty (30) days, there is no satisfactory response to the letter, the College shall apply a one-time late payment penalty fee of ten percent (10%) of the balance due (rounded to the nearest whole dollar).

## **IV. COLLECTION TECHNIQUES.**

- A. If, after sixty (60) days, there is no satisfactory response to the second letter, the College shall:
  - 1. Refer the matter to one of the State approved collection agencies; and
  - 2. Refer the matter to the North Carolina Department of Revenue pursuant to the Set-off Collection Act and the State Employees Debt Collection Act.

- B. The College reserves the right to take all appropriate legal action to collect the debt.
- C. If the debtor is paying a debt in periodic payments satisfactory to the College, the account may be retained until the account is satisfied.

**V. USE OF LATE FEES**

Any funds the College accrues as a result of late fees shall be used as follows:

- A. Applied towards any fees incurred by the College for the collection effort;
- B. Student aid; and/or
- C. Other expenditures of direct benefit to students.

Adopted: 08/08/2019

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The President is hereby authorized to create procedures regarding the method of payment accepted by the College.

Adopted: 08/08/2019

**I. TUITION & FEES**

- A. In Person - Tuition and fee payments can be made in person using cash, check, money order, MasterCard, Visa, Discover, or American Express at the Business Office.
- B. Online - Secure online payments can be made using MasterCard, Visa, Discover, or American Express.
- C. By Mail - Payments by check or money order can be

mailed to: Wilkes Community College Business Office  
Attn:  
Cashier  
PO Box  
120  
Wilkesboro, NC 28697

The College cannot accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks). Please make checks payable to Wilkes Community College. Checks must be written for the amount due. Checks may not be postdated.

When paying by check or money order by mail, include student's name on the check to ensure proper credit. Payments mailed are not considered received until posted to your account.

- D. By Phone - College will accept credit card payments by phone.

**II. BOOKSTORE**

Payments can be made using cash, check, money order, MasterCard, Visa, Discover or American Express. The College cannot accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks). Students with financial aid balances on their account may also charge against the financial aid balance.

Please make checks payable to Wilkes Community College. Checks must be written for the amount due. Checks may not be postdated.

Adopted: 08/08/2019

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In accordance with N.C.G.S. § 115D-20(9) and the Board's by-laws, the Board hereby recognizes the legal authority of the Wilkes Community College Foundation, Inc. ("Foundation") as a nonprofit 501(c)(3) corporation organized and operated exclusively for the College's educational purposes.

The Board of Directors governing the Foundation shall promote, establish, conduct and maintain activities on its own behalf and solicit and receive funds and other real property; it may invest, reinvest, hold, manage, administer, expand and apply such funds and property so long as such procedures and/or actions do not violate or otherwise infringe upon the College. To the extent allowed by the Internal Revenue Code, the Board shall have the ability to appoint a certain number of the Foundation's Directors and require that all changes to the Foundation's By-Laws and Articles of Incorporation are approved by a majority vote of the Board of Trustees.

The Development Office shall serve as a clearinghouse for all gifts to the Wilkes Community College Foundation and/or the college and shall forward such information to the President for approval to accept said gifts.

The President may assign employees to assist with the Foundation and may make available to the Foundation corporate office space, equipment, supplies and other related resources.

The Board of Directors shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an annual audit of the Foundation's accounts. The Board of Directors shall transmit to the Board a copy of the annual financial audit report.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-20(9)

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The College is responsible for ensuring that external or grant-funded projects adhere to all program regulations as established by the funding source or agency and to all College policies regarding management of restricted funds.

The President is authorized to adopt procedures consistent with the Policy.

Adopted: 08/08/2019

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- I. Each quarter, the College shall conduct a review of all grant-funded projects or programs to ensure that they are effectively and efficiently administered by the College.
  - II. The Project Director, supervisor, or other pertinent personnel will meet with a Grants Administrator to review:
    - A. Program activity since the last review.
    - B. Program activity planned for the next quarter.
    - C. Progress toward satisfying the project or program goals as approved in the funded grant proposal. Specifically:
      - 1. Are there actual or anticipated changes in project or program activity that might affect the ability to satisfy objectives? If yes, what recommendations can be made to correct the situation? Should the funding agency be notified of a program modification request? If yes, agree on a procedure to follow.
      - 2. If changes are anticipated, what will be the impact on the project or program budget? Should the funding agency be notified, and a budget modification requested? If yes, agree on a procedure to follow.
  - III. Fiscal questions relating to administration of grant. Specifically:
    - A. Determine the rate and nature of expenditures are appropriate. Review billing, accounts receivable, and encumbered funds to ensure understanding and agreement between program personnel and the Business Office.
    - B. Status of cash or in-kind match expenditures, if relevant.
  - IV. Status of program reports required by funding agency including confirmation of due dates, information requested, personnel responsible for completing reports. Specifically,
    - A. Narrative program progress or final reports.
    - B. Fiscal reports, interim and final.

- V. Status of multi-year funding and application for continued funding, if relevant, including due dates, information requested, and procedures for submitting application.

Adopted: 08/08/2019

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The Board shall ensure that sound fiscal and management practices are employed in the operation of the College's business office. To that end, the Board requires the following:

- A. The College expends all funds prudently and consistently within the adopted budget.
- B. The College shall manage the budget to ensure the percentage of State current operating funds remaining unexpended in the budget does not exceed five percent or five times the system-wide percentage, whichever is higher.
- C. The College's fund accounts do not have a negative balance at the end of the fiscal year unless such an instance exists for a planned reason, such as an anticipated reimbursement. If any of the College's fund accounts have a negative balance at year-end, the negative fund balance shall be reviewed by the President and Finance Director. In the event the negative balance is not due to a planned reason, the President shall develop a plan to rectify the negative balance and shall report the matter to the Board at its first scheduled meeting in the new fiscal year.
- D. The College shall track expenditures consistent with the North Carolina Community College System's Chart of Accounts, as outlined in the North Carolina Community College System Accounting Procedures Manual (see Policy 6.3.5 – Chart of Accounts).
- E. The President or designee shall provide financial reports to the Board no less than once per quarter.
- F. The College shall participate in the EAGLE Program (Enhancing Accountability in Government through Leadership and Education) and shall maintain a system of internal controls as required by N.C.G.S. 143D – The State Governmental Accountability and Internal Control Act.
- G. The College shall not overdraw accounts by ensuring bank accounts are reconciled and any discrepancies resolved within thirty (30) business days from the end of the prior month. In the event the College fails to comply with this requirement more than once during a fiscal year, such information shall be reported to the Board at its first scheduled meeting following the month of non-compliance.
- H. The College shall submit complete and accurate financial statements to the North Carolina Office of the State Controller by deadline as prescribed by the State Controller.

- I. The College shall conduct audits consistent with N.C.G.S. §115D-20(9) and N.C.G.S. § 115D-58.16 (see Policy 6.2.6).
- J. Once established, the President shall address to the Board any findings identified in audits, compliance reviews, SACSCOC reviews, or other monitoring reviews. The President shall address the matter with the Board at the first scheduled meeting following notice of the findings.
- K. The College shall actively seek to fill leadership and other supervisory positions in a timely manner with individuals of high competence.
- L. The College shall monitor employee turnover by providing an employee vacancy report for information to the Board at least biannually.

Adopted: 08/08/2019

Legal Citation: 1A SBCCC 200.4

Cross Reference: Policy 1.9

**I. BOOKSTORE OPERATIONS**

All financial transactions pertaining to bookstore operations shall be accounted for in a proprietary institutional account and kept separate from all of the College's other activities. At least every four years, the Board shall review the College's mark-up on textbooks and other instructional materials sold through the bookstore to determine if the mark-up is appropriately balanced between affordability for students and other priorities identified by the Board.

**II. USE OF BOOKSTORE OPERATING REVENUES**

- A. Bookstore receipts shall first be used to support bookstore operating expenses including, but not limited to: salaries and benefits of bookstore personnel, purchase of inventory, marketing, supplies, travel, equipment associated with the operation of the bookstore, enhancement of the bookstore and bookstore facility support costs, such as, utilities, housekeeping, maintenance and security.
- B. Receipts in excess of the above operating expenses shall be transferred to the appropriate account and expended consistent with the following provisions:
  - 1. Funds may be used to support instruction, student support services, student financial aid (e.g. scholarships, grants, loans, Work Study), student refunds, student activities, giveaways to students, curriculum development, program improvement, professional development, instructional equipment, and capital improvements related to facilities associated with the bookstore and student activities.
  - 2. Funds shall not be used to support any supplemental salary, benefit or other form of compensation for the College's President. Funds shall not be used to support administrative costs, promotional giveaways to individuals other than students, entertainment expenses, fundraising expenses, and capital improvements not allowed under (B)(1) above.

Adopted: 08/08/2019

Legal Reference: 1H SBCCC 300.3

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Profits received from the College's operation for vending machines and other concession activities shall be deposited, budgeted, appropriated and expended for the following purposes:

- A. To support enterprises;
- B. For expenditures of direct benefit to students; and
- C. Other similar expenses authorized by the Board (i.e., new facility positions for new programs, counselors, equipment, construction, etc.).

These profits shall not be used to supplement the President's salary.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-58.13; 1H SBCCC 300.4

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**I. DISBURSEMENT OF STATE FUNDS**

State funds expended by the College shall be disbursed through a disbursing account that the State Treasurer has established for the College. The signature of College officials that are authorized by the College's President to sign vouchers issued on State funds shall be maintained on file with the State Treasurer and the State Board. The State Treasurer will furnish signature cards for this purpose.

**II. EXPENDITURE OF STATE FUNDS**

State funds shall be expended consistent with the purposes for which the State Board allocated the funds. In the event that the College expends State funds for an unauthorized purpose, the College shall reimburse the State for the amount from non-State funds.

**A. Allowed Expenditures**

**1. Travel Expenses**

State funds may be expended for travel in accordance with Policy 6.3.4 – Financial Reimbursements.

**2. Accreditation Expenses and Dues**

- a. Accreditation expenses relative to Southern Association of Colleges and Schools Commission on Colleges may be paid from State funds within the College's current allotment. These expenses shall be limited to payment of travel, subsistence, lodging, and honorarium incurred by members of visiting committees, other bona fide representatives, and members of the staff of accrediting organizations.
- b. The College may pay from State funds the required annual dues of the Southern Association of Colleges and Schools Commission on Colleges, and such institutional association membership dues as the Board deems to benefit the College.
- c. The College may also pay from State funds the fees for accrediting individual programs offered by the College if the College's President determines that the accreditation provides value to graduates of the program.

### 3. Campus Security

The College may use up to a specific amount of State funds designated by the State Board for campus security. Under this authority, the College may:

- a. Hire security or campus police personnel;
- b. Contract for professional security services and other security-related services; and
- c. Purchase surveillance cameras, call boxes, alert systems, and other equipment-related expenditures, excluding vehicles.

### 4. Employee Recognition

The College may use State funds for purchases related to the recognition of employees for meritorious service through programs such as the one authorized by the State for State employees. In addition, State funds may be expended, not to exceed Fifty Dollars (\$50), for the purchase of a plaque or for the printing and framing of a certificate to recognize employee service or performance. The expenditure of State funds for these purposes is subject to the availability of funds within the College.

## **B. Prohibited Expenditures**

### 1. Athletics

The College shall not use State funds to create, support, maintain, or operate an intercollegiate, club, or intramural athletics program. Athletic programs may only be supported by student activity fees or other non-State funding sources that are authorized for that purpose.

### 2. Promotional Giveaways

The College shall not use State funds to purchase promotional giveaway items or other gifts for any reason, including promotional giveaway items purchased for College marketing and advertising. “Promotional giveaway items” are items given to an individual or entity for less than fair market value that do not serve an instructional or institutional purpose. Items that serve “an instructional or institutional purpose” are those used for classroom instruction and daily, routine operations of the College not associated with marketing, advertising, recruiting, or fundraising.

3. County Funded Items

Unless otherwise authorized by law, the Colleges may not use State funds for those budget items listed in N.C.G.S. § 115D-32 that are the County's responsibility to fund.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-32; -58.3; 1H SBCC 200.3 through 200.11

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For all financial reimbursements, the College follows the North Carolina Community College System [Accounting Procedures Manual and Reference Guide](#), Section 1: Fiscal Procedures (the “Manual”). The Board hereby incorporates the Manual.

Consistent with the Manual, the Board of Trustees hereby delegates to the President the authority to establish the IRS business standard mileage rate as the reimbursement rate for official business travel or establish a rate lower than the maximum as a result of limited budget availability for travel.

Adopted: 08/08/2019

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In order to travel on College business, all employees must first complete the Travel Authorization Form.

- A. The employee, supervisor and the departmental Vice President or President must sign the Travel Authorization Form to authorize the travel. This gives permission for the employee to be away from campus on College businesses and is required for insurance purposes.
- B. Travel reimbursements must be reconciled and finalized within two weeks of returning from the trip. Not doing so could result in the denial of reimbursements. Reimbursements of travel funded with state funds may not be available until the end of the month. Please use the Travel Reimbursement Form and submit original receipts expenses.

Adopted: 08/08/2019

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The following shall establish procedures for the use of College-owned vehicles for all full-time, part-time and contracted services employees.

- A. College Owned Vehicles are grouped into the three following categories: service vehicles, curriculum vehicles, and passenger vehicles.
  - 1. Service vehicles  
Include those vehicles that serve the Facilities Maintenance, Campus Arboretum, Facility Services departments and those used by Campus Police Officers.
  - 2. Curriculum Vehicles  
Those vehicles that serve curriculum programs (primarily law enforcement training).
  - 3. Passenger Vehicles  
Cars and vans used for approved travel by College employees.
- B. Reservations of passenger vehicles are made by contacting the College's Business Office to schedule their use (excludes the construction vehicles which are dedicated to the program). Keys are to be picked up as closely as possible to requested time and returned promptly to allow for use by other employees. Vehicles must be returned clean (free of all trash), properly documented and full of gas.

If the vehicle is returned after the Business Office's normal working hours, return keys to the Business Office the next business day. For reservations on weekends, keys should be picked up prior to 3:00 PM on Friday and returned by 8:00 AM on Monday. Vehicles requested for the entire week should be returned by 3:00 PM on Friday or immediately upon return. If reservations have been made but vans are no longer needed, please contact the Business Office and cancel immediately so others may use. If vehicle request falls outside normal College operating hours, prior approval and an action plan must be developed to facilitate the trip. While traveling on College business, the vehicle may be used for travel to obtain meals and other necessities, but not for entertainment or any personal purposes. Individuals not employed by the College are not allowed to drive a College-owned vehicle. Vehicles may not be used for travel other than the trip travel and may not be taken to personal residences without approval from the Senior Vice-President of Administration.

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<sup>49</sup> Optional procedure dependent on whether the College owns and operates vehicles in this manner.

- C. Employees checking out vehicles will receive a vehicle use form to record travel information (destination, mileage, etc.) and a gas card. Vehicle use forms, gas cards and gas receipts should be returned to the Business Office with the vehicle keys. If the vehicle needs repairs/maintenance, the driver should notify the Business Office.
- D. In the event the vehicle is involved in an accident (whether it is property and/or vehicle damage), law enforcement should be called immediately, and proper paperwork should be submitted to the Business Office as soon as feasible.

Adopted: 08/08/2019

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For all accounting procedures, the College follows the North Carolina Community College System [Accounting Procedures Manual and Reference Guide](#), Section 2: Chart of Accounts (the “Manual”). The Board hereby incorporates the Manual.

Adopted: 08/08/2019

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The Board is the official legal entity for the College. Unless otherwise delegated, the power to contract on the Board's behalf is solely vested with the Board. The College's size and complexity, however, is such that individual review by the Board of every agreement is neither feasible nor in the College's best interest. Therefore, certain delegations of contracting authority are appropriate within the following specified guidelines.

- A. Contacting Authority Delegation - the President and/or the Chief Financial Officer are hereby expressly authorized and empowered to contract in the Board's name as follows:
  - 1. Personnel - All employment contracts shall be signed by the President.
  - 2. Capital Improvement Change Orders - The President and the Chief Financial Officer may jointly approve a capital improvement change order. All change orders thus approved shall be submitted to the Board for ratification at the earliest practical time.
  - 3. Service Agreements - The President and the Chief Financial Officer shall have authority to execute service agreements on the Board's behalf.
  - 4. Instructional Agreements - The President is expressly authorized to sign all instructional agreements on the Board's behalf.
  - 5. Cooperative Agency Agreements - The President is authorized to sign all cooperative, interinstitutional and interagency agreements on the Board's behalf.
- B. Signatory Authority - Unless the authorizing action of the Board specifically provides otherwise, any contract approved by the Board shall be executed on the Board's behalf by either the Board Chair, the President or the Chief Financial Officer.
- C. Custody of Contracts - The President is hereby designated as custodian of all Board contracts. He/she shall maintain on file in either the President's office or the Business Office one of every contract to which the Board is a party.
- D. Reporting - The President shall periodically report to the Board all contracts made pursuant to delegated authority.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. § 115D-14

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**I. N.C. COMMUNITY COLLEGE PURCHASING AND  
EQUIPMENT PROCEDURES MANUAL**

The Board hereby incorporates the  
[N.C. Community College Purchasing and Equipment Procedures Manual](#) (“Manual”). The  
Manual shall control in the event of any inconsistencies with this Policy or any of the  
College’s purchasing procedures.

**II. PURCHASING AND BIDDING**

Purchasing procedures are originated by the North Carolina Division of Purchase and  
Contract. Such procedures are sanctioned by N.C.G.S. § 143, Article 3 and § 115D-58.5.

- A. State Contract Items - Items on state contract may be ordered directly from the  
vendor subject to any restrictions on the contract certification.
- B. Non-Contract Items - Non-contract items of less than \$10,000 total order may be  
placed by the College without the oversight or approval of the Division of  
Purchase and Contract. Good purchasing practices mandate that competition is to  
be sought for all purchases. For small purchases, where the total order is  
\$5,000 or less, telephone or e-quotes should be obtained to establish competitive  
prices, unless the items are purchased off a state contract. A record of those  
quotes should be attached to the requisition. For the purchase of more than  
\$5,000 but less than \$10,000, a minimum of three written quotes must be  
obtained and attached to the purchase requisition, unless the items are purchased  
off state contract. If three written quotes cannot be obtained, users must attach a  
note explaining the circumstances.
- C. Competitive Bid Items - Non-contract items over \$10,000 must be sent by  
requisition to the Division of Purchase and Contract for competitive bids.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. 115D-58.5; 1H SBCC 500.1 – 500.2

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The College shall conduct an annual inventory of capitalized assets. Spot checks may be made at intervals when deemed necessary or advisable. The College shall inventory non-capitalized high- risk assets at least once every two (2) years. The Senior Vice President of Administration shall be responsible for making sure that the inventory is completed.

Adopted: 08/08/2019

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Any damaged, stolen or missing materials or equipment owned by the College must be reported to the Senior Vice President of Administration as soon as the discovery is made. A written report must be filed within twenty-four (24) hours of discovery of the loss. Conditions and circumstances leading to damage or loss should be included in the report, as well as actions proposed or taken to eliminate future losses.

Pursuant to N.C.G.S § 114-15.1, the President shall report possible violations of criminal statutes involving misuse of State property to the State Bureau of Investigation.

Adopted: 08/08/2019

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When the College's equipment reaches the end of its useful life, becomes inoperable, becomes obsolete or is replaced, the Board, without the approval of the State Board of Community Colleges, may use any of the following to dispose of said equipment:

- A. Transfer the equipment to another community college.
- B. Dispose of the equipment through the State Surplus Property Agency.
- C. Sell or exchange the equipment (i.e., personal property) pursuant to Article 12, Chapter 160A of the North Carolina General Statutes.
- D. Cannibalize or recycle the equipment (see page 73 of the [N.C. Community College Purchasing and Equipment Procedures Manual](#) entitled "Cannibalization of Equipment").

Should the capitalized asset be determined to have no useful value and cannot be traded, sold, cannibalized or recycled, it may then be discarded.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 115D-15; 160A-266 through -271

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The Colleges affirms the State of North Carolina's commitment to encourage participation of historically underutilized businesses in the College's purchase of goods and services. The College prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, gender, disability or religion.

The College has adopted the following verifiable percentage goals for participation in the College's contracts by women and minority-owned business: ten percent (10%) for participation by minority-owned, female-owned, disabled-owned, disabled business enterprises or non-profit work centers for the blind and severely disabled in the total annual value of all purchases of goods and services.

Adopted: 08/08/2019

Legal Reference: N.C.G.S. §§ 143-128.2 through -128.4; *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989)

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Credit card processing at the College shall comply with the Payment Card Industry Data Security Standards (PCIDSS). The following security requirements have been established by the payment card industry and adopted by the College to ensure compliance with the payment card industry. These requirements apply to all employees, systems and networks involved with credit card processing, including transmission, storage or electronic and paper processing of credit card numbers.

## **I. AUTHORIZED EMPLOYEES**

Credit card processing for official college business is restricted to Business Office personnel only. No other College employees are authorized to process such information for any reason. College employees who process credit card information or who have access to this information will complete annual data security training.

## **II. PROCEDURES**

- A. Each College employee who processes credit card information must strictly adhere to the following:
  - 1. Access to credit card information is restricted to Business Office personnel.
  - 2. System and desktop passwords must be regularly changed.
  - 3. Accounts should be immediately terminated or disabled for employees who leave employment with the College.
  - 4. Credit card information should not be stored in any format.
- B. Credit card information, including the card number, cardholder name, CVV code and expiration date should not be retained for any reason.
- C. Employees may not send or process credit card data in any insecure manner including transmitting such data via email, courier or instant messaging. Credit card information may not be left exposed to anyone.
- D. The College's Technology Department shall maintain additional procedures to ensure compliance with PCIDSS including:
  - 1. Configuration of card processing procedures, including segmentation of local area networks and protection through deployment of firewalls.
  - 2. Logging control procedures.

3. Wireless use procedures.
4. Encryption procedures.

Adopted: 08/08/2019

Legal Reference: N.C. Community College Written Memoranda [CC10-029](#) (issued 7/21/10)

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## **I. POLICY OVERVIEW**

This Policy is intended to meet the requirements of the FTC “Red Flag Rule.” Identity theft is a fraud committed or attempted using the identifying information of another person without that person’s authority. The College shall undertake reasonable measures to detect, prevent, and mitigate identity theft in connection with the opening of a “covered account” or any existing “covered account,” and to establish a system for reporting a security incident.

## **II. DEFINITIONS**

- A. Covered Account – A covered account is a consumer account designed to permit multiple payments or transactions. These are accounts where payments are deferred and made by a borrower periodically over time such as a tuition or fee installment payment plan.
- B. Creditor – A creditor is a person or entity that regularly extends, renews, or continues credit and any person or entity that regularly arranges for the extension, renewal, or continuation of credit. Examples of activities that indicate a college or college is a “creditor” are:
  - 1. Participation in the Federal Perkins Loan program;
  - 2. Participation as a school lender in the Federal Family Education Loan Program;
  - 3. Offering loans to students, faculty or staff;
  - 4. Offering a plan for payment of tuition or fees throughout the semester rather than requiring full payment at the beginning of the semester.
- C. Identifying Information – Any name or number that may be used, alone or in conjunction with any other information, to identify a specific person including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number, computer’s Internet Protocol address, routing code or financial account number such as credit card number, in combination with any required security code, access code, or password that would permit access to an individual’s financial account.
- D. Red Flag – A red flag is a pattern, practice or specific activity that indicates the possible existence of identity theft.

- E. Security Incident – A collection of related activities or events which provide evidence that personal information could have been acquired by an unauthorized person.

### **III. IDENTIFICATION OF RED FLAGS**

Broad categories of “Red Flags” include the following:

- A. Alerts – alerts, notifications, or warnings from a consumer reporting agency including fraud alerts, credit freezes, or official notice of address discrepancies.
- B. Suspicious Documents – such as those appearing to be forged or altered, or where the photo ID does not resemble its owner, or an application which appears to have been cut up, re-assembled and photocopied.
- C. Suspicious Personal Identifying Information – such as discrepancies in address, Social Security Number or other information on file; an address that is a mail-drop, a prison, or is invalid; a phone number that is likely to be a pager or answering service; personal information of others already on file; and/or failure to provide all required information.
- D. Unusual Use or Suspicious Account Activity – such as material changes in payment patterns, notification that the account holder is not receiving mailed statement, or that the account has unauthorized charges.
- E. Notice from Others Indicating Possible Identify Theft – such as the College receiving notice from a victim of identity theft, law enforcement or another account holder reports that a fraudulent account was opened.

### **IV. DETECTION OF RED FLAGS**

College employees shall undertake reasonable diligence to identify Red Flags in connection with the opening of covered accounts as well as existing covered accounts through such methods as:

- A. Obtaining and verifying identity;
- B. Authenticating customers; and
- C. Monitoring transactions.

A data security incident that results in unauthorized access to a customer’s account record or a notice that a customer has provided information related to a covered account to someone fraudulently claiming to represent the College or to a fraudulent web site may heighten the risk

of identity theft and should be considered Red Flags.

## **V. SECURITY INCIDENT REPORTING**

College employees who believe that a security incident has occurred shall immediately notify his/her appropriate supervisor and the Vice President and Chief Financial Officer. Upon review of the incident, the Vice President and Chief Financial Officer shall determine what steps may be required to mitigate any issues that arise in the review. In addition, referral to law enforcement may be required.

If there is a security breach, the College shall comply with all notice requirements contained in N.C.G.S § 75-65.

## **VI. TRAINING**

All College employees who process any information related to a covered account shall receive annual training and this Policy shall be reviewed annually.

Adopted: 08/08/2019

Legal Reference: Fair and Accurate Credit Transactions of 2003; FTC Regulations – Red Flag Rule; N.C.G.S. § 75-65

**I. DEFINITIONS**

- A. A foreign national is a person who was born outside the jurisdiction of the United States, is a citizen of a foreign country, and has not become a naturalized United States citizen under United States law. This includes legal permanent residents.
- B. Foreign nationals are classified as either "Nonresident Aliens" or "Resident Aliens". Section 1441 of the Internal Revenue Code provides a separate tax system with a different set of tax rules and regulations for individuals deemed to be Nonresident Aliens. Colleges making payments to Nonresident Aliens are subject to different tax withholding, reporting and liability requirements.
  - 1. A Resident Alien's income is subject to tax in the same manner as a U.S. citizen. This means that their worldwide income is subject to U.S. tax and must be reported on their U.S. tax return. Income of Resident Aliens is subject to the graduated tax rates that apply to U.S. citizens.
  - 2. A Nonresident Alien's income is subject to federal income tax only on income which is derived from sources within the United States and/or income that is effectively connected with a U.S. trade or business. Nonresident Aliens are taxed according to special rules contained in certain parts of the Internal Revenue Code.

**II. POLICY**

All North Carolina agencies, universities, community colleges and institutions have been tasked with the responsibility of withholding and reporting on payments to foreign national individuals and vendors in accordance with the IRS Code Regulations Section 1441 and policies established by the N.C. Office of the State Controller.

When the College identifies a foreign national or foreign vendor that will be compensated via payroll, accounts payable or student services, the appropriate department shall maintain a copy of evidentiary and supporting documentation such as I-9, W-8BEN, I-20, I-94, I-797, passport, and/or employment authorization card. The evidentiary and supporting documentation shall be provided to the Business Office. The Business Office will submit the supporting documentation to the Systems Office before payment is made.

If the Systems Office determines that payments made by the College to a foreign national or foreign vendor are taxable, the College shall withhold federal and/or state taxes as instructed by the System Office.

Adopted: 08/08/2019

Legal Reference: [Office of State Controller's Policy and Procedures Regarding Foreign Nationals](#); [NC Community College Foreign National Compliance Program](#);  
N.C. Community College Written Memoranda [CC12-10](#) (issued 4/17/12);  
[N.C. Community College Accounting Procedures Manual and Reference Guide: Fiscal Procedures](#)

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For all purchases and contracts valued at one thousand dollars (\$1,000) or more (“Impacted Contracts”), the Board is prohibited from purchasing and contracting with the following:

- A. Companies identified on the list of restricted companies, developed by the State Treasurer, that are engaged in a boycott of Israel (“Boycott List”).
- B. Companies identified on the list of restricted companies, developed by the State Treasurer, that are engaging in investment activities in Iran (“Iran List”).

Prior to awarding an Impacted Contract, the College will check the Boycott List and Iran List on the State Treasurer’s website to ensure that the company is not a restricted company. Any Impacted Contract made by the College with a restricted company on the Boycott List and/or the Iran list is void.

Adopted: 08/08/2019

Legal Reference: N.C. Session Law 2017-193; N.C.G.S. 147, Articles 6D and 6E

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## **I. OVERVIEW**

The college's technology systems include technology hardware, software, software as a service, electronic mail and other forms of electronic communications, Internet access and use of computing devices. As the owner of property and services, the college's Vice President of Information Technology has the right to monitor activities, purchases and to access information on the college's technology systems stored, sent, created or received by faculty, staff, student or other users. Any individual using the college's technology systems should not expect individual privacy in their use of the technology systems including, but not limited to, the use of the college's electronic mail system.

When using the college's technology systems, all users shall adhere to the college's information technology policies and procedures.

## **II. PUBLIC AND CONFIDENTIAL RECORDS**

Unless otherwise confidential by law, records generated using the college's technology systems are considered public records and must be maintained as public records pursuant to the college's policies and procedures. Student education records and certain personnel information are protected by law and are confidential. For more information concerning student records, see Policy 3.03 – Student Records and for information concerning personnel records, see Policy 3.3.1 – Personnel Files.

## **III. EMPLOYEE USE OF TECHNOLOGY SERVICES**

Employees using college technology, hardware, software, or systems should adhere to the following guidelines.

- A. Employees shall adhere to Policy 7.2 – Internet and Network Acceptable Use Policy and complete the required data security training.
- B. All computing devices, including portable computing devices such as laptops or tablets, shall
  - 1. Be approved by the Vice President of Information Technology.
  - 2. Use encryption or other measures to protect confidential information, including personal information, from unauthorized disclosure;
  - 3. Be documented in an inventory system, labeled with tamper-resistant tag, permanently engraved label or ID number, or all identifying the device as the college's property;

4. Be used in compliance with all applicable security requirements for the college's computers; and
  5. Include BIOS password on such devices, if applicable.
  6. Users are not to store college data on non-college-provided mobile equipment. This does not include simple contact information, such as phone numbers and email addresses, stored in an address book on a personal phone or PDA. The use of college email on non-college-provided mobile equipment must be protected with the use of a secure password, PIN, and/or biometric authentication on the device.
- C. The college's mobile technology equipment, such as laptops and tablets, may be used at home by college employees provided:
1. Use of the equipment at home will not interfere with the college's operational needs;
  2. Supervisor approval;
  3. The employee returns items to campus upon request for system maintenance, upgrades, inventory, and verification.
  4. Loss, theft, or other security incident related to any mobile device must be reported immediately to the Vice President of Information Technology. This applies to any college-provided device.
- D. The college's Information Technology Department ("IT") maintains all of the college's technology equipment. IT does not support the use and setup of the college's technology equipment on internet, network and computing resources that are not owned and maintained by the college.
- E. The college recognizes that employees may occasionally receive personal email on college computers, use college equipment to complete an online course and for other personal reasons. Personal use of college computers and equipment is acceptable provided that employees adhere to the following:
1. Personal use may not interfere with the college's operational needs;
  2. Equipment may not be checked out solely for the purpose of personal use;
  3. Users understand that data stored on college equipment or sent using college email or other communication methods is not private;

4. Users will adhere to all state and federal laws and the college's policies and procedures;
5. Equipment or information resources are not used for illegal, malicious or obscene purposes;
6. Equipment or information resources are not used to seek or exchange electronic information or software related to one's job duties and responsibilities;
7. The college's data and information are not shared with unauthorized individuals;
8. All software copyright and licensing laws are followed;
9. Not use college passwords for non-college sites (e.g., social networking sites);
10. Not share sensitive college information or student details on social networking sites.
11. Equipment is not used for any political purposes, including nonprofit activities of a political nature.
12. Equipment is not used for private or personal for-profit activities. This includes personal use for marketing or business transactions, advertising of products or services, or any other activity intended to foster personal gain. Employees may not use college equipment or information resources in pursuit of private businesses operated by the employee or in pursuit of work for other agencies, colleges or businesses.

Adopted: 08/08/2019  
Revised: 10/13/2022

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Any College employee who wants to use personally owned laptops on campus can do so through wireless public access. Personally, owned laptops and equipment will not be set up for access to the campus LAN and internal resources. When using personally owned equipment on the College's technology systems, employees are expected to adhere to all policies and rules regarding such use.

Adopted: 08/08/2019

Data security training is conducted through the 3rd party online platform, KnowBe4. The Network and Security Administrator is responsible for the setup of the onboarding and annual data security training. The Vice President of Information Technology/CIO will oversee monitoring the completion of the required training.

1. All new employees will complete online data security training within two weeks of employment.
2. All employees will participate in annual data security training, which must be completed within the pre-defined timeline.

Adopted: 10/13/2022

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## **I. PURPOSE**

The College strives to provide information technology access in an environment in which access is shared equitably among users. This access is intended to be used in support of the College's research, educational and administrative purposes. College owned or operated computer resources are for the use of College employees, students, and other authorized individuals. This Policy's purpose is to protect the College's technology users and computer resources and to ensure equitable access and proper management of these resources.

## **II. ACCEPTABLE USE**

### **A. Acceptable Activity**

The college's information technology resources are intended for the use of its students, employees and other authorized individuals for purposes related to instruction, learning, research, and campus operations. Users are expected to exercise responsible, ethical behavior when using all College computer resources. Users attempting to access college resources while outside of the US will see their access denied. This Policy makes no attempt to articulate all required or prohibited behavior by users of the College's computer resources.

### **B. Unacceptable Activity**

Unacceptable activity includes, but is not limited to, the following:

1. Deliberately downloading, uploading, creating or transmitting computer viruses, malware, or other software intended to harm a computer or the College's network.
2. Destroying or modifying directory structures or registries or interfering or tampering with another individual's data or files.
3. Developing programs that infiltrate a computer or computing system, harass other users and/or damagesoftware.
4. Attempting to obtain unauthorized computer access or privileges or attempting to trespass in another individual's work.
5. Using hardware or software sniffers to examine network traffic, except by appropriate College personnel, to diagnose the network for bottlenecks or other problems.
6. Using another person's password or sharing of one's own password (users should not share their password with anyone and those who choose to do so are responsible for the outcomes resulting from the use

- of their password).
7. Committing any form of vandalism on equipment, communication lines, manuals or software, or attempting to defeat or circumvent any security measures or controls.
  8. Consuming food and/or beverages in computer labs, computer classrooms, library or in any other areas restricted to protect systems.
  9. Wastefully using finite resources such as large amounts of bandwidth including but not limited to, downloading music, television shows, software programs, and/or movies.
  10. Connecting personal network devices on the College's wired network. Connecting unsanctioned products (software or hardware) to the College network or installing products for personal use. Special provisions may be made for visiting artists, lecturers, and trainers at the discretion of the Vice President of Information Technology. Information Technology support staff can offer assistance in gaining network access under these circumstances, but the College cannot guarantee functionality and assumes no responsibility for configuration of or damage to non-college equipment.
  11. Using the College's computer resources and Network to engage in disruptive, threatening, discriminatory, or illegal behavior or behavior that violates the Code of Student and/or Employee Conduct.
  12. Disclosing confidential student or personnel information to unauthorized third parties.
  13. Violating copyright laws and/or fair use provisions through 1) illegal peer-to-peer file trafficking by downloading or uploading pirated or illegal material including, but not limited to, software and music files; and 2) reproducing or disseminating Internet materials, except as permitted by law or by written agreement with the owner of the copyright.
  14. Viewing pornography on a College internet network or on a device owned, leased, maintained, or otherwise controlled by the College. Exceptions to this unacceptable activity may be made for employees pursuant to N.C.G.S. § 143-805. Reference Policy 7.9
  15. Other activities that interfere with the effective and efficient operation of the College or its Network or activities that violate the College's Policies and Procedures.

**III. RESERVATIONS OF RIGHTS AND LIMITS OF LIABILITY**

- A.** The College reserves all rights in the use and operation of its computer resources, including the right to monitor and inspect computerized files or to terminate service at any time and for any reason without notice.
- B.** The College makes no guarantees or representations, either explicit or implied, that user files and/or accounts are private and secure. No right of privacy exists in regard to electronic mail or Internet sessions on the College Network or College owned hardware.
- C.** The College is not responsible for the accuracy, content or quality of information obtained through or stored on the College Network.
- D.** The College and its representatives are not liable for any damages and/or losses associated with the use of any of its computer resources or services.
- E.** The College reserves the right to limit the allocation of computer resources.
- F.** The College monitors cyber security threats and reserves all rights to block access from any country, region, or specific IP address. Users attempting to access college resources while outside of the United States will see their access denied. International access must receive approval by Vice President of Information Technology/CIO.
- G.** The College makes efforts to maintain computer resources in good working condition but is not liable for damages incurred by loss of service.
- H.** College funds may not be used to purchase personal network access or products.
- I.** The College shall not be liable legally, financially, or otherwise for the actions of anyone using the Internet through the College's network or College's computers.

**IV. WIRELESS INTERNET ACCESS**

The College provides free wireless Internet access. Users of wireless access must abide by the Internet and Acceptable Use Policy. Connection to the wireless network at any given time is not guaranteed. The College does not accept liability for any personal equipment that is brought to the College and, therefore, may not assist with configuration, installation, troubleshooting or support of any personal equipment,

**V. ELECTRONIC MAIL**

The College provides free electronic mail accounts to all College employees based on job responsibilities, as determined by the employee's appropriate Vice President, and to all students who are enrolled in a curriculum program. The use of College-provided electronic mail accounts must be related to College business, including academic pursuits. Incidental and occasional personal use of these accounts is acceptable when such use does not generate a direct cost to the College or otherwise violate the provisions within this Policy.

The College will make reasonable efforts to maintain the integrity and effective operation of its electronic mail systems, but users are advised that those systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Because of the nature and technology of electronic communication, the College cannot assure the privacy of an individual's use of the College's electronic mail resources or the confidentiality of particular messages that may be created, transmitted, received or stored.

The College does not monitor electronic mail routinely but may do so as the College deems necessary. Students and employees should not have any expectation of privacy regarding their electronic mail addresses provided by the College. Any user of the College's computer resources who makes use of an encryption device shall provide access when requested to do so by the appropriate College authority. The College reserves the right to access and disclose the contents of employees', students', and other users' electronic mail without the consent of the user. The College will do so when it believes it has a legitimate business or need including, but not limited to, the following:

- A.** In the course of an investigation triggered by indications of misconduct or misuse.
- B.** As needed to protect health and safety of students, employees, or the community at large.
- C.** As needed to prevent interference with the College's academic mission.
- D.** As needed to locate substantive information required for College business that is not more readily available.
- E.** As needed to respond to legal actions; and
- F.** As needed to fulfill the College's obligations to third parties.

Electronic mail, including that of students, may constitute "educational records" as defined in the Family Educational Rights and Privacy Act ("FERPA"). Electronic mail that meets the

definition of educational records is subject to the provisions of FERPA. The college may access, inspect, and disclose such records under conditions set forth in FERPA.

North Carolina law provides that communications of College personnel that are sent by electronic mail may constitute “correspondence” and, therefore, may be considered public records subject to public inspection under the North Carolina Public Records Act.

Electronic files, including electronic mail, that are considered public records are to be retained, archived and/or disposed of in accordance with current guidelines established by the North Carolina Department of Cultural Resources or otherwise required by College policy 7.2.

## **VI. PRIVATE EMPLOYEE WEBSITES, SOCIAL MEDIA, AND OTHER INTERNET USE**

When creating or posting material to a webpage or other Internet site apart from the College's website or approved ancillary external site or page, employees should remember that the content may be viewed by anyone including community members, students, and parents. When posting or creating an external website, students, faculty, and staff are not permitted to use the College's name in an official capacity or use the College's marks, logos, or other intellectual property.

Employees are to maintain an appropriate and professional relationship with students at all times. Having a public personal website or social media profile or allowing access to a private website or private social media profile is considered a form of direct communication with students. Any employee found to have created and/or posted content on a website, social media site, or profile that has a negative impact on the employee's ability to perform his/her job as it relates to working with students and the community or that otherwise disrupts the efficient and effective operation of the College may be subject to disciplinary action up to and including dismissal.

## **VII. VIOLATIONS**

Each individual is ultimately responsible for his/her own actions. For employees, failure to exercise responsible, ethical behavior will result in disciplinary action up to and including dismissal. Students may be sanctioned according to procedures described in the Code of Student Conduct and other users may be barred permanently from using College computers and network access and suspended or expelled.

An employee's account will be disabled if the data security training requirement has not been completed within the defined timeline. Reference Procedure 7.1.2. WCC accounts will be disabled to maintain the integrity of data security. The account will be re-activated once the data security training requirements are complete.

Certain activities violate Federal and/or State laws governing use of computer systems and may be classified as misdemeanors or felonies. Those convicted could face fines and/or imprisonment.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022, 04/07/2022, 10/13/2022, 08/21/2025

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## **I. INTRODUCTION**

This Policy governs the College's retention of electronic records, including electronic mail ("email") and instant messages. The Policy is intended to provide guidance on the need for retention of electronic records and messages sent and received by College employees. The College will retain and destroy electronic records, including email and instant messages, in accordance with this Policy, [\*State Guidelines for Managing Trustworthy Digital Public Records\*](#), and the approved [\*Record Retention and Disposition Schedule\*](#) ("the Schedule") for community colleges adopted by the North Carolina Department of Cultural Resources and the North Carolina State Board of Community Colleges. For the purposes of this Policy, the term "electronic records" is defined to include electronic mail and instant messages.

## **II. NORTH CAROLINA PUBLIC RECORDS ACT**

Electronic records made or received in connection with the transaction of public business are public records pursuant to the North Carolina Public Records Act, as defined by the North Carolina Public Records Act, N.C.G.S. § 132-1 et seq. Examples of electronic records that are public records include but are not limited to: messages that include information about policies or directives, official business correspondence, official reports, or material that has historic or legal value.

Public records, including electronic records, may not be deleted, or otherwise disposed of except in accordance with the Schedule. The content of the electronic record determines its retention requirement

The content of the email, not the method or device in which it was sent, dictates whether the email is a public record. For example, if an employee has work email on his private, personal email account, that email remains a public record. For this purpose, employees are strongly encouraged to use only their work email address for work emails. In the event that an employee, however, does have work emails on their personal email accounts, they are responsible to properly maintain the email and, if necessary for retention purposes, transfer the email to another medium for proper retention.

## **III. ELECTRONIC RECORDS CUSTODIAN**

Because electronic messages can be sent and forwarded to multiple people, copies of the messages may exist in the accounts of multiple users. In most cases, the author, or originator, of the electronic message is the legal custodian and is responsible for maintaining the "record" copy. However, cases in which the recipient has altered the message (made changes, added attachments, etc.), or when the message is coming from outside the college; the recipient is the one responsible for retaining the message.

When the custodian of an electronic message leaves the employment of the college, it is

the responsibility of the supervisor to ensure all public records remaining on the computer and in the messaging account is retained or disposed of appropriately.

The College additionally stores all email and instant messages as a fail-safe archive in the event of system failure or unlawful tampering. All messages which are sent or received using the College's email and instant messaging system are copied and retained by this system for (5) five years. This storage mechanism is intended as a safety measure and does not replace the individual employee's legal responsibility for retaining and archiving electronic messages in accordance with the state of North Carolina's record retention laws.

#### **IV. TYPES OF ELECTRONIC MESSAGES**

For retention purposes, email messages generally fall into the following two categories:

- a. Email of limited or transitory value. For example, a message seeking dates for a meeting has little or no value after the meeting. Retaining such messages serves no purpose and takes up space. Messages of limited or transitory value may be deleted when they no longer serve an administrative purpose.
- b. Email containing information having lasting value. Email is sometimes used to transmit records having lasting value. For example, email about interpretations of an agency's policies or regulations may be the only record of that subject matter. Such records should be transferred to another medium and appropriately filed, thus permitting email records to be purged.

#### **V. PROCEDURES FOR COMPLIANCE**

While the methods for reviewing, storing or deleting electronic records may vary, compliance with the retention requirements may be accomplished by one of the following:

- a. Retention of Hard Copy. Print the record and store the hard copy in the relevant subject matter file as would be done with any other hard-copy communication.
- b. Electronic Storage of records and email. Electronically store the record or email in a file, on a disk or a server so that it may be maintained and stored according to its content definition under this Policy and any underlying Procedures.

#### **VI. LITIGATION HOLD**

A litigation hold is a directive not to destroy electronic records, including email, which might be relevant to a pending or imminent legal proceeding. The President may establish a committee to oversee and monitor litigation holds; such committee may contain the Vice President of Information Technology, the college's legal counsel and a member of the Administrative Team. In the case of a litigation hold, the committee shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

**VII. OUTSIDE INSPECTION**

The College recognizes the judicial system may request pretrial discovery of the information technology system used to produce records. The College will honor requests for outside inspection of the system and testing of data by the courts and government representatives. Records must continue to exist when litigation, government investigation, or audit is pending or imminent, or if a court order may prohibit specified records from being destroyed or otherwise rendered unavailable.

**VIII. RECORD DISPOSITION**

Records may only be disposed of in accordance with the Schedule. Prior to the disposition of any record or record group after the applicable retention period, the records custodian will create and maintain a destruction log.

The President is authorized to adopt procedures to implement this policy.

**Adopted:**08/08/2019

Revised: 01/06/2022

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq*; [Records Retention & Disposition Schedule](#) (August 23, 2019)

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## I. PURPOSE

The procedure reflects the guidelines established by the North Carolina Department of Cultural Resources publication [\*Guidelines for Managing Trustworthy Digital Public Records\*](#). Complying with this procedure increase the reliability and accuracy of records stored in digitally and will ensure these records remain accessible over time.

College employees will retain and destroy electronic records only in conformity with State law, College policy, this Procedure, and approved [\*Record Retention and Disposition Schedule\*](#) (“the Schedule”) for community colleges adopted by the North Carolina Department of Cultural Resources and the North Carolina State Board of Community Colleges.

The procedure applies to both physical and electronic data, including but not limited to: servers, cloud storage, removable media, backup media, and documents. This procedure does not supersede local or regional laws, government regulations or other legal requirements.

## II. DATA CLASSIFICATION

It is critical that Wilkes Community College maintains strict control over the internal or external distribution of any kind of media, including the following:

- A. Classify all media so the sensitivity of the data can be determined.
- B. Label all devices with owner, contact information and purpose.
- C. Send the media by secured courier or other delivery method that can be accurately tracked. Media sent outside the facility must be logged and authorized by management when moved from a secure area.
- D. Document the controlled maintenance of all media.
- E. Perform periodic inventories for all media.
- F. To minimize risk, store only those data elements as needed for business. Wilkes Community College has authorized only the storage of data to be securely stored in the following manner:
- G. Authorized on premise servers maintained by the Information Technology Department.
- H. On secure cloud storage that meets FERPA requirements and authorized by the Vice President of Information Technology.

## III. DATA PROTECTION

### **Secure Transportation of Data**

If transported, electronic media (e.g., hard drives) must be sent via a traceable method and

the Vice President of Information Technology or Data Custodian must provide written approval prior to transportation.

- A. Portable devices that contain sensitive or personally identifiable data must have disk encryption.
- B. Confidential data on removable media must be encrypted wherever stored.
- C. Users must never send sensitive data by end-user messaging technologies (for example, e-mail, instantmessaging, chat, etc.)

#### **IV. REMOTE ACCESS TO THE COLLEGE NETWORK**

For users accessing sensitive college data via remote-access technologies, it is prohibited to copy, move, and store this data onto local hard drives and removable electronic media, unless explicitly authorized for a defined business need and storage must be encrypted.

Remote access is only allowed with college owned equipment.

#### **V. DATA DISPOSAL**

Wilkes Community College will ensure that the responsible party or data custodians destroys media when it is no longer needed for business or legal reasons as follows:

- A. **Hardcopy materials:** Cross-cut shred, incinerate, or pulp hardcopy materials so that data cannot be reconstructed. Ensure that storage containers used for information to be destroyed are secured. It is the responsibility of the Facilities Department and data custodians to ensure that such documents are securely disposed of.
- B. **Electronic Media:** Render sensitive data on electronic media unrecoverable so that data cannot be reconstructed. Removable media must be stored in a secure location until it has been destroyed. It is the responsibility of the data custodians to ensure that secure disposal is implemented and effective. It is the responsibility of the Security Administrator to verify that the Information Technology Department renders data unrecoverable via a secure wipe program in accordance with industry-accepted standards for secure deletion, or otherwise physically destroying the media (for example, degaussing).
- C. **On-Line Electronic Data:** Once stored data exceeds the retention period, it is the responsibility of the data custodian to ensure that the data is removed in accordance of the Record Retention and Disposition Schedule.
- D. **Back-Up/Removable Media:** Data must be destroyed beyond recovery by using a wipe program to delete files or via degaussing or otherwise destroying the media as described above.

#### **VI. MAINTENANCE OF TRUSTWORTHY ELECTRONIC RECORDS**

When creating electronic records or converting paper records to an electronic record, the

electronic record shall be:

1. Produced by methods that ensure accuracy.
2. Maintained in a secure environment.
3. Associated and linked with appropriate metadata; and
4. Stored on media that are regularly assessed and refreshed.

**A. Produced by Methods that Ensure Accuracy**

All platforms used by the College to create and manage electronic records, including e-mail clients, social media platforms, and cloud computing platforms, will conform with all College policies.

Electronic files are named in accordance with the *Best Practices for File Naming* published by the North Carolina Department of Natural and Cultural Resources (“DNCR”).

Electronic files are saved in formats that comply with DNCR’s *File Format Guidelines for Management and Long-Term Retention of Electronic Records*. File formats used by the College are identified as standard by DNCR and are well-supported, backwards compatible, and have robust metadata support.

**B. Maintained in a Secure Environment**

Security of the information technology system and the records it holds is maintained in the following ways:

1. Access rights are managed by the IT department and are assigned by a supervising authority to prevent unauthorized viewing of documents.
2. Either of the information technology system is able to separate confidential from non-confidential information, or data creators must organize and name file systems in such a way to identify confidentiality of the documents.
3. Folders with confidential information are restricted, and access rights to confidential data are carefully managed. Confidential material is redacted before it is shared or otherwise made available.
4. Physical access to computers, disks, and external hard drives is restricted.
5. All system password and operating procedure manuals are kept in secure off-site storage.

**C. Associated and Linked with Appropriate Metadata**

Metadata is maintained alongside the record. At a minimum, metadata retained includes file creator, date created, title (stored as the file name), and when appropriate, cell formulae and e-mail header information. Employees are not instructed to create metadata other than metadata that is essential for a file's current use and/or retention.

**D. Stored on Media that are Regularly Assessed and Refreshed**

Data is converted to new usable file types as old ones become obsolete. The following steps are taken to ensure the continued accessibility of records kept in electronic formats:

1. Data is audited and assessed annually. If there is evidence of file corruption, data should be migrated to new media.
2. Records are periodically verified through hash algorithms. This is required before and after transfer to new media to ensure the records were not altered.
3. Media is refreshed every three to five years. The College documents when and how records are transferred from one storage medium to another. Once the new media has been sampled to assure the quality of the transfer, the original media may be destroyed according to the guidelines of 07 NCAC 04M .0510.
4. Records are periodically migrated to new file types, particularly when a new information technology system requires that they be brought forward to render the file properly.
5. Metadata is maintained during transfers and migrations.
6. Storage media are maintained in a manner and in an environment that promotes bit-level preservation. Humidity does not exceed 50% and should not fall below 30%. Room temperature is set between 65° F to 75° F. The College adheres to the media manufacturer's recommendations for specific environmental conditions in which the media should be stored.
7. Whatever media is used to store data is clearly labeled with enough information that its contents can be determined.

**VII. COMPONENTS OF INFORMATION TECHNOLOGY SYSTEM****A. Training Programs**

The IT department will conduct training for system use and electronic records

management. All employees will be made aware of system procedures and policies and trained on them; employees will acknowledge by initialization or signature that they are aware of the policies and have received training on them. When appropriate, employees will also attend trainings offered by the North Carolina Department of Natural and Cultural Resources on the maintenance of electronic records. Documentation will be maintained for the distribution of written procedures, attendance of individuals at training sessions and refresher training programs, and other relevant information.

**B. Audit Trails**

At a minimum, the IT department will maintain documentation on who has read and/or write permission to files maintained by the College. Ideally, a log of activities on the system is maintained, which shows who accessed the system, how and by whom records were created and modified, and whether standard procedures were followed.

**C. Audits**

Audits are designed to evaluate the process or system's accuracy, timeliness, adequacy of procedures, training provided, and the existence of audit trails. Internal audits are conducted regularly by College IT staff, at least annually.

**D. Documentation**

The College maintains documentation that describes system procedures, practices, and workflows. This documentation also identifies system software and hardware and captures the system environment in terms of the organizational structure, functions and responsibilities, and system processes. It explains how the system operates from a functional user and data processing point of view. Documentation is reviewed and updated by IT staff annually or upon implementation of a new information technology system. Such documentation maintained by the institution includes:

1. Procedural manuals
2. System documentation
3. Security backup and disaster recovery procedures as a part of the Continuity of Operations Plan
4. Service level agreements for contracted information technology services

**VIII. OTHER ELECTRONIC RECORDS MANAGEMENT PRACTICES****A. Security and Disaster Backup and Restoration**

The College has a disaster recovery plan for its electronic data in place, which includes contact information for data recovery vendors and information about backups of all data. Security backups to protect against data loss are generated for all but the most transitory of files. Routine backups are conducted and are stored in secure off-site storage.

**B. Cloud Computing**

Amazon Web Services (AWS) as the cloud-based provider for our ERP System based upon a model configured by the NCCCS Office. All data is encrypted with access restricted to only the servers that need it along with high-level users. Cloud instances follow the disaster recovery plan. Routine backups are conducted and stored in the cloud and at a physical disaster recovery site.

**IX. CONVERTING RECORDS TO DIGITAL FORMAT**

When converting non-permanent paper records, that have not met their retention period, to digital records, the appropriate College employees will complete the Compliance and Electronic Records Self-Warranty Form for each group of converted records. After digital conversion, the records custodian may request to dispose of the paper records from their supervisor. The following administrators may authorize the disposition of the paper records after digital conversion: Senior Vice President of Finance & Administration and Data Custodians. The Authorization to Dispose of Paper Records form should be used.

**Adopted:** 08/08/2019

**Revised:** 01/06/2022

## COMPLIANCE AND ELECTRONIC RECORDS SELF-WARRANTY FORM<sup>1</sup>

The completion of this form by all signing employees signals that all employees will adhere to the rules set forth in college policy and procedure. Furthermore, this section is to be used as a self-evaluation tool to ensure that electronic records produced by the College are created, reproduced, and otherwise managed in accordance with guidelines for electronic public records published by the North Carolina Department of Natural and Cultural Resources.

Each signatory should initial each element for certification, print his/her name on the Approved by line, fill in the job title, and sign and date the form.

### IT Professional

The IT Professional is the person responsible for providing technical support to the records custodians and who may be involved in infrastructure and system maintenance. The IT Professional certifies that:

\_\_\_\_\_ Audit trails document the identity of the individual who creates, duplicates, modifies, or otherwise prepares the records, what actions are taken by the individual during the course of the process, when these actions are taken, and what the results of these actions are.

\_\_\_\_\_ Audits:

1. are performed periodically to confirm that the process or system procedures accurate results.
2. confirm that procedures followed are in accordance with the College's documentation.
3. are performed routinely on files to ensure no information has been lost.
4. are performed by an independent source (i.e., persons other than those who create the records or persons without an interest in the content of the records. Acceptable sources may include different department or authorized auditing authority).
5. are adequately documented.

\_\_\_\_\_ The process or system hardware and software are adequately documented.

\_\_\_\_\_ Permanent records conform to all file format, file naming, and digital preservation guidance produced by the Department of Natural and Cultural Resources.

\_\_\_\_\_ Backup procedures are in place and comply with best practices as established by the Department of Natural and Cultural Resources.

\_\_\_\_\_ Successful disaster recovery backup is completed at least once every two years.

Approved by: Date: \_\_\_\_\_ Title:

\_\_\_\_\_ Signature:

<sup>1</sup>This form is to be used when the College converts a paper record group to a digital format.

### **College Records Custodian**

The College Records Custodian coordinates records management training and compliance. The College Records Custodian certifies:

\_\_\_\_\_The records created or duplicated by electronic means in this office are prepared in accordance with these guidelines as indicated by the following statements:

1. Quality – Records are legible, accurate, and complete.
2. The records are produced and reproduced as part of a regularly conducted activity.
3. The records conform to DNCR guidance regarding file formats, file naming, and if applicable, digital preservation guidance produced by DNCR.
4. Detailed, documented procedures are in place and followed when the records are created, copied, modified, or duplicated.
5. The person who creates, copies, modifies, or duplicates records receives formal training on detailed system procedures prior to records preparation.
6. Details of the training received are adequately documented through written policies and procedures.
7. Employees sign training records after receiving training.

\_\_\_\_\_The institution will comply with the best practices and standard established by the Department of Natural and Cultural Resources as published on its website.

\_\_\_\_\_Affected records creators will be trained on the proper creation and maintenance of electronic records.

\_\_\_\_\_Imaged records will be periodically audited for accuracy, readability, and reproduction capabilities before the original documents are destroyed.

\_\_\_\_\_Participation in the design and implementation of campus electronic records initiatives.

Approved by: \_\_\_\_\_Date: \_\_\_\_\_Title: \_\_\_\_\_

\_\_\_\_\_Signature: \_\_\_\_\_

\_\_\_\_\_

## AUTHORIZATION TO DISPOSE OF PAPER RECORDS<sup>2</sup>

This form is used to request approval from the College Records Custodian to dispose of **non-permanent** paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied.

**Before** a college office may dispose of any paper record that has not met its required retention period and keep only a digital surrogate of that record, **all** the following conditions must be met:

- ☐ The office agrees to abide by all guidelines and best practices as published by the Department of Natural and Cultural Resources, including [File Format Guidelines](#) and [Best Practices for File-Naming](#).
- ☐ An electronic records policy has been approved by the office and authorized by the Department of Natural and Cultural Resources.
- ☐ All records series that will be scanned and their paper records destroyed after quality audits are listed in the table below:

| Records Series Title | Inclusive Dates<br>(e.g., 1987-1989, 2005 – present <sup>3</sup> ) | Required Retention Period |
|----------------------|--|---------------------------|
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |
|                      |  |                           |

- ☐ Quality control audits have been performed on the electronic records.
- ☐ The digital surrogates will be retained for the entirety of the required retention period.

Requested by: \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Approved by: \_\_\_\_\_

Signature \_\_\_\_\_ Department/Office Head \_\_\_\_\_ Date \_\_\_\_\_

Concurred by: \_\_\_\_\_

Signature \_\_\_\_\_ College Records Custodian \_\_\_\_\_ Date \_\_\_\_\_

<sup>2</sup>This form is to be used when a college official intends to destroy non-permanent paper records that have been converted to digital format.

<sup>3</sup>If an office uses an open-ended date on this authorization from, the destruction of records must be listed on a destructions log with the precise dates of the records destroyed at a given time.

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It is the College's intent to provide efficient services for its employees, students and also for the public. The Board of Trustees ("Board") encourages College officials and students to use electronic means, especially electronic mail, when conducting College business when those means result in efficient and improved service.

The Board encourages the acceptance of electronic signatures in e-mails from college campus accounts. An electronic signature is defined as any electronic process signifying an approval to terms, and/or ensuring the integrity of the document, presented in electronic format.

Students may use electronic signatures to register, check financial aid awards, pay student bills, obtain unofficial transcripts, update contact information, log into campus computers, complete forms, submission of class work, tests, etc. Employees may use electronic signatures for submitting grades, viewing personal payroll data, logging into campus computers, accessing protected data through the administrative computing system and custom web applications provided by the College, etc. College user accounts are to be used solely by the student or employee assigned to the account. Users may not allow access to their accounts by other persons, including relatives or friends. All users are responsible for protecting the confidentiality of their account and for adhering to Policy 7.2 – Internet and Network Acceptable Use.

Adopted: 08/08/2019

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**POLICY:**

The college recognizes that social media sites are useful technologies in communicating with college constituencies and in enabling transparent communication. All of the college's social media shall follow established procedures and shall be approved and registered with the college's Public Information Officer, Marketing Director or Designee and Vice President of Information Technology. This policy applies to the use of any WCC-related social media and all subsidiary pages. College employees shall exercise good, professional judgment when using official college social media sites to ensure that communications are appropriate, professional, maintain the security of the college's network and comply with local, state and federal laws and with the college's technology security procedures.

- A.** All content generated on a college-operated social media site should support the mission of the college.
- B.** All WCC social media, web or group pages must be maintained in such a way as to promote respect and professionalism.
- C.** Followers and/or posts will be removed if they post any material which is false, defamatory, inaccurate, abusive, vulgar, hateful, harassing, obscene, profane, sexually oriented, threatening, invasive of any person's privacy, adult material, or in violation of any international or United States federal laws including HIPPA and FERPA.
- D.** Spam, flooding, advertisements, chain letters, pyramid schemes and solicitations are forbidden.
- E.** Wilkes Community College and MerleFest officials reserve the right to remove, edit, move or close any thread or group page. Wilkes Community College and MerleFest officials also reserve the right to block any user for violation of this policy.
- F.** Followers may not post any copyrighted material unless they own the copyright or have written consent of the owner of the copyrighted material.

College employees whose responsibility it is to operate a social media account on behalf of the college shall be responsible for monitoring discussions and content added by third- parties, including comments. The college's Public Information Officer and Vice President of Information Technology has the right to remove any post or comment on any social media account operated by the college.

Social media accounts controlled by the college are subject to records retention regulations.

Adopted: 08/08/2019

Revised: 04/09/2024

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## **I. PURPOSE**

The Digital Millennium Copyright Act of 1998 (“DMCA”) legally protects a copyright holder from the unauthorized use of his or her digital content. Unauthorized use means violating the user agreement or terms of use for the digital content. Illegally sharing and/or reproducing copyrighted materials such as music, videos, documents, software, and photos is considered copyright infringement. The Higher Education Opportunity Act (“HEOA”) includes a provision directly related to DMCA.

HEOA sets requirements for higher education institutions to address illegal peer-to-peer (“P2P”) file sharing occurring on college networks. Illegal P2P file sharing is downloading, also known as copying and/or saving, copyrighted material to a hard drive or any other storage device and/or sharing or making it available to other people without the consent of the copyright holder.

P2P applications are used to legitimately share digital content. However, P2P applications can expose the College, and individual users on the College’s network, to legal liabilities when illegal file sharing occurs. P2P applications can also present a security risk because a downloaded file may actually contain a virus or a malicious program that could target and infect other machines on the network, impact the performance of the network and compromise sensitive/confidential information.

The purpose of this Policy is to inform the College community on preventive measures that will help avoid legal liability and security risks resulting from illegal file sharing. This Policy applies to any individual using the College’s computer network.

## **II. POLICY**

Individuals using the College’s computer network will be held accountable for adhering to the following terms and conditions:

- A. Read the user agreement or terms of use for the following digital content in order to make sure you do not use nor share digital material illegally: documents, videos, and games located on the Internet; social networking sites (i.e., YouTube); purchased digital content (i.e., music, software); and peer-to-peer file sharing applications.
- B. Delete unauthorized copyrighted material from your electronic device (i.e. computer, iPhone).
- C. Use a legal alternative to unauthorized downloading. The College does not endorse a particular product or service nor is it responsible for any cost or any

technology related issues resulting from the use of the legitimate sources.

- D. Disable the file sharing feature for P2P software if you do not have permission to share the digital material (i.e., documents, movies, games, etc.) legally; contact the software vendor for technical support.
- E. For the P2P vendor's best practices for securing the computer used for P2P activity (i.e., anti-virus software, a vendor supported operating system, personal firewall, current version of P2P application, etc.); the Federal Trade Commission has P2P best practices at: <https://www.consumer.ftc.gov/articles/protect-your-personal-information-and-data>; and
- F. For College-owned assets, P2P software can only be used to promote the College's mission, academic and business needs. Where applicable, P2P software is not allowed on machines that process and/or store confidential/sensitive data. The personal use of P2P applications on college-owned assets for recreational and leisure purposes is prohibited.

### III. ENFORCEMENT

Enforcement of this Policy shall include:

- A. Disclosure to students and employees on an annual basis, which shall include legal alternatives to illegal file sharing.
- B. Monitoring network traffic and limiting network bandwidth; and
- C. Implementing other technology-based deterrents as needed.

In addition to employment and student discipline issued by the College in accordance with applicable policies and procedures (up to and including dismissal/suspension), individuals cited for unauthorized use may be subjected to civil and/or criminal damages such as monetary damages and potential prison time. According to the US Copyright Office, monetary damages can range from \$200 to \$150,000 for each act (<http://www.copyright.gov/title17/92chap5.html#504>). Criminal prosecutions may result in a fine of up to \$250,000 and a prison term of up to 5 years (<https://www.fbi.gov/ipr/>) for each act.

Adopted: 08/08/2019

Revised: 01/06/2022

Legal Reference: 20 U.S.C. § 1092, § 1094

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The college is committed to taking reasonable measures to support the accessibility of its audio, visual, telecommunications and web-based technologies (“Digital Technology”) for use by students, employees and/or the general public. Students who seek an accommodation for Digital Technology should contact the Director of Disability Services. Other individuals who seek accommodations should contact the college’s Vice President of Information Technology.

Undue burden and non-availability may qualify as an exemption from this Policy when compliance is not technically possible or is unreasonably burdensome in that it would require extraordinary measures due to the nature of the request or would fundamentally alter the purpose of the Digital Technology.

When conducting core academic and business activities using web content, the college shall align the web content with the guidelines of the most current version of [Web Content Accessibility Guidelines 2.0 Level AA](#) (WCAG 2.0 AA).

Adopted: 08/08/2019

Legal Reference: Americans with Disabilities Act of 1990, as amended.

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## **I. DEFINITIONS**

The following definitions apply in the policy:

- C. Device. – Any mobile phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.
- D. Material. – Any pictures, drawings, video recordings, films or other visual or physical depictions or representations, including digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence, but not material consisting entirely of written words, and otherwise defined in G.S. 14-190.13.
- E. Network. – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
  - 3. The interconnection of communications systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.
  - 4. Internet service.
  - 5. Internet access.
- D. Pornography. – Any material depicting sexual activity.
- E. Sexual activity. – Any form of sexual intercourse, sexual touching, display of genitalia, and those other acts set forth in N.C.G.S. §14-190.13

## **II. PROHIBITION ON VIEWING PORNOGRAPHY**

No employee or student of the college is permitted to view, download, or save pornography on the College's network or on a device owned, leased, maintained, or otherwise controlled by the College.

## **III. EXCEPTIONS**

Section II shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

- A. Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
- B. Identifying potential security or cybersecurity threats.
- C. Protecting human life.
- D. Establishing. Testing, and maintaining firewalls, protocols, and otherwise implementing this section.
- E. Participating in judicial or quasi-judicial proceedings.
- F. Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.
- G. For the educational requirements and/or research of the required college course.

#### **IV. REPORTING REQUIREMENTS**

Annually, no later than August 1, the college shall report information to the State Chief Information Officer on:

- A. The number of incidences or unauthorized viewing or attempted viewing of pornography on the College's network;
- B. Whether or not the unauthorized viewing was by an employee or student of the College; and
- C. Whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by the College.

Adopted: 08/21/2025

Legal Reference: N.C.G.S. § 143-805, N.C.G.S. §14-190.13