

**FOR MINUTES
CAPE FEAR COMMUNITY COLLEGE
BOARD OF TRUSTEES
JULY 30, 2020
5:00 PM**

Following proper public notifications on July 27, 2020, and a determination that a quorum was present, the Cape Fear Community College Board of Trustees met in regular session on Thursday, July 30, 2020, at 5:00 pm in Daniels Hall, Union Station Building. Ms. Ann David, Chair, presided.

Trustees present were: Ms. Ann David, Chair; Mr. Jonathan Barfield; Mr. Louis A. Burney, Jr.; Mr. William Cherry; Mr. Robby Collins; Mr. A.D. "Zander" Guy; Mr. Jimmy Hopkins; Ms. Patricia Kusek; Mr. Jason McLeod; Ms. Mary Lyons Rouse; Ms. Paula Sewell; Mr. Bruce Shell and PJ Eby, SGA President. Trustees not present: Mr. Bruce Moskowitz.

Employees present were: Mr. James Morton, President; Ms. Joann Ceres, Vice President of Student Services; Ms. Christina Greene, Vice President Business Services; Ms. Michelle Lee, Executive Director President's Office and Board Liaison; Dr. Jason Chaffin, Vice President for Academic Affairs, SACS Liaison; Ms. Sonya Johnson, Executive Director of Marketing and Communications; Mr. David Kanoy, Executive Director of Capital Projects and Facilities; Debi Causey, Coordinator, Events; Emily Holt, Senior Administrative Assistant, Continuing Education; Ms. Kathy Turner, Executive Director Human Resources; Dr. Eric Brandon, Faculty Association President; Mr. Shane Fernando, Vice President of Advancement and the Arts; Mr. John Downing, Vice President of Continuing Education; Mr. David Bartlett, Purchasing Technician; Ms. Shonia Burns and other employees (see below).

Others present were: Mr. Alex Dale, Attorney Ward & Smith

The meeting was opened with The Pledge of Allegiance to the US Flag.

CONFLICT OF INTEREST

Ms. David read the conflict of interest statement issued by the North Carolina Board of Ethics reminding trustees to declare any conflict of interest or appearance of conflict with respect to any matters coming before the Board on this date and refrain from any undue participation in the particular matter involved.

OATH OF OFFICE

Mr. Hopkins and Mr. McLeod were administered the oath of office by Ms. Lee.

MINUTES

A MOTION was made by Mr. Barfield and seconded by Ms. Kusek to approve the June 18, 2020, minutes as presented. Motion carried unanimously.

RECOGNITIONS AND INTRODUCTIONS

New Hires

Ms. Turner introduced the following new employees in attendance.

Ms. Cheryl Garner, Director of Budgeting

Ms. Leigh Edwards, Coordinator, Student Recruitment

Mr. Justin Ovaska, Program Director, Criminal Justice Technology and Public Safety Administration

CHAIR'S REPORT

Ms. David reviewed the following report.

Recognition of Trustee

We would like to thank Mr. John Melia for his invaluable service to the Cape Fear Community College Board of Trustees.

Appointments and Reappointments

Congratulations to Mr. Jimmy Hopkins for his reappointment to the Board of Trustees by the New Hanover County Commissioners and Mr. Jason McLeod for his appointment by the New Hanover County Board of Education. Both will serve until June 30, 2024.

Graduation

The Summer Graduation Ceremony will be held on Friday, August 7, at 9 am at the North Campus.

Nominating Committee

A MOTION from the Nominating Committee recommends the following officers for 2019-2020 Chair – Pat Kusek; Vice Chair – Bill Cherry; Secretary – Jim Morton and Recording Secretary – Michelle Lee. Motion carried unanimously.

The meeting was turned over to Ms. Kusek.

Ms. Kusek stated that Ms. David has done a wonderful job as chair. President Morton also thanked Ms. David for her service as chair.

PRESIDENT'S REPORT

President Morton reviewed the following report.

Fall Classes

CFCC has worked very hard to offer a number of ways for students to attend classes for fall.

- **Blended:** A class where instruction is provided primarily in a classroom or laboratory/clinical setting, with some supplemental instruction provided online
- **Hybrid:** A class where some instruction is provided during regularly-scheduled classroom or laboratory/clinical meetings, and some instruction is provided in an online environment

- **Hyflex:** A class where some instruction is provided during regularly-scheduled classroom or laboratory/clinical meetings that may be attended by students in-person or virtually, and some instruction is provided in an online environment
- **Online Asynchronous:** A class where all instruction is provided in an online environment and students can participate in the class at any time
- **Online Synchronous:** A class where all instruction is provided in an online environment and students will participate in the class virtually during established meeting times

In-Service Training

In-Service Training for faculty and staff will be held virtually this year on August 18, 2020. The program will be held in the morning with training sessions available for faculty and staff in the afternoon.

President's Goals

Establishing Goals for 2020-2021 and will submit to new Board Chair.

Accreditation

The timeline has been established for the SACSCOC Fifth-Year Interim Report which will be reviewed by SACSCOC in December of 2022.

Foundation Audit

The Foundation Audit will be started on August 10, 2020.

Pender County Enrollment Outreach

Utilizing Topsail, Trask and Pender High School facilities to provide on-site enrollment, financial aid and other information sessions. These efforts are to enhance customer service by providing additional outreach in the Pender County community.

CFCC Service Day

CFCC is participating in a community service project. On Saturday, August 1, 2020, CFCC faculty and staff will repaint a very high traffic area of New Hanover High School (before photo below). We look forward to this project.

US Naval Academy

CFCC's application to partner with the US Naval Academy has been accepted. The College has been tentatively approved as one of the contractors to deliver online education. Contracts are anticipated to be awarded beginning August 2020. It appears at this point in time that CFCC is the only NC Community College selected.

COMMITTEE REPORTS

FACILITIES & EQUIPMENT COMMITTEE

President Morton reviewed the following reports.

New Hanover County Capital Outlay

New Hanover County Capital Outlay Projects 2015-2016 Status Summary Report								
		Encumbrances - Subtotals						
Item	Project	Design	Construction	Owner	Total Encumbrance	Budget	Remaining	Status and Estimated Completion Date
7	Redcross Streetscape Project - Replace or Retrofit Exterior Lighting at Wilmington Campus	\$12,600.00	\$307,173.00	\$450.24	\$320,223.24	\$320,223.24	\$0.00	Complete

Pender County Capital Outlay

Pender County Capital Outlay Projects 2018-2019 Status Summary Report								
		Encumbrances - Subtotals						
Item	Project	Design	Construction	Owner	Total Encumbrance	Budget	Remaining	Status and Estimated Completion Date
18.2	Burgaw Center - Install Canopy for Covered Eating & Outdoor Classes and Fix Drainage Issues Mechanical Yard (HVAC Area) and Center Front Parking Lot	\$4,000.00	\$56,000.00		\$60,000.00	\$60,000.00	\$0.00	due to code issues we cant' build the freestanding shelter, revising project to courtyard drainage upgrades.

NC Connect Bond Projects

Connect NC Bond Projects - Status Summary Report								
		Encumbrances - Subtotals						
Item	Project	Design	Construction	Owner	Total Encumbrance	Budget NC Connect & County Funds	Remaining	Status
2	CFCC " K Building Collision Repair & Refinishing Technology Renovation	\$67,370.00	\$557,518.32	\$20,203.85	\$645,092.17	\$718,000.00	\$72,907.83	Project under construction, some additions and delays. Estimated Completion now 10/1/20
4	Buildings "A,S,N" 411 N. Front St. Repair & Renovation Projects	\$330,639.97		\$256,662.95	\$587,302.92	\$4,882,734.00	\$4,295,431.08	CD's went in for 60 day review as of 4/14/20. Revisions were Requested. CD's in with revisions as of 7/16/20.

FINANCE COMMITTEE

President Morton reviewed the following information.

State Budget Revision

A MOTION was made by Ms. David and seconded by Mr. Barfield to approve the State Budget Revision as for an increase of \$239,936. Motion carried unanimously.

Student Accident Insurance

A MOTION was made by Ms. Rouse and seconded by Mr. Burney to approve the Student Accident Insurance for 2020-2021 IN THE AMOUNT OF \$77,57600 for Curriculum and \$7,632.35 for Continuing Education. Motion carried unanimously.

ADMINISTRATIVE & PERSONNEL COMMITTEE

Personnel

Closed Session

A MOTION was made by Mr. Guy and seconded by Mr. Cherry to go into closed session pursuant to North Carolina General Statute Section 143-318.11(a)(6) to discuss personnel. Motion carried unanimously.

The Board returned to open session.

A MOTION was made by Ms. David and seconded by Ms. Rouse to approve Ms. Sonya Johnson as Executive Director of Marketing and Communications. Motion carried unanimously.

Ms. Kusek stated that President Morton evaluation had been completed and that the review was very favorable.

A MOTION was made by Mr. Guy and seconded by Ms. Rouse to approve extending President Morton's employment agreement for a term of 5 years and increase term of severance and COBRA insurance to 1 year. Motion carried unanimously.

President Morton reviewed the following Faculty and Staff Handbook changes and new policies.

Rise Attendance Policy

A MOTION was made by Mr. Cherry and seconded by Mr. Shell to approve all handbook changes and new policies as presented. Motion carried unanimously.



Reinforced Instruction for Student Excellence: RISE

Beginning academic year 2020/21, students' math and English placement will be determined primarily by their unweighted high school GPA using the following guidelines:

- Students with a GPA of 2.8 or higher may register for college-level math and English courses.
- Students with a GPA of 2.2 to 2.799 may register for college-level math and English courses with required corequisite support courses.
- Students with a GPA below 2.2 will be required to enroll in math and English transition courses through the Learning Resource Center (Curriculum) or Academic & Career Readiness (Continuing Education).

Students who graduated from high school more than 10 years ago will be required to take the RISE placement test unless they meet other criteria that determine placement.

Attendance policy for students enrolling in a gateway course with a mandatory support course

Students who enroll in a math or English gateway course with a mandatory support course must attend at least 80% of the meeting dates in both the gateway and the support course. Students who exceed the maximum allowable absences in either the gateway or the support course may be administratively withdrawn by the instructor and will receive a grade of "W" for both courses.

Handbook Changes

1.7 Non-Discrimination Policy

Cape Fear Community College, its faculty and staff, and the Board of Trustees are fully committed to the principles and practice of equal employment and educational opportunities. The College does not discriminate against applicants, students, or employees in any programs and activities provided on the basis of race, color, national origin, sex (including pregnancy and sexual orientation), gender (including gender identity and status as a transgender or transsexual individual), disability, religion, age, genetic information, veteran status or any other protected status as required by Title IX of the Educational Amendments of 1972, Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964 and any other applicable statutes and CFCC policies.

This statement applies to all students and employees at Cape Fear Community College. The Dean of Student Affairs serves as CFCC's Title IX Coordinator and has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of the College, as well as any other protected status as delineated above and retaliation for the purpose of interfering with any right or privilege.

5.11.2 Sexual and Other Unlawful Harassment

Cape Fear Community College (the "College") prohibits any form of sexual or other unlawful harassment involving any of its employees in the employment relationship or involving any College employee and a student of the College in the educational relationship, whether it is in the

form of a College employee harassing a student or a student harassing a College employee. The College has a firm belief and has established a policy that all employees and students are entitled to work and learn in an environment free of discrimination or intimidation based on race, color, religion, gender (including gender identity and status as a transgender or transsexual individual), sex (including pregnancy and sexual orientation), age, national origin, disability, or other legally protected status, or that of an employee's or a student's relatives, friends, or associates.

Sexual harassment does not require physical contact but merely has to create an unwelcome environment between employees and between employees and students. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of an individual's employment or education (either explicitly or implicitly), when submission to or rejection of the conduct is used as the basis for employment or educational decisions affecting the individual, or when the conduct in any way interferes with an individual's work or educational performance or creates an intimidating, hostile, or offensive environment. Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

Other unlawful harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender (including gender identity and status as a transgender or transsexual individual), sex (including pregnancy and sexual orientation), age, national origin, disability, or other legally protected status, or that of his or her relatives, friends, or associates, and that has the purpose or effect of creating an intimidating, hostile, or offensive environment; has the purpose or effect of interfering unreasonably with an individual's work or educational performance; or otherwise adversely affects an individual's employment or educational opportunities.

Any act, comment, or behavior that constitutes sexual or other unlawful harassment is strictly prohibited and will not be tolerated of any employee or student, either on or off College premises. This prohibition covers not only the relationships between employees of the College, but also each employee's relationships with students of the College or with the employees of other companies encountered in the course of performing the duties of his or her job.

5.9.9 Family and Medical Leave Policy

Eligibility

Leave provided under the Family and Medical Leave Act (FMLA) is available to all eligible employees at CFCC. To be eligible for FMLA leave under this policy, an employee must: (A) have worked for the College for at least 12 months, which need not be consecutive months; (B) have been employed for at least 1,250 hours of service during the 12-month period prior to the commencement of FMLA leave; and, (C) be employed at a worksite where 50 or more associates are employed by the College within 75 miles of that worksite.

If an employee is not eligible to receive FMLA leave from the College, any leave taken for medical or other reasons will need to be taken only as permitted by our other leave policies.

Reasons for Taking Leave

If an employee is eligible for FMLA leave, the employee is permitted to take up to 12 weeks of FMLA leave during a rolling 12-month period, except that 26 weeks of leave is available for servicemember family leave described in the servicemember Family Leave Section below. A year is defined as a "rolling" 12-month period measured backward from the date a faculty/staff member uses any FMLA leave. FMLA leave is without pay unless otherwise provided by our other policies, such as vacation leave, sick leave, or workers' compensation.

Leave may be taken: (1) for the birth of a child, and to care for the newborn child; (2) for the placement of a child for adoption or foster care, and to care for the newly placed child; (3) to care for a spouse, child, or parent (but not a parent "in law") with a serious health condition; (4) due to an employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job; or (5) because of any "qualifying exigency" described in the "Definitions" section, which includes short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and any additional activities to which the College consents arising out of the fact that the spouse, or a son, daughter, or parent of the eligible employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Servicemember Family Leave

In addition, and subject to the certification provisions set forth below, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to take up to 26 workweeks of leave during a "single 12 month period," defined as the period beginning on the first day the eligible employee takes FMLA leave to care for the covered servicemember and ending 12-months after that date, regardless of the method used by the College to determine the employee's 12 workweeks of leave entitlement for other FMLA qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this "single 12-month period," the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. Leave entitlement to care for a covered servicemember shall be applied on a per covered servicemember, per injury basis. The eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks leave may be taken within any single 12month period.

During the single 12-month period described in the immediately preceding paragraph, an eligible employee shall be entitled to a combined total of 26 workweeks of Servicemember Family Leave and leave under paragraphs (1), (2), (3), (4) or (5) in the "Reasons for Taking Leave" Section. Nothing in this paragraph shall be construed to limit the availability of leave under paragraphs (1), (2), (3), (4) and (5) during any other 12-month period.

Definitions

The term "*serious health condition*" that qualifies an employee for FMLA leave is an illness, injury, impairment, physical or mental condition that involves:

1. inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or any subsequent treatment in connection with such inpatient care; or
2. any period of incapacity (inability to work, attend school, or perform regular daily activities due to the serious health condition) of more than three (3) consecutive calendar days involving two (2) or more occasions of treatment, or one (1) occasion of treatment with a continued regimen of treatment, by or under the supervision of a health care provider; provided in all such cases the first visit to a health care provider must occur within seven (7) days of incapacity, and if it is an incapacity involving two (2) or more occasions of treatment, the second must occur within thirty (30) days of the first day of incapacity; or
3. any period of incapacity due to pregnancy or prenatal care; or
4. any period of incapacity or treatment due to a chronic, serious health condition, by or under the supervision of a health care provider, involving two (2) or more visits to a health care provider per year; or
5. a period of incapacity which is permanent or long-term due to a condition of which treatment may be ineffective and that involves supervision of a health care provider; or
6. any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as most forms of cancer, heart attacks, conditions requiring surgery, strokes, severe arthritis, or back conditions requiring extensive therapy or surgery.

Non-serious health conditions not covered by the FMLA: In the absence of complications or a required inpatient hospitalization, the common cold, flu, earaches, upset stomachs, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, periodontal disease, and cosmetic treatments are not serious health conditions for the purposes of FMLA.

The term “*covered active duty*” means any deployment of an Armed Service member to a foreign country under a call or order to active duty.

The term “*covered servicemember*” means a current member or veteran of the Armed Forces, including a member or veteran 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; provided that, in the case of veterans, the medical treatment triggering the need for leave occurs within five years of the veteran departing the Armed Forces. For the purposes of this definition, a serious injury or illness incurred in the line of duty includes the aggravation by a current member of the Armed Forces or existing or preexisting injuries. Furthermore, for the purposes of this definition, a serious injury or illness incurred in the line of duty by a veteran may manifest itself before or after the Armed forces member became a veteran.

The term “*outpatient status*,” with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

1. a military medical treatment facility as an outpatient; or

2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

The term “*next of kin of covered servicemember*” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by *court* decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purpose of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.

The term “*parent of a covered servicemember*” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

The term “*son or daughter*” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

The term “*son or daughter of a covered servicemember*” means a covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

The term “*son or daughter on covered active duty or call to covered active duty status*” means the employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the associate stood in loco parentis, who is in the Armed Forces on active duty or called to active duty status, and who is of any age.

The term “*covered family member*” means a spouse, children, parents, grandparents, parents-in-law and step children who reside with the employee for more than six (6) months in each year.

The terms “*covered military member*” means the employee’s, spouse, son, daughter, or parent on covered active duty or call to covered active duty status. The term “*qualifying exigency*” includes:

1. Short-notice deployment;
2. Military events and related activities;
3. Childcare and school activities;
4. Financial and legal arrangements;
5. Counseling;
6. Rest and recuperation;
7. Post-deployment activities; and,

8. Additional activities, including events which arise out of the covered military member's covered active duty or called to covered active duty status, provided that the College and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

The term "*serious injury or illness*," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Employees Who Are Married to Each Other

The combined total FMLA leave of employees of the College who are married to each other may not exceed 12 weeks during the applicable 12-month period if the leave is taken for the birth of a child or to care for the child after birth; for placement of a child for adoption or foster care or to care for the child after placement; or to care for a child with a serious health condition. This limitation does not prohibit either employee from taking additional FMLA leave for which he or she may be eligible, such as leave to care for a parent with a serious health condition or because of a serious health condition of the employee.

The aggregate number of workweeks of servicemember Family Leave to which both a husband and wife may be entitled shall be limited to 26 workweeks during the single 12-month period if the leave is:

- i. Servicemember Family Leave; or
- ii. A combination of servicemember Family Leave and leave described in paragraphs (1), (2), (3), (4) or (5) of the "Reasons for Taking Leave" Section above.

FMLA leave may be taken intermittently or on a reduced leave schedule when medically necessary to care for a family member with a serious health condition or because of an employee's own serious health condition or for servicemember Family Leave; or for Qualifying Exigency Leave. If an employee requires or is permitted to take intermittent leave or leave on a reduced schedule, the employee must try to schedule his or her leave so as not to disrupt the College's operations. We may require the employee to transfer temporarily to an available alternative position (including a part-time position) for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position.

Designation of FMLA Leave

Leave taken for any purpose by an employee who is eligible for FMLA leave will be designated by the College as FMLA leave, even if the employee has not specifically requested FMLA leave. FMLA leave will run concurrently with any paid leave and will be substituted for FMLA leave, in which case the employee must abide by our policies for the taking of paid leave.

Scheduling

If an employee's need for FMLA leave is foreseeable, the employee must provide the College with at least 30 days' advance notice before the FMLA leave is to begin. If 30 days advance notice is not practicable, for example because the employee does not know when the leave will be required

to begin, or in the case of changed circumstances or a medical emergency, notice must be given as soon as practicable. It should be practicable for the employee to provide notice either the same day as the need arises or the next business day, but the determination in such cases will take into account the individual facts and circumstances of the case. Notice should be provided by the employee personally, or by the employee's spouse, an adult family member, or another responsible person, if the employee is unable to provide notice personally. Notice must be received by the Human Resources office in writing.

May need to reword this paragraph as we have had HR making decisions on intermittent leave without the supervisor's knowledge

When the need for leave is not foreseeable, the employee, or the employee's spouse, an adult family member, or another responsible person, if the employee is unable to provide notice personally, must provide notice as soon as practicable under the facts and circumstances of the particular case. In such cases, the employee should notify his or her supervisor or the Executive Director of Human Resources in writing far in advance of the anticipated leave date as practicable, normally, within two (2) business days of when the need for the leave becomes known to the employee.

The above two types of notice provisions apply in the case of a Qualified Exigency Leave and leave required to care for a covered servicemember with a serious injury or illness.

Supervisors who receive notice from an employee that he or she needs leave that may qualify as FMLA leave are expected to contact the Executive Director of Human Resources immediately, so that a determination as to the employee's FMLA eligibility and the conditions of the employee's leave may be made. Copies of all leave requests and medical certifications should be forwarded to the Executive Director of Human Resources.

When planning medical treatment for which FMLA leave will be necessary, you should consult with your supervisor and make every reasonable effort to schedule your leave so as not to disrupt the operations of the College. This ordinarily should occur prior to scheduling treatment so that a treatment schedule which best suits the needs of both you and the College may be worked out. Employees who are out on FMLA leave are expected to report periodically to their supervisor on their status and intent to return to work.

Compensation and Benefits

When an employee takes FMLA leave, he or she is required to apply any available sick leave toward that employee's FMLA absence. Any FMLA leave that is not covered by long or short-term disability or workers' compensation or any other available leave balances, will be without pay.

The College will continue providing group health insurance coverage and will continue paying its share of an employee's group health insurance premiums while the employee is out on FMLA leave (whether paid or unpaid), on the same conditions as the coverage provided by the College at the time the employee's leave begins, subject to any changes in the plan that take place during the leave. During FMLA leave, the employee is responsible for his or her share of the group health

insurance premium. This amount will be deducted from the employee's paycheck as directed by the employee during any period of paid leave, but must be paid by him or her to the College at the time it normally would be deducted from the employee's paycheck or as otherwise agreed between the employee and the College during any period of unpaid leave.

If the premium payment for the employee's share is more than 30 days late, the College may cease maintaining health insurance coverage (after providing 15 days written notice that payment has not been received), or may pay the employee's share and recover the amount paid from the employee. If the 15-day notice is provided and the employee fails to pay the employee's share of the premium prior to the specified date on which coverage will be dropped, the employee's health insurance may be terminated as of the end of the 30-day grace period. If an employee is unable to pay his or her portion of the group health insurance premium during FMLA leave, the College may in its sole discretion agree to pay the amounts owed by an employee to avoid a lapse of coverage. The employee will be required to reimburse the College for any premiums paid on his or her behalf, whether or not an acknowledgment is signed or submitted, and whether or not the employee returns to work.

Certifications

Initial Certification. At or soon after the time an employee indicates a need for FMLA leave, the College will require the employee to furnish complete and sufficient medical certification from that employee's health care provider, or the health care provider of the employee's family member, or the health care provider of the employee's covered servicemember, as applicable, by completing and submitting a Certification of Health Care Provider form provided by the College or certification in another form acceptable to the College, attesting to the nature of the serious health condition, probable length of treatment, and reasons the employee is required to care for his or her family member.

In the case of leave being taken to care for a covered servicemember, the employee must obtain complete and sufficient medical certification completed by an authorized health care provider of the covered servicemember. The following healthcare providers may complete such a certification: A United States Department of Defense ("DOD") health care provider, a United States Department of Veterans Affairs ("VA") health care provider, a DOD TRICARE network authorized private healthcare provider, or a DOD non-network TRICARE authorized healthcare provider.

In cases of an employee's own serious health condition or the serious health condition of a family member, an appropriate member of the College's Human Resources department (but not the employee's direct supervisor) may contact the health care provider for purposes of clarification and authentication of any medical certification (or recertification) after the employee who has been given reasonable opportunity to cure any deficiencies fails to do so. Failure to provide complete and sufficient medical certification may result in a delay of FMLA leave. The College reserves the right to request a second or third medical opinion at its expense. The College will reimburse the employee for reasonable out-of-pocket travel expenses incurred in connection with obtaining a second or third medical opinion. Documentation of these expenses (receipts, mileage information, etc.) should be provided to the Executive Director of Human Resources.

Recertification. The College may require an employee to provide complete and sufficient medical recertifications every thirty (30) days unless the duration of the condition is projected to be longer than 30 days, in which case recertification may be required when the minimum duration expires. The College reserves the right to request complete and sufficient recertification in less than 30 days if the employee requests an extension of leave; or if the circumstances described by the previous certification have changed significantly; or when we receive information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. In any event, the College may request complete and sufficient recertification every six (6) months.

Return to Work Certification. As a condition of returning to work after FMLA leave that was due to an employee's own serious health condition, the College will require the employee to obtain and present a complete and sufficient return to work certification from the employee's health care provider indicating that the employee is capable of returning to work and performing the essential functions of his or her position, with or without reasonable accommodation. Costs associated with any return to work certification will be at the employee's expense and the employee is not entitled to be paid for the time or travel costs spent in acquiring such certification.

Certification for Leave Due to Covered Active Duty or Call to Covered Active Duty of Covered Military Member. In the case of "qualified exigency leave" arising out of a covered active duty or call to covered active duty status of a "covered military member" defined in the Definitions Section above, an employee must supply a copy of the covered military member's covered active duty orders or other documentation issued by the military indicating that the covered military member is on covered active duty or has been called to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided once. A copy of new covered active duty orders or other documentation issued by the military shall be provided if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty of the same or a different covered military member. In every case, the employee must provide a complete and sufficient certification.

Certification for Leave Due to Other Qualifying Exigencies. For "qualifying exigency" leave defined in the Definitions Section of the Handbook other than a covered active duty or call to covered active duty status, the employee must provide the College with a complete and sufficient certification in the form of a signed written statement or description of the appropriate facts regarding the qualifying exigency for which FMLA leave is requested, supported by any available written documentation. The facts provided must be sufficient to support the requested leave. In addition to the facts and supporting documentation, a complete and sufficient certification must contain the approximate date on which the qualifying exigency has commenced or will commence and, if the leave requested is because of a qualifying exigency over a single, continuous period of time, the beginning and end dates of such absence. If the leave requested is because of a qualifying exigency which will occur on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency must be provided. If the qualifying exigency involves a meeting with a third party, the employee must include in the written statement the appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting, which the College, at its sole discretion, may choose to verify.

Premium Charges

Failure to Return from Leave (or returns, but fails to stay 30 calendar days). In the event that a faculty/staff member elects not to return to work, or returns but fails to stay at least 30 calendar days upon completion of an approved paid and/or unpaid leave of absence, CFCC may recover the cost of any payments made to maintain the employee's benefit coverage, unless the failure to return to work is due to the continuation, recurrence, or onset of a new serious health condition that would entitle the employee to leave under the FMLA or was for reasons beyond the faculty/staff member's control. Decisions to remain with a family member who no longer requires the employee's care or to remain at home following the birth or placement for adoption or foster care of a child who does not have a serious health condition will not be considered as a reason beyond the employee's control.

Job Restoration

It is expected that, following an FMLA absence, the employee will return to work. As a general rule, when an employee returns to work following FMLA leave, the employee will be restored to the same position that the employee held prior to the beginning of leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The continuation of benefits upon the employee's return from FMLA leave will be subject to any plan changes in benefits that may have taken place during the period of FMLA leave.

Questions and Employer's Response to Request for FMLA Leave

Employees are encouraged to direct any questions about their rights under FMLA to Human Resources. Upon request, a Human Resources representative will provide an employee with the publication, *Notice of Your Rights under the Family and Medical Leave Act*. An employee shall be informed of the College's decision on requested FMLA leave within five (5) business days of his or her request and submission of complete and sufficient medical certification when required under this policy.

*The Families First Coronavirus Response Act (FFCRA) provides family and medical leave for COVID-19 reasons to employees who may otherwise not be eligible for FMLA leave. Employees may be eligible for FFCRA leave until December 31, 2020. For more information, contact Human Resources.

5.11.4 Discipline Procedure

Employees may be disciplined for any of the reasons described in the College's policy on Disciplinary Actions and elsewhere in the College's Faculty and Staff Handbook. Any supervisor administering discipline other than an oral warning should consult first with the Executive Director of Human Resources.

A supervisor has the duty to review and encourage satisfactory job performance by employees in their work unit. A supervisor also has the duty to address cases of prohibited personal conduct.

Although personnel files of community college employees are generally not subject to inspection under Chapter 132 of the North Carolina General Statutes, certain personnel records (including dates and types of suspension, dismissal, or demotion for disciplinary reasons) are open to inspection under Chapter 115D, Article 2A of the North Carolina General Statutes.

Disciplinary Action for Which a Pre-Disciplinary Conference Is Held (Suspension Without Pay, Demotion, Dismissal)

Prior to any proposed disciplinary action involving suspension without pay, demotion, or dismissal, a contractual employee will be afforded the opportunity to participate in a pre-disciplinary conference, at which the employee will be provided with notice of the charges against him or her (including a description of the nature of the proposed disciplinary action, its recommended effective date, and the reason(s) for the proposed action) and an opportunity to respond to those charges. Any response by the employee to the charges will be considered by the College official(s) participating in the conference (generally, the employee's immediate supervisor) prior to deciding any disciplinary action against the employee.

Participants in the pre-disciplinary conference typically include the employee's immediate supervisor, the employee and the Executive Director of Human Resources. Other members of CFCC may be asked to participate in the pre-disciplinary conference on a case-by-case basis and at the discretion of the Executive Director of Human Resources. The pre-disciplinary conference is part of Cape Fear Community College's internal procedures to address matters involving alleged policy violations, ensure due process and evaluate disciplinary measures. No attorney shall represent either the employee or the College at a pre-disciplinary conference. Upon completion of the pre-disciplinary conference and after full consideration of the employee's response to the charges, the supervisor will decide the disciplinary action and will notify the employee in writing of the decision within 10 business days of the pre-disciplinary conference. A copy of the written decision of the disciplinary action will be placed in the employee's personnel file. Supervisors and other administrative officials who do not believe that they can render an impartial decision in connection with a pre-disciplinary conference due to their involvement in the circumstances leading to the conference are required to excuse themselves from the decision-making process.

Disciplinary Action for Which a Pre-Disciplinary Conference Is Not Held (Oral Warning, Written Warning, Disciplinary Probation, Suspension With Pay)

A pre-disciplinary conference generally will not be made available to a contractual employee prior to disciplinary action involving an oral warning, a written warning, disciplinary probation, or suspension with pay. When a disciplinary action is taken against an employee that does not require a pre-disciplinary conference, the supervisor will meet with the employee about the alleged offense(s), gather and consider the employee's response to the alleged offense(s) in advance of administering an oral warning, written warning, disciplinary probation or suspension with pay. Any written warnings, disciplinary probation, or suspension with pay decision must be documented and sent to the Executive Director of Human Resources for placement in the employee's personnel file.

Emergency Suspension Without Pay

An employee may be suspended prior to any required pre-disciplinary conference in emergency situations (for example, in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons). The supervisor and the Executive Director of Human Resources will make the determination on whether an emergency suspension without pay is necessary prior to a pre-disciplinary conference. In the event of an employee's emergency suspension, the employee shall be required to immediately leave the College premises. Scheduling of a disciplinary conference then should be initiated and a disciplinary conference held as soon thereafter as practicable (generally, within three (3) days of the suspension).

Note: The Discipline, Non-Reappointment, and Grievance Procedure is not available to probationary employees or part-time employees without benefits who are employed AT WILL.

Right to Appeal

Employees who wish to appeal any disciplinary action taken against them may have the decision reviewed under the College's Grievance Procedure below.

5.11.5 Non-Reappointment Procedure

Any contractual employee may be subject to non-reappointment following a contract period, depending upon program changes, financial exigency, reduced enrollment, and other factors deemed relevant to total institutional interests. All non-reappointment determinations will be based on the best interests of the College and shall be made in accordance with applicable law and applicable College policies. Except in the case where financial information from the State affecting a non-reappointment determination is unavailable, regular contractual employees whose contracts will not be renewed will be notified of their non-reappointment by June 1 of the fiscal year preceding the fiscal year for which they will not be reappointed. Because the need for temporary employees varies from semester to semester and temporary positions are not established in the budget as regularly recurring positions, employees in temporary positions will not be given advance notice of non-reappointment.

The decision not to reappoint a contractual employee at the conclusion of a contract period is committed, without further recourse, to the judgment of the College officials authorized to make the non-reappointment determination, based on the factors described above, and may not be appealed through the College's Grievance Procedure or otherwise. However, if for some reason the opportunity for a hearing is required by law in connection with a contractual employee's non-reappointment, any appeal will be conducted in accordance with the College's Grievance Procedure.

5.11.6 Grievance Procedure

Employees are encouraged to discuss matters pertaining to their employment initially with their immediate supervisor. The College's goal is to find solutions at the lowest possible level and to keep proceedings relating to employee grievances as informal and confidential as possible. Supervisors and employees are expected to make every effort to resolve any issues as they arise. An employee's immediate supervisor should be given the courtesy of knowing about his or her grievance and a chance to help resolve it, as the supervisor will be in the best position to handle

the employee's grievance satisfactorily. For more information on informally resolving a complaint or grievance, see "Complaint Resolution Procedure (Informal)" at the end of this policy.

Grievance Resolution Procedure (Formal)

The College recognizes that not all grievances will be settled satisfactorily between an employee and his/her supervisor, and for this reason has adopted procedures to assist in the formal resolution of grievances. STEPS 1 and 2 of the Grievance Procedure are open to all contractual College employees, except in the case of non-reappointment. STEP 3 is available to contractual employees who are appealing any disciplinary action taken against them for which a pre-disciplinary conference is required (generally, suspension without pay, demotion or dismissal). Employees are responsible for understanding the College's Discipline, Non-Reappointment and Grievance Procedure and should feel free to use the Grievance Procedure without fear of criticism or action being taken against them affecting the terms and conditions of their employment. All grievances should be given prompt and objective consideration in an atmosphere of mutual assistance.

As to those grievances that cannot be resolved informally, the following procedures are established:

STEP 1 (Supervisor)

Within five (5) work days following his or her knowledge of an event giving rise to a grievance, including the receipt of a notice of disciplinary action, an employee must present the grievance to his or her supervisor. The grievance must be in writing, must be signed and dated by the employee and must include the following:

1. A statement concerning the basis for the grievance and the issues to be resolved;
2. Information about the attempts made to solve the grievance;
3. Information about the results of those attempts;
4. The remedy or corrective action sought.

Any supervisor who receives a written grievance is responsible for making a careful inquiry into the facts and circumstances of the grievance, including any new information relating to disciplinary action taken against the employee. The supervisor should make every effort to resolve the matter promptly and fairly, generally within ten (10) work days of when the grievance is presented. The length of response time will depend in large part upon the nature and extent of the supervisor's review.

STEP 2 (Senior Level Administrator)

An employee who is dissatisfied with the decision of his or her supervisor may submit a written grievance to the Senior Level Administrator responsible for the employee's division. This must be completed within five (5) work days after the decision of the supervisor is made known to the employee. If a grievance in proper form is not submitted within the specified time period, the subject of the grievance will be considered settled on the basis of the decision made at STEP 1 of this Grievance Procedure.

The written appeal must include why there is a belief by the employee that the supervisor's decision is not valid. The Senior Level Administrator will render that decision in writing generally within ten (10) business days after receipt of the employee's written appeal.

If STEP 3 of the Grievance Resolution Procedure is not available to an employee due to the nature of the grievance, the decision of the Senior Level Administrator shall be final and the grievance procedure ends at STEP 2.

In the event the supervisor is a direct report to the President and there is no senior level administrator between the supervisor and the President, please go to STEP 3.

STEP 3 (Appeals Committee/President of the College)

If a contractual employee's grievance relates to disciplinary action taken against the employee that involves suspension without pay, demotion or dismissal, or any other disciplinary action for which a pre-disciplinary conference is required to be held, the employee may submit his or her written grievance to the President of the College and request an appeal hearing before an Appeals Committee appointed by the President. This must be completed within five (5) work days following receipt of the decision of the Senior Level Administrator responsible for the employee's division.

If a grievance in proper form and the accompanying request for an appeals hearing are not submitted within the specified time period, the subject of the grievance will be considered settled on the basis of the decision made at STEP 2 of this Grievance Procedure. If an appeal hearing following a decision at STEP 2 of this Grievance Procedure is appropriate, the President will appoint an Appeals Committee, which will have authority to conduct the appeals hearing and recommend a decision to the President. The Appeals Committee shall be comprised of five (5) College employees, selected from a pool of ten (10) College employees designated by the President. A written list of the individuals chosen as members of the pool shall be provided to the employee who has requested an appeal hearing, generally within ten (10) work days after the President's receipt of the employee's written grievance and request. The length of time for informing the employee of those College employees who have been chosen as members of the pool will depend in large part upon the ability to confirm availability of the potential pool members.

If a member of the pool chosen by the President does not believe that he or she can render an impartial decision in connection with an appeal hearing due to his or her involvement in any circumstances leading to the appeal hearing, the member must advise the President so that he or she may be removed from the pool and a substitute member may be designated. The employee who has requested the appeal hearing may object to any one (1) member of the pool, even if the member has not had or been involved in the circumstances leading to the appeals hearing, by providing the President with a written request for the member's removal from the pool within three (3) work days of receiving the list of members of the pool provided by the President. If such an objection is made, the member shall be removed from the pool and another College employee shall be designated as a substitute member.

Unless a request for postponement has been received, the appeals hearing shall be conducted within 30 days of the date on which the President communicates the final pool of College employees who may participate in the Appeals Committee. The employee who has requested the appeals hearing and the College officials who are involved shall have the right to representation, to call and cross-examine witnesses, and to present other evidence. The hearing shall be closed to the public. Any request for postponement of an appeals hearing must be submitted in writing to the President at least five (5) calendar days prior to the scheduled hearing.

Following the appeals hearing, the Appeals Committee shall meet to consider the evidence presented and, by majority vote, shall answer the issues set forth in the written grievance that is the subject of the appeal. A written report containing the Appeals Committee's recommendation(s) shall be prepared and submitted to the President, generally within ten (10) work days after the appeals hearing is completed. The length of response time will depend in large part upon the nature and extent of the Appeals Committee's deliberations. Upon receipt of the Appeals Committee's written report, the President shall review the report, shall consider the Appeals Committee's recommendation(s), and shall make a final and binding decision on the matter. The President will inform the employee in writing of this decision, generally within five (5) work days after receipt of the Appeals Committee's report. The length of response time will depend in large part upon the nature and extent of the Appeals Committee's recommendations.

The Appeals Committee's report shall be advisory in nature and shall not bind the President's decision. Failure to request review of a decision relating to disciplinary action or a grievance in accordance with the provisions of this Grievance Procedure shall be deemed to be a waiver of the opportunity to receive such review, unless the College official at the level where review is sought determines that extenuating circumstances have prevented the employee from requesting review in a timely manner, in which case the College official, in his or her sole discretion, may extend the applicable deadline for requesting review.

Other Remedies Preserved

The existence of this Discipline, Non-Reappointment, and Grievance Procedure does not preclude any individual from pursuing any other remedies available under law.

Complaint Resolution Procedure (Informal)

Complaint – A complaint is a concern related to a work-place situation or working conditions. The complaint resolution policy provides an informal mechanism for contractual employees to use for resolution of a complaint before initiating a formal CFCC grievance resolution procedure. The complaint and grievance resolution process may not be used in relation to non-reappointment. Dismissals may be addressed only through the grievance resolution procedure.

The complaint resolution mechanism does not provide contractual employees with any rights other than the right to have a complaint heard and be considered. It does not bind CFCC to any particular outcome or course of action.

Process of Complaint Resolution – There are two options available for employees who want to resolve a complaint informally. An employee may meet directly with their supervisor to resolve the concern or they may meet with Human Resources to seek assistance and support to resolve the concern as follows:

1. When possible, supervisors and employees should make every effort possible to resolve problems informally and as they arise.

Supervisors are responsible for the timely management and informal resolution of employee concerns, problems, and complaints. Supervisors should:

- Meet with the employee who has expressed concerns to discuss concerns/complaints in an effort to resolve the issues informally.
- Conduct objective, informal examinations of facts presented related to the concerns brought forward by the contractual employee before making a decision.
- Meet with the employee to discuss the results of the review conducted and the decision made.

2. Designated members of the CFCC Human Resources Department shall also serve as resources for understanding, accessing and managing and facilitating the complaint resolution process.

Any employee can bring a complaint forward to Human Resources if they are uncomfortable taking the complaint directly to their supervisor. If the complaint is against Human Resources, the President will make a determination of the appropriate source for review of the complaint. An employee who wants to make a complaint may bring an advocate with them to file the complaint. The advocate must be a regular full-time CFCC employee who is not an attorney.

The Executive Director of Human Resources and/or HR designee shall serve as an objective partner and resource to all supervisors and employees for understanding policies, accessing and facilitating the complaint & grievance resolution process.

- a) An employee (see contractual employee definition above) may register a complaint by meeting with the Executive Director of Human Resources and/or HR designee and indicating a desire to pursue a solution.
- b) After considering the nature of the complaint, the HR representative will initiate a discussion towards a resolution. Options to pursue resolution will include, but not be limited to, discussions with the employee, supervisor, informal investigation of facts, and/or use of an internal third party to help mediate between the decision maker and the complainant.
- c) If a resolution is reached, HR will document the outcome to a confidential file and will communicate the outcome to all involved parties.
- d) If the complaint is not grievable or pursued as a grievance, the process ends at this point.

If an employee is not satisfied with the complaint resolution process, the employee may appeal up through the supervisory chain using the formal Grievance Resolution Procedure as outlined in STEPS 1, 2 and 3 above

5.19 Social Media Policy

The College understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees who work for the College and other “Users” of College computer resources. A “User” is any person who has access to or uses the College’s computer resources and/or the College’s information or communication systems (“Information Systems”), including but not limited to, employees, vendors, and/or students.

The standards and guidelines listed below are not all-inclusive. This policy is not intended to preclude or dissuade employees from engaging in activities protected by state and federal law.

Guidelines – In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room, whether or not associated or affiliated with the College, as well as any other form of electronic communication.

The same principles and guidelines found in the College’s policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects students, people who work on behalf of the College, or the College’s legitimate interests may result in disciplinary action up to and including an unpaid suspension or termination.

No Expectation of Privacy – You should have no expectation of privacy when using the College’s Information Systems for social media purposes. Posting while using the College’s computer resources or devices, whether for business or non-business purposes, is not private and is subject to College policies, including monitoring of usage and blocking of certain sites. Online content written, used, received, developed or saved in College-owned or leased equipment provided to employees is the property of the College.

By accessing and using the College’s Information Systems, you expressly consent to such monitoring by the College and acknowledge that YOU HAVE NO EXPECTATION OF PRIVACY WITH RESPECT TO ANY INFORMATION ON THE INFORMATION SYSTEMS PROVIDED OR MADE AVAILABLE TO YOU BY THE COLLEGE. Your consent to such monitoring specifically includes access to personal postings or other messages made on the College’s Information Systems.

Know and Follow the Rules – Carefully read these guidelines, and ensure your postings are consistent with College policies. Inappropriate postings that may include discriminatory remarks, harassment, sexual innuendo, ethnic slurs, obscenity, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including an unpaid suspension or termination. Also, you may be liable if your posts are found to be defamatory, harassing or in violation of any other applicable law or regulation. It is your responsibility to ensure that you comply with such laws and regulations and related the College’s policies and practices.

Be Respectful – Always be fair and courteous to fellow employees, students, guests, or people who work on behalf of the College. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by approaching your supervisor than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage employees, customers, vendors, competitors, or others, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or the College policy.

Be Honest and Accurate – Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the College, fellow employees, students, vendors, people working on behalf of the College, or other educational institutions.

Post Only Appropriate and Respectful Content

- Maintain the confidentiality of private or confidential information. Do not post information that is private according to state or federal law.
- Do not create a link from your blog, website or other social networking site to the College's website without identifying yourself as an employee of the College.
- Express only your personal opinions. Never represent yourself as a spokesperson for the College. If the College is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the College, fellow employees, students, or people working on behalf of the College. If you do publish a blog or post online related to the work you do or subjects associated with the College, make it clear that you are speaking for yourself and not on behalf of the College (e.g., “The views expressed on this post are mine personally and do not necessarily reflect the views of the College as I am not authorized to reflect the views of the College.”).
- Harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between employees and students or co-workers online, even if it is done after hours, from home and on home computers.
- Use your best judgment and exercise personal responsibility. Take your responsibility as stewards of personal information to heart. Integrity, Accountability, and Respect are core

values of the College. Remember that there can be consequences to your actions in the social media world—both internally, if your comments violate the College’s policies, and with outside individuals and/or entities. If you are about to publish, respond to, or engage in something that makes you even the slightest bit uncomfortable, don’t do it.

Using Social Media at Work

- Refrain from using social media while on work time, unless it is work-related as authorized by your supervisor or consistent with the College’s policies.
- The College reserves the right at its sole discretion to restrict or block certain Internet sites.
- Do not use the College's email address to register on social networks, blogs or other online tools utilized for personal use.

Reporting – Postings are not the preferred method to report problems or to file formal complaints. Employees should make these reports to a member of management. Nevertheless, if the College is made aware of a social media posting setting forth an employee’s work-related concerns, the College will address the complaint using the above-mentioned channels. Contact Human Resources if you become aware of a posting published by an employee that is in violation of the College’s discrimination or harassment policies or any law or regulation.

Retaliation is Prohibited – The College prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including an unpaid suspension or termination.

Violation of Policy – Individuals found to be in violation of this policy or any standards or policies of the College may be subject to disciplinary action up to and including an unpaid suspension or termination. Depending on the nature of the violation, you may also be subject to civil and/or criminal penalties.

Questions – Questions about this policy should be directed to Human Resources.

Foundation Bylaws – Revision

President Morton reviewed the updated CFCC Foundation Bylaws. The updates have been approved by the Foundation Board of Directors and need approval by the Board of Trustees to complete the process.

A MOTION was made by Ms. David and seconded by Ms. Rouse to approve the CFCC Foundation Bylaws as presented. Motion carried unanimously.

Cape Fear Community College Foundation Bylaws

ARTICLE I: PRINCIPAL OFFICE AND REGISTERED AGENT

ARTICLE II: STATUS

ARTICLE III: PURPOSES

ARTICLE IV: BOARD OF DIRECTORS

ARTICLE V: OFFICERS

ARTICLE VI: FISCAL YEAR

ARTICLE VII: INDEMNIFICATION

ARTICLE VIII: LIMITATION ON ACTIVITIES

ARTICLE IX: GENERAL

ARTICLE X: AMENDMENTS TO BYLAWS

ARTICLE XI: AMENDMENTS TO ARTICLES OF INCORPORATION

ARTICLE XII: REFERENCES

ARTICLE XIII: ADOPTION

Appendix I: COMMITTEE CHARTERS

ARTICLE I: PRINCIPAL OFFICE AND REGISTERED AGENT

- A. **Principal Office.** The principal office of the Cape Fear Community College Foundation, Inc., a nonprofit corporation incorporated under the laws of the state of North Carolina (hereinafter the "Foundation"), shall be located at 411 North Front Street, Wilmington, New Hanover County, North Carolina.
- B. **Registered Agent.** The Foundation will have and continuously maintain a registered agent in the state of North Carolina and the Foundation Board shall appoint and continuously maintain in service a registered agent.

ARTICLE II: STATUS

The corporation is organized pursuant to Chapter 55A of the North Carolina General Statutes and has qualified as a Section 501 (c) (3) Public Charity corporation under the provisions of the Internal Revenue Code of the United States of America, and no provisions of these bylaws shall act to eliminate to chance said status without an affirmative vote of the Board of Trustees.

ARTICLE III: PURPOSES

The purposes of the Foundation, as stated in the Articles of Incorporation and subject to the limitations of Article IX, hereof, include:

a. *To engage in fundraising activities and to accept gifts and contributions in any form and of any property, including without limitation, both real and personal property, to be used for the purposes of the Foundation set forth above; and, sources for furtherance of the purposes of the Foundation; and,*

b. *To apply for and secure financial grants from public and private sources for furtherance of the purposes of the Foundation;*

c. *To make distributions in any form and of any property, including without limitation, both real and personal property, for the purposes of the Foundation; and,*

d. *To undertake any activity whatsoever that is in furtherance, directly or indirectly, of the purposes of the Foundation and,*

e. *To exercise any and all powers that may be conferred upon nonprofit corporations under Chapter 55A of the North Carolina General Statutes or any corresponding provisions of any future North Carolina Statutes in furtherance of the purposes of the Foundation;*

ARTICLE IV: BOARD OF DIRECTORS

A. General Powers. The business and affairs of the Foundation shall be managed by its Foundation Board. The directors shall in all cases act as a Board, and they may adopt such rules and regulations for the conduct of their meetings and management of the Foundation as they may deem proper, not inconsistent with these bylaws and the laws of the state of North Carolina.

B. Number, Tenure, Election of Directors. The number of directors shall be set by the Board of Directors, not to exceed twenty-seven, inclusive of the President of the College and the Chair of the Board of Trustees (or their designee). Directors shall be elected by the Board of Directors upon a majority vote of those present in sufficient numbers to constitute a quorum. Directors shall be elected at the annual meeting for term of three years. Directors can be elected by majority vote to fill vacancies for the remainder of the unexpired term. Terms of directors shall be staggered for rotation, with one-third of the directors' subject to appointment or reappointment annually, or as close to one-third as is feasible.

Directors may serve up to two consecutive three-year terms. A break in service of one year is required before a Director may return to the Foundation Board after filling two consecutive terms.

C. Ex Officio Directors.

1. Voting:

In addition to the elected members of the Foundation Board, but inclusive to the total voting membership, the following persons shall be *ex officio* voting members of the Board: the Chair of the Board of Trustees (or his/her designee) and the President of Cape Fear Community College.

2. Non-voting:

The Vice President of Advancement and the Arts and the CFCC Chief Financial Officer (serving as Foundation Treasurer) shall be non-voting *ex officio* members of the Foundation Board.

Additional non-voting *ex officio* members may be elected by the Board at any time and will not be considered in the total number of Directors [see section B]. These may include without limitation:

- [1] A representative of the Alumni
- [2] A representative of the CFCC faculty
- [3] A representative of the Student Body
- [4] Emeritus Foundation Directors

The CFCC Foundation Board may honor outgoing or former Foundation Board Directors who have contributed significant ways to the growth and development of CFCC Foundation by granting them Emeritus status. This section authorizes the granting of non-voting Emeritus status under the following conditions:

i. The Board of Directors may confer lifetime Emeritus status on an individual that has served 10 or more years of service, and has a history of annual personal giving and substantial leadership on the Foundation Board that is significantly beyond the norm. Emeritus members shall be entitled to attend any meeting of the CFCC Foundation.

ii. Nomination for Emeritus status shall be initiated by the CFCC Executive Committee at the annual meeting, with a presentation of the name and qualifications of the candidate for Emeritus status to the CFCC Foundation Board for subsequent election by a unanimous vote of the members in attendance at the annual meeting, so long as a quorum is present.

iii. There shall be no more than one nomination for Emeritus status during any fiscal year, and no more than three Emeriti shall serve on the Board at any one time. The number of Emeriti Directors shall not be included in the total number of Foundation Board members.

D. Regular Meetings. A regular meeting of the Foundation Board shall be held once each quarter at a date, place, and time to be determined. Notice of said regular meeting shall be sent to the members of the Foundation Board at least two weeks prior to the date of the meeting.

The Vice President of Advancement and the Arts and the Executive Committee, in consultation with the President, shall plan the meeting agenda. The Chair may receive agenda items from the Executive Committee, Foundation Board, the President and other interested parties until two weeks prior to the meeting date. Meeting materials will be distributed one week prior to the meeting and will provide Foundation Board with information in advance about all items to be discussed and/or acted upon at the meeting, to the extent possible.

E. Special Meetings. Special meetings of the Foundation may be called by, or at the request of, the Chair of the Foundation, the President, the Vice President of Advancement and the Arts, the Chair of the Board of Trustees or any three Directors. The person authorized to notify the Foundation Board of the meetings shall fix the place and time for holding any special meetings of the Foundation. Notice of a special meeting shall be sent to the Foundation Board at least 48 hours prior to the date of the meeting, whenever possible. The business to be transacted at any special meeting of the Board shall be confined to such matters as have been specified in the notice to members and officers of the Board.

F. Annual Meeting. Annual Meeting. The first regular board meeting held in a new fiscal year shall be the annual meeting at which time officers shall be elected.

G. Attendance. Following two consecutive absences by a director, the Chair shall contact that director to determine his intention of attending future meetings or resigning and the director shall be sent a letter advising possible removal from the Board in the event of a third consecutive absence. The Foundation Board may remove a Foundation Director upon three consecutive absences. Notice of such removal shall be given to the Foundation Director upon removal.

H. Quorum. A majority of the number of voting directors or members fixed in accordance with these Bylaws shall constitute a quorum for the transaction of business at any meeting of the Foundation Board of any Committee of the Foundation Board.

If a quorum is not present, the presiding officer of the Foundation Board or Committee may call for a vote on a motion from the members who are not present. This vote may be conducted by electronic means or by telephone. If the procedures outlined in the Voting section below are followed, these votes will be added to the votes of the members present at the meeting to determine if the motion passes.

I. Voting. A majority of the number of directors fixed in accordance with these Bylaws shall constitute a quorum for the transaction of any business at any meeting of the Foundation Board. If a more stringent vote is required, it will be outlined in these Bylaws. In the case of a tie vote, the Chair will break the tie with his/her vote.

Directors may participate in regular and special meetings and vote by telephone/Skype or other simultaneous means when unusual circumstances require. Directors may "attend" a Foundation Board meeting by telephone via conference call; their participation and votes must be evident to the remaining members at the time of the discussion and vote, and will be reflected in the meeting minutes. Electronic participation and voting may be allowed, so long as this participation is evident to the remaining members at the time of the discussion and vote, is reflected in an approved communication modality, and recorded in the minutes where votes are taken.

J. Manner of Acting. The act of the majority of the Foundation Directors present at a meeting at which a quorum is present shall be the act of the Foundation Board.

Informal Action by Directors: Action taken by a majority of the directors without a meeting is nevertheless Foundation Board action if written consent to the action in question is signed by all the directors and filed with the minutes of the proceedings of the Foundation Board, whether done before or after the action is taken.

Meeting by Telephone: Any one or more directors may participate in any meeting of the Foundation Board by means of a conference telephone or similar communications device which allows all persons participating in the meeting to hear each other, and such participation in the meeting shall be deemed presence in person at such meeting.

K. Removal of Directors. Any director may be removed by a 2/3 vote of the remaining active membership of the Foundation Board of Directors. The Chair will notify the member in advance of plans to vote on their removal, and follow up with a notice of their removal in writing after the Foundation has voted.

L. Resignation. A director may resign at any time by giving written notice to the Foundation, the Chair or Secretary of the Foundation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Foundation and the acceptance of the resignation shall not be necessary to make it effective.

M. Compensation. No compensation shall be paid to any elected member of the Foundation Board of Directors.

N. Presumption of Assent. A director of the Foundation who is present at a meeting of directors at which action on any corporate matter is taken shall be presumed to have assented to the action unless his/her dissent shall be entered in the minutes of the meeting.

O. Types of Committees and Methods of Appointments

The Board may establish such standing committees and such ad hoc committees as it deems necessary. The Chairman shall appoint the members of all committees, and membership shall be continuous at the discretion of the Chairman.

P. Limitation of Authority of Committees

In the event the Board, in regular or special meeting, authorizes a committee to act on a specific matter referred to it, the chairman of the committee shall report within an allotted time to the Board as to the action taken. The action of the Committee shall be final.

Q. Standing Committees. Standing Committees shall include the Executive Committee, Investment Committee, and the Major Events Committee. The Chair of the Board shall serve as an *ex officio* voting member of all Committees.

(A) The Executive Committee shall consist of four (4) members, i.e., the Board Chair, the Vice Chair and two additional members to be appointed by the Chair. The Executive Committee shall be named at the Annual Meeting.

The Executive Committee, during the intervals between the meetings of the Board, shall have and exercise all powers, privileges and prerogatives of the Board except those expressly reserved therein to be exercised by the Board in a regular or special meeting.

The Chair of the Executive Committee may call meetings of the Committee at any time.

All action of the Executive Committee made in accordance with these bylaws, shall be presented to the Board at its next meeting for final action by the full Board.

R. Committee Meetings

Meetings of Committees may be called by the Chairperson of the Committee, or by the Board Chair, by giving written or oral notice of the meeting at least three (3) days before the meeting, specifying the time, place and agenda of the meeting.

Any member of the Committee may waive notice of any meeting. Attendance by a member of the Committee at a meeting shall constitute a waiver of notice of the meeting, except where the member attends a meeting for the express purpose of

objecting to the transaction of any business because the meeting was not lawfully called or convened.

A majority of the voting members of a Committee shall constitute a quorum for the transaction of business at any meeting of the Committee. The act of a majority of the voting members present at a meeting at which a quorum is present shall be the act of the Committee. Action taken by the required majority of the voting members without a meeting is nevertheless Committee action if written consent to the action in question is signed by all of the voting members of the Committee and filed with the minutes of the proceedings of the Committee, whether done before or after the action so taken.

Any one or more members may participate in a meeting of the Committee by means of a conference telephone or similar communications device which allows all persons participating in the meeting to hear each other; such participation in a meeting shall be deemed presence in person at such meeting.

The Chairperson of the Committee shall appoint a Secretary to take minutes of the proceedings of the Committee.

S. Executive Committee. The Executive Committee, to the extent authorized by law, shall have and may exercise all of the authority of the Foundation Board, except that the Executive Committee shall not have authority to: (1) approve or propose to directors any action that is required to be approved by directors under North Carolina Nonprofit Foundation Act or any successor to such statutes; (2) amend the Foundation's Article of Incorporation; (3) adopt, amend or repeal the Foundation Bylaws; or (4) approve any plan of merger that does not require director approval.

Any resolutions adopted or other action taken by the Executive Committee within the scope of the authority delegated to it by the Board shall be deemed for all purposes to be adopted or taken by the Board. The designation of the Executive Committee and the delegation thereto of authority shall not operate to relieve the Board, or any member thereof, of any responsibility or liability imposed upon it or them by law.

Regular meetings of the Executive Committee may be held without notice at such time and place as the Executive Committee may fix from time to time.

Special meetings of the Executive Committee may be called by any member thereof upon not less than one day's notice stating the place, date and hour of such meeting, which notice may be by mail, by electronic mail or by telephone, and if mailed, shall be deemed to be delivered when deposited in the United States mail addressed to any member of the Executive Committee. Any member of the Executive Committee may, in a signed writing, waive notice of any meeting, and no notice of any meeting need be given to any member thereof who attends in person. The notice of a meeting of any committee need not state the business proposed to be transacted at the meeting.

A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business at any meeting thereof and actions of such committee must be authorized by the affirmative vote of a majority of the members of the Executive Committee then in office, unless otherwise stated in these Bylaws.

Any voting member of the Executive Committee may be removed from the committee at any time with or without cause by an affirmative vote of a majority of the Foundation directors then in office. Vacancies in the membership of the committee resulting from death, resignation, disqualification, or removal shall be filled by the Executive Committee.

T. *Ad Hoc* Committees. The Foundation may also convene *ad hoc* committees to address issues that are not ongoing [example: To study a specific proposal or opportunity, manage a real estate transaction, manage a fundraising campaign, etc.]. The Board Chair shall appoint the members of and serve as an *ex officio* voting member of all *ad hoc* committees. The *ad hoc* committee shall be identified in the minutes of the meeting where it is approved by the Board, citing the purpose, goals, membership and approximate duration of the committee; *ad hoc* committees may include members who are not members of the Foundation, so long as they constitute a minority of the committee membership.

U. Board Member Responsibilities

Service

- To serve a minimum of one full term for three years.
- To serve as community ambassador for CFCC students.
- To be objective when evaluating the programs and policies of the Foundation.
- To ensure that all legal, regulatory and ethical requirements are fulfilled.
- Participate as needed in decisions that relate to financial issues including those relating to investments, property and trusts.
- Work collaboratively with the President's office and Foundation staff to meet goals of the Foundation.
- Further the mission and goals of the Foundation.
- To use knowledge, understanding and personal networks to spread the word about the Foundation.

Expectations

- To attend quarterly board meetings and committee meetings to which one is appointed and help form and meet the goals of that committee.
- Meet the annual giving goal of 100% participation of the Board in an annual personal gift to the College to the extent of his/her ability.
- Responsible for securing at least one sponsorship at a major Foundation fundraiser.
- Become educated on planned giving and able to discuss with a prospect.
- Attend fundraising events.
- Host or sponsor a cultivation event for prospective donors.
- Identify, cultivate and steward donors and prospects for long-term involvement in the College.
- Bring potential donors on campus for events, tours, lunches, etc.
- Recommend others who can serve on the board and/or committees.
- Thank donors of the Foundation for their generosity.

ARTICLE V:

Officers and Their Duties

A. Officers. The officers of the Foundation shall be the Chair, Vice Chair, Treasurer, Secretary of the Foundation.

B. Officer Election and Term of Office. The Chair and Vice Chair shall be elected at the annual meeting from among the volunteer membership of the Foundation Board, based on the slate of officers presented by the Executive Committee, and shall serve for one year or until a successor shall be duly elected. The Chair and Vice Chair may serve up to two consecutive one-year terms. After two consecutive one-year terms are served, a break of one year is required before a Director may return to an officer position on the Foundation Board.

The Vice President of Advancement and the Arts shall be an employee of Cape Fear Community College who has been named Vice President of Advancement and the Arts by the President of the College, approved by the Board of Trustees, and presented to a meeting of the Board of Directors after his or her appointment.

The Treasurer of the Foundation shall be an employee of Cape Fear Community College who has been named Chief Financial Officer by the President of the College. The term of office for the Treasurer shall continue throughout the individual's term of employment in that position.

The Secretary of the Foundation Board shall be an employee of Cape Fear Community College who has been named Vice President of Advancement and the Arts. The term of office for the Treasurer shall continue throughout the individual's term of employment in that position.

C. Chair. The Foundation Board Chair shall appoint the chairs and members of and serve as an *ex officio* voting member of all committees of the Board, preside at all meetings of the Board, call meetings of the Board, and discharge all other functions delegated by the Board.

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

E. Secretary of the Foundation: The Secretary shall:

- a) Notify all members of the time and place of Foundation Board meetings.
- b) Shall present on any matters desired.
- c) Keep an accurate record of the proceedings of the Foundation Board.
- d) Have custody of all official records and documents of the Foundation Board.
- e) Prepare and maintain all bylaws and amendments thereto as well as a copy of all policies and procedures of the Foundation Board.
- f) The Secretary, with the Chairman of the Foundation Board, as necessary shall execute all exterior documents on authority of and in the name of the CFCC Foundation Board.
- g) The Secretary will ensure donor intent is honored and documented.

G. Recording Secretary: The Foundation Board may appoint a Recording Secretary, for a period of one year, who will be eligible for reappointment.

H. Treasurer of the Foundation: The Treasurer shall have custody of all money and securities of the Foundation and shall keep adequate and correct books and accounts of the Foundation's properties and transactions. In addition, the Treasurer shall:

- a. Have oversight responsibility for all funds and securities of the Foundation, the receipt and recording of contributions and monies due and payable to the Foundation from any sources whatsoever, and the depositing of all such monies in the name of the Foundation in such depositories as shall be selected by the Foundation Board;
- b. Prepare, or cause to be prepared, a true statement of the Foundation's assets and liabilities as of the close of each fiscal year, all in

reasonable detail, which statement shall be made and filed at the Foundation's registered office or principal place of business in the State of North Carolina;

c. Prepare, or cause to be prepared, a proposed budget for the Foundation's activities for the following fiscal year, all in reasonable detail, which statement shall be presented to the Foundation Board at its respective annual meetings; and

d. In general, perform all of the duties as from time to time may be assigned to him/her by the Chair or by the Board, or by these bylaws.

e. The President and Foundation Treasurer/Chief Fiscal Officer of the College, or his/her designee, will co-sign all checks issued by the Foundation.

I. Officer Compensation. No elected officer or elected member of the Foundation shall receive any salary from the Foundation. The Vice President of Advancement and the Arts/Secretary and Treasurer of the Foundation, who serve as *ex officio* officers of the Foundation, are paid by the College.

J. Removal of Officers. Any officer elected or appointed by the Foundation Board may be removed upon a three-fourths vote of the Board of Directors active membership. The Chair will notify the officer in advance of plans to vote on their removal, and follow up with a notice of their removal in writing after the Foundation has voted. If the officer to be removed is the Chair, the Vice Chair will undertake this responsibility.

K. Officer Vacancies. A vacancy in any elected office because of death, resignation, removal, disqualification or otherwise, may be filled by the directors for the unexpired portion of the term. Subject to the provisions of the Vice Chair section of Article V, the Executive Committee may recommend, and the Foundation Board may appoint, a replacement officer for the remainder of the vacating officer's term.

ARTICLE VI: FISCAL YEAR

The fiscal year of the Foundation shall begin the first day of July in each year.

ARTICLE VII: INDEMNIFICATION

A. The Foundation indemnifies each member of its Board of Directors, as described in Article IV hereof, and each of its officers, as described in Article V hereof, for the defense of civil or criminal actions or proceedings as hereinafter provided and, notwithstanding any provision in these Bylaws, in a manner and to the extent permitted by applicable law.

B. The Foundation indemnification of each of its directors and officers, as aforesaid, from and against any and all judgments, fines, amounts paid in settlement, and reasonable expenses, including attorneys' fees, actually and necessarily incurred or imposed as a result of such action or proceeding, or any appeal therein, imposed upon or asserted against him or her by reason of being or having been such a director or officer and acting within the scope of his or her official duties, but only when the determination shall have been made judicially that he/she acted in good faith for a purpose which he/she reasonably believed to be in the best interests of the Foundation and, in the case of a criminal action or proceeding, in addition, had no reasonable cause to believe that his/her conduct was unlawful. All determination in the foregoing by the Board of Directors shall rely on the advice of independent legal counsel on questions involved.

C. Every reference herein to a member of the Board of Directors or officer of the Foundation shall include every director and officer thereof or former director and officer thereof. This indemnification shall apply to all the judgments, fines, amounts in settlement, and reasonable expenses described above whenever arising, allowable as above-stated. The right of indemnification herein provided shall be in addition to any and all rights to which any director or officer of the Foundation might otherwise be entitled and the provisions hereof shall neither impair nor adversely affect such rights.

ARTICLE VIII: LIMITATION ON ACTIVITIES

The Foundation is organized and operated exclusively for charitable, educational and scientific purposes within the meaning of sections 170 (c) (2) (B), 501 (c) (3), 2055 (A) (2), and 2522 (A) (2) of the Internal Revenue Code. No substantial part of the activities of the Foundation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Foundation shall be empowered to make the election authorized under section 501 (h) of the Internal Revenue Code. The Foundation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision herein, the Foundation shall not carry on any activities not permitted to be carried on by any organization - -

- (a) Exempt from federal income taxation under section 501 (a) of the Internal Revenue Code as an organization described in section 501 (c) (3) of such Code.
- (b) Described in section 501 (a) (1), (2), or (3) of the Internal Revenue Code (as the case may be), and/or

- (c) Contributions to which are deductible under sections 170 (c) (2), or 2055 (a) (2), or 2522 (a) (2) of the Internal Revenue Code.

ARTICLE IX: GENERAL

A. **Rules for Meetings.** All meetings of the Board shall be conducted pursuant to the provisions of ROBERT'S RULES OF ORDER, REVISED, unless stated otherwise in these bylaws.

B. **Contracts.** The Board of Directors may authorize the Vice President of Advancement and the Arts and the Foundation Treasurer to enter into a contract or execute and deliver an instrument on behalf of the Foundation. Such authority will be identified in the minutes of the meeting in which this authority is extended. All contracts require the approval of the College's CFO and President.

C. **Donations.** Any person or agent making gifts to Cape Fear Community College Foundation, Inc., may designate the purpose for which the gift shall be administered and distributed. These shall be known as Designated/Restricted Gifts. The College may accept or reject the object or condition as offered. All gifts made without condition shall be added to and merged with other undesignated/unrestricted gifts. The College may reject any gift which it deems not to be in the best interest of the Foundation.

D. **Annual Appointment of Outside Auditor.** An outside auditor shall be appointed annually, based on a recommendation from the Finance & Investment Committee. That auditor shall perform an annual audit of financial operations and make a report to the Foundation Board of Directors at the conclusion of the audit.

E. **Waiver of Notice.** Whenever any notice is required to be given to any director by law, by the Articles of Incorporation or by these bylaws, a waiver of the notice in writing signed by the person or persons entitled to such notice, whether before or after the time stated in the notice, shall be equivalent to the giving of the notice.

F. **Gender.** In interpreting these bylaws, all nouns or pronouns shall be deemed to refer equally to all genders.

ARTICLE X: AMENDMENTS TO BYLAWS

These Bylaws may be amended by an affirmative vote of three-fourths of the Board of Directors voting membership, and approved by the CFCC Board of Trustees.

A copy of exact wording of an amendment to be considered at a meeting shall be distributed to each member of the Board one week prior to the date of the meeting. An amendment so made shall be effective immediately after adoption unless an effective date is specifically adopted at the time the amendment is enacted.

ARTICLE XI: AMENDMENTS TO ARTICLES OF INCORPORATION

The articles of incorporation of the Foundation may be amended by an affirmative vote of three-fourths of the Board of Directors active membership.

ARTICLE XII: REFERENCES

References herein to sections of the Internal Revenue Code are provisions of such Code as those provisions are now enacted, as of 1954 and subsequent amendments, or to corresponding provisions of any future United States internal revenue law.

(Bylaws were originally signed by the Foundation Chair and Executive Director on May 23, 1996.)

Amended 06/2005

Amended 10/16/2014

Amended 04/17/2014

Amended 08/13/2015

Amended 07/21/2016

ARTICLE XIII: ADOPTION

These Amended and Restated Bylaws of the Cape Fear Community College Foundation, Incorporated are adopted this the 21 day of July, 2016, by action of the Board of Directors of the Cape Fear Community College Foundation, Incorporated.

Secretary, CFCC Foundation Board

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Appendix I: COMMITTEE CHARTERS

- Executive Committee
- Finance and Investment Committee
- Grants and Scholarships Committee

SGA REPORT – No Report

FACULTY ASSOCIATION REPORT

Mr. Brandon reviewed the following report.

The Faculty Association conducted a survey of all faculty concerning a mandatory face covering policy at CFCC and other related issues. This survey was conducted from June 21st to June 28th. Over 200 faculty members, full-time and part-time, participated in the survey. Roughly 75% of those who responded to the survey were in favor of a mandatory face covering policy at CFCC. The CDC considers cloth face coverings to be one of the most powerful weapons we currently have to reduce the spread of COVID-19. Further research suggests that clear, mandatory policies that are strictly enforced are the most effective way to ensure compliance and keep our students, faculty, and staff safe.

On July 14th, the Faculty Association created a discussion board for CFCC faculty members to discuss the Fall 2020 Instructional Plan and COVID-19 policies. These discussions revealed a common view that strict and consistent enforcement of COVID-19 policies, especially regarding student compliance, is essential for these policies to be effective.

The Faculty Association officers requested a meeting with the college's Executive Team to discuss the Fall 2020 Instructional Plan and related COVID-19 policies. This meeting is scheduled for Wednesday, July 29. Minutes of the meeting will be available to faculty members after the conclusion of the meeting.

FOUNDATION REPORT

Mr. Fernando reviewed the following report.

- Total Grants awarded FYE 2020: \$1,243,726.43
- Total Summer and Fall 2020 Scholarships were awarded to 423 students, totaling \$332,900.00; The next Scholarship Cycle opens on October 1, 2020.
- Since the June 27, 2020 Drive-In Concert supporting the fundraising for the Gift of Education over \$160,000.00 in cash donations have been received. Donations continue to come in, as well as a good number of pledges.

- The Foundation is in the process of developing a comprehensive alumni relations program. Staff is actively researching other alumni programs around the country. There will be a focus on affinity groups, i.e. nursing, truck driving, cosmetology.
- The Foundation is exploring opportunities for donor touches throughout the year, specifically with donors with certain areas of interest. Moving forward, Gift of Education may be a smaller event as the Foundation begins to create new donor events, posturing for deeper relationship building and donor advocacy for the college and its programs.
- A grant writer currently focusing on grants for the Wilson Center will begin to support overall grant writing for the college. A web portal has been created for program directors to submit grant opportunities.
- Annual employee/staff appeal – Campus Fund Drive planning is underway. The theme will be “Stronger Together” with a deeper focus on staff team captains who will be partnering with Foundation staff in engaging their areas of CFCC.

Foundation Board

- The Foundation Board met on July 16, 2020 at 12:00pm (in-person at Union Station and virtually)
- Mr. Mark Tyler, Chair and Mr. Charles Boney terms have ended on the Foundation Board. We thank them for their service to CFCC.
- The following board members’ terms were renewed for an additional three-year term: Ms. Holly Grange, Ms. Betty Lanier, Mr. Bob Loweth, Mr. Justin Luquire, Ms. Linda Wilson, Ms. Rose Zimmer
- Please welcome Mr. Kyle Bullock (CFCC Alumnus), Mr. Christopher Dunn, Mr. Jack Fuller, and Ms. Margaret Stargell who were appointed to Foundation Board on July 16, 2020.
- Ms. Shanda Bordeaux was appointed to Chair and Mr. Mat White was appointed to Vice Chair of the Foundation Board.
- The Finance Committee reported that the Wells Fargo report states close to even numbers as the beginning of the year despite the market hitting a bottom on March 23rd. The Fundraising Report shows the Foundation under the goal for the fiscal year, reaching 70% of the total goal.
- The Foundation Board updated its current bylaws, including:
 - The name of Foundation Council shifts Executive Committee

- Board terms will now begin at the start of the new fiscal year (July 1). Any member voted in to fulfill the unexpired term of a resigned board member will fulfill the length of the original term and renewal for a second term will begin at the start of the new fiscal year.
- The term for the Chair of the CFCC Foundation Board of Directors will last one year. A member may serve no more than two consecutive years as Chair.
- The title of Executive Director converts Vice President of Advancement and the Arts, due to title changes in the college.

Mr. Shell inquired how CFCC falls within the 58 community colleges. Mr. Fernando will pull data and get the information back to the Trustees.

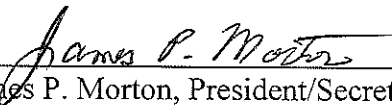
Mr. Burney stated that he is extremely impressed with the concert efforts.

ANNOUNCEMENTS

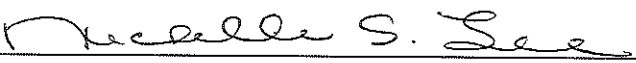
Ms. Kusek will be working with committee assignments and will try to spend time with each trustee.

DATE OF NEXT MEETING – SEPTEMBER 24, 2020

Meeting Adjourned at 5:52 pm



James P. Morton, President/Secretary



Michelle S. Lee, Recording Secretary