

MINUTES
CAPE FEAR COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOVEMBER 18, 2020
5:00 PM

Following proper public notifications on November 13, 2020, and a determination that a quorum was present, the Cape Fear Community College Board of Trustees met in regular session on Wednesday, November 18, 2020, at 4:00 pm in the boardroom, Union Station Building. Ms. Patricia Kusek, Chair, presided.

Trustees present were: Ms. Patricia Kusek, Chair; Mr. Jonathan Barfield; Mr. Louis A. Burney, Jr.; Mr. William Cherry; Mr. Robby Collins; Ms. Ann David; Mr. Jason McLeod; Ms. Mary Lyons Rouse; Ms. Paula Sewell; Mr. Bruce Shell and Ms. PJ Eby, SGA President. Trustees not present: Mr. A.D. "Zander" Guy; Mr. Jimmy Hopkins and 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; Ms. Kathy Turner, Executive Director Human Resources; Dr. Eric Brandon, Faculty Association President; Mr. Shane Fernando, Vice President of Advancement and the Arts; Ms. Lindsay Wright, Administrative Assistant CFCC Foundation; Ms. Logan Thompson, Director of Philanthropy CFCC Foundation; Mr. Robert Carter, Manager Technical Support IT; Mr. Antonio Arteaga-Paredes, Sr. Media Technician; Ms. Lynn Criswell, Dean, General Education and Sciences; Ms. Tammy Harrell, Assistant Director, Marketing & Communications; Ms. Chardon Murray, Instructor, Sociology; Mr. Brandon Guthrie, Dean Arts and Humanities; Mr. John Downing, Dean Continuing Education and other employees (see below).

Others present were: Mr. Will Oden, Attorney Ward & Smith

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

CONFLICT OF INTEREST

Ms. Kusek 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.

MINUTES

A MOTION was made by Mr. Burney and seconded by Mr. Cherry to approve the September 24, 2020, minutes as presented. Motion carried unanimously.

RECOGNITIONS AND INTRODUCTIONS

NEW HIRES

Ms. Turner introduced the following new employees in attendance.

Full Name	Job Title	Hire Date
Kenneth Gilliard Jr	NC Works Career Coach	9/28/2020
Anna True	Printing Services Specialist	10/5/2020
Michael Ammons	Director, Con Ed - Academic & Career Readiness	10/26/2020
Cheryl Trick	Accounting Technician	11/2/2020
Cobb, Michael	Director, Institutional Effectiveness & Research	11/9/2020

CHAIR'S REPORT

Ms. Kusek presented the following report.

The list of scheduled upcoming training sessions is listed at <http://www.ethicscommission.nc.gov/eduschedule.htm>. According to CFCC's records, several trustees need to complete this training.

Holiday Party

The annual CFCC Holiday Party will not be held this year due to COVID-19.

Trustee Dinner

The annual Trustee Dinner is not being held this year due to COVID-19 and social distancing.

Foundation

Please remember the CFCC Foundation when making holiday donations.

PRESIDENT'S REPORT

President Morton presented the following report.

Virtual Art Show

The first virtual Faculty Art Show was presented and highlights the talent of CFCC's visual arts faculty. Participating faculty members included: Ben Billingsley, Geoff Calabrese, Rick Conn, Jessica Gaffney, Kirsten Koromilas, Jennifer Mace, Victoria Paige, Abby Spangel Perry, Deborah Quinn, Sharon Wozniak Spencer, Kirah Van Sickle, Amber Watts, and Travis Weller.

Veteran's Day

A virtual Veteran's Day event was held on November 11, 2020 to honor our veterans for their service.

Presidents and Superintendents Conference

A virtual conference was held state-wide with Community College Presidents and Superintendents. Items discussed included virtual learning and collaboration between school systems and community colleges.

EdNC

EdNC was scheduled to visit our campus on November 19, 2020. This was cancelled and will be rescheduled for January 2021.

Small Business Center

The center has now received four additional allotments over the initial award of funding totaling \$189,000 and have already expended \$165,693 to support small business in their challenges associated with COVID-19. These additional allotments were remaining funds not utilized by other colleges.

Detention Law Institute

October 23, 2020, we graduated the first class of our new specialized CFCC's Detention Law Institute course which consists of 40 hours of instruction focused on detention related case law, policy development, and search warrant preparation.

Pollinator Garden

CFCC landscape gardening and horticulture science program recently installed a pollinator garden for an after-school program at Maides Park. The pollinator garden will be used as an educational resource for the park's after-school program.

State Student Survey

CFCC is participating in a **state-wide media preference survey** that will give us more insight into the media our students and students across the state consume most and make more strategic ad placements. CFCC has had great participation in the survey, with more than **650** surveys completed.

Supportive Outreach for End of Semester to Students

The College continues to reach out to our students to encourage them to finish the semester. Online and in-person resources are available to help students that may need additional support.

Rebranding Continuing Education

Continuing Education will be rebranded to Economic and Workforce Development.

Pender County Student Outreach

The College is hosting a College Information Night at Pender High School on November 18. In addition, Virtual Enrollment Events will be held on November 18th and December 15. These are in addition to our information sessions.

Marketing Update

President Morton showed a slide regarding the following social media marketing campaigns.

- CFCC Tik Tok followers continue to grow surpassing 10,400 with over 429,000 likes in just over 3 months. Linking the Tik Tok videos to Instagram has elevated followers on this platform and we continue to see a rise in views on our website after releasing each new video.
- To recognize the expertise of our faculty, CFCC is expanding our online directory to include photos and bios for our instructors. This is a great way for prospective students to learn more about their instructors.
- The Health Science Enrollment Center and the Marketing Team are collaborating to help health science students understand their options at CFCC. In the past, some students have waited to get into our nursing programs unsuccessfully. Our goal is to provide options for health science students so that they may explore more health career options and stay enrolled at CFCC.
- We are hosting Sea Devils LIVE admission events - virtual information sessions that provide a brief overview of CFCC programs and help students get enrolled. Individual programs are signing up to host these events on Blackboard.

Continuing Education Accountability Plan

A MOTION was made by Mr. Cherry and seconded by Ms. David to approve the Continuing Education and Basic Skills Accountability and Credibility Plan class visits for Spring 2020. Motion passed unanimously.

Continuing Education and Basic Skills Accountability and Credibility Plan

In accordance with Cape Fear Community College’s Continuing Education and Basic Skills Accountability and Credibility Plan, fifty (50) percent of all off campus and distance education classes which meet more than 12 hours (excluding self-supporting and community service classes) will be visited by the instructor’s supervisor or a designated representative approved in writing by the senior continuing education administrator each semester. Twenty-five (25) percent of all on-campus classes meeting the above criteria will also be visited and documented each semester. In addition, the senior continuing education administrator will visit a ten (10) percent sample of randomly selected off-campus and distance education classes.

Find listed below the semester summary from Spring 2020 class visits made to classes under the responsibility of the Dean of Continuing Education:

Plan Criteria	Classes Offered	Classes Visited by Sr. Administrator	Plan Requirement	Criteria Met
Classes meeting off campus/distance education	171	57 (33%)	10%	Yes

Plan Criteria	Classes Offered	Classes Visited by Supervisor	Plan Requirement	Criteria Met
Classes meeting on campus	214	76 (36%)	25%	Yes

Plan Criteria	Classes Offered	Classes Visited by Supervisor	Plan Requirement	Criteria Met
Classes meeting off campus/distance education	171	130 (76%)	50%	Yes

Continuing Education and Basic Skills Accountability and Credibility Plan

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Find listed below the semester summary from Summer 2020 class visits made to classes under the responsibility of the Dean of Continuing Education:

Plan Criteria	Classes Offered	Classes Visited by Sr. Administrator	Plan Requirement	Criteria Met
Classes meeting off campus/distance education	170	30 (18%)	10%	Yes

Plan Criteria	Classes Offered	Classes Visited by Supervisor	Plan Requirement	Criteria Met
Classes meeting on campus	52	51 (98%)	25%	Yes

Plan Criteria	Classes Offered	Classes Visited by Supervisor	Plan Requirement	Criteria Met
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Classes meeting off campus/distance education	170	160 (94%)	50%	Yes
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Foundation Audit

The annual Foundation Audit was completed with no findings.

FACILITIES & EQUIPMENT COMMITTEE

President Morton presented the following reports.

Pender County Capital Outlay

Pender County Capital Outlay Projects <u>2018-2019</u> Status Summary Report								
		Encumbrances - Subtotals						
Item	Project	Design	Construction	Owner	Total Encumbrance	Budget	Remaining	Status and Estimated Completion Date
1&2	Burgaw Center - Drainage & Concrete Pad Project: Install slab area for eating & outdoor classes and fix drainage issues between the buildings and front parking lot	\$4,000.00	\$58,000.00	\$0.00	\$62,000.00	\$62,000.00	\$0.00	Revised plan deleting the canopy completed, permitted and under construction.

Pender County Capital Outlay Projects <u>2020-2021</u> Status Summary Report								
		Encumbrances - Subtotals						
Item	Project	Design	Construction	Owner	Total Encumbrance	Budget	Remaining	Status and Estimated Completion Date
1	Burgaw Center BC & BD Economic & Workforce Development - Add Parking Lot	\$16,000.00		\$6,000.00	\$22,000.00	\$168,000.00	\$146,000.00	Design

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	\$596,558.93	\$33,935.90	\$697,864.83	\$718,000.00	\$20,135.17	Completing flooring, inspections and punchlist. Possible completion 11/30/2020.
4	Buildings "A,S,N" 411 N. Front St. Repair & Renovation Projects	\$338,141.02	\$4,096,187.00	\$448,405.98	\$4,882,734.00	\$4,882,734.00	\$0.00	Construction Contract Awarded to Muter Construction and Under Final Review by SCO. Estimated Start Late Fall 2020

Lineman Facility

EDA Grant Lineman Training Facility Project - Status Summary Report								
		Encumbrances - Subtotals						
Item	Project	Design	Construction	Owner	Total Encumbrance	Budget Federal Grant and CFCC Other Funds	Remaining	Status
1	CFCC N. Campus Electric Lineworker Overhead and Underground Training Facility	\$90,500.00		\$8,455.00	\$98,955.00	\$791,760.00	\$692,805.00	Design

Sidbury Road Easement

President Morton reviewed a request from Cape Fear Public Utility Authority for an easement on the North Campus.

A MOTION was made by Mr. Barfield and seconded by Mr. Burney to approve the Sidbury Road easement as requested by CFPUA. Motion carried unanimously.

Wilson Center Multi-Purpose Addition

President Morton reviewed sketches of proposed Wilson Center Multi-Purpose Addition. The rough estimate of cost is \$1,250,000.

A MOTION was made by Ms. David and seconded by Mr. Burney to approve the 3-1 for the Wilson Center Multipurpose Addition in the amount of \$1,250,000 with \$500,000 in donated funds and a \$750,000 capital campaign to fund the project. Motion carried unanimously.

FINANCE COMMITTEE

State Budget Revision

Mr. Cherry reviewed the State Budget Revision.

A MOTION was made by Mr. Burney and seconded by Mr. Cherry to recommend to the Board of Trustees approval by the Board of Trustees of the State Budget Revision for an increase of \$973,168. Motion carried unanimously.

State Budget Summary

The State Budget Summary reported 29.65 percent of the budget had been expended as of October 2020.

County Budget Summary

The County Budget Summary reported 29.06 percent of the budget had been expended as of October 2020.

Institutional Funds Update

Mr. Morton reviewed the October, 2020 report. No items were of concern at this time.

Wilson Center Quarterly Report

President Morton reviewed the Wilson Center Quarterly Report. No items were of concern.

Foundation Fundraising Goals

President Morton reviewed the Foundation fundraising goals. The Foundation is surpassing their yearly goals.

CURRICULUM COMMITTEE

President Morton reviewed the following proposed new curriculum program.

A MOTION was made by Mr. Shell and seconded by Ms. Rouse to approve the Advertising and Graphic Design Program as presented. Motion carried unanimously.

Advertising and Graphic Design

Program Summary

The Advertising and Graphic Design curriculum is designed to provide students with knowledge and skills necessary for employment in the graphic design profession which emphasizes design, advertising, illustration, and digital and multimedia preparation of printed and electronic promotional materials.

Students will be trained in the development of concept and design for promotional materials such as newspaper and magazine advertisements, posters, folders, letterheads, corporate symbols, brochures, booklets, preparation of art for printing, lettering and typography, photography, and electronic media.

Graduates should qualify for employment opportunities with graphic design studios, advertising agencies, printing companies, department stores, a wide variety of manufacturing industries, newspapers, and businesses with in-house graphics operations.

Program Rationale

- CFCC's service area has built-in demand for advertising and graphic design professionals due to its existing and expanding business community, including, but not limited to, design firms, sign shops, print shops, and a wide variety of businesses that rely on visual information to convey their products and/or services.
- In addition to this program's relevance locally, this program would equip students with the skills necessary to freelance and work remotely as a number of careers in this area have been steadily moving online. Graduates would have the opportunity to contribute to the local economy while providing services regionally, nationally, and globally.
- The college intends to offer a Career and Technical Education (CTE) dual-enrollment pathway for Advertising and Graphic Design for New Hanover and Pender county high school students who are interested in this field.
- We have received letters of support and positive feedback from local businesses, including graphic design companies, sign shops, and print shops confirming the need for this program and the demand for advertising/graphic design professionals in the area.
- The college plans to collaborate with UNCW to develop a local articulation agreement for Advertising and Graphic Design students to transfer credits toward programs in the

College of Arts and Sciences such as Digital Arts, a program offered jointly through the Department of Computer Science and the Department of Art and Art History.

Anticipated Resources Required

- Will require a full-time, 12-month program director who will also serve as the primary instructor for the program (estimated cost: \$73,476 per year, including benefits).
- May require adjunct instructors on as-needed basis (estimated cost: \$12,000 per year).
- Will require additional IT resources such as computers, printers, and software (estimated cost: \$25,000).

Advertising and Graphic Design (Associate in Applied Science)

I. General Education Requirements 15/16 SHC

Communications (6 SHC)

ENG 111	Writing and Inquiry	3
ENG 112	Writing/Research in the Disciplines	3
	or	
COM 120	Interpersonal Communication	3

Humanities/Fine Arts (3 SHC)

ART 111	Art Appreciation.....	3
ART 114	Art History Survey I.....	3
ART 115	Art History Survey II.....	3
PHI 240	Introduction to Ethics	3

Social/Behavioral Science Electives (3 SHC)

PSY 150	General Psychology	3
SOC 210	Introduction to Sociology	3

Natural Sciences/Mathematics (3/4 SHC)

MAT 143	Quantitative Literacy	3
MAT-152	Statistical Methods I	4
MAT-171	Precalculus Algebra.....	4

II. Major Requirements 29 SHC

ART 121	Two-Dimensional Design	3	
ART 131	Drawing I.....	3	
GRD 110	Typography I.....	3	[New to CFCC]
GRD 131	Illustration I.....	2	[New to CFCC]

GRD 142	Graphic Design II.....	4	<i>[New to CFCC]</i>
GRD 151	Computer Design Basics	3	<i>[New to CFCC]</i>
GRD 152	Computer Design Techniques I.....	3	<i>[New to CFCC]</i>
GRD 241	Graphic Design III.....	4	<i>[New to CFCC]</i>
GRD 280	Portfolio Design	4	<i>[New to CFCC]</i>

II. Other Major Hours **19/20 SHC**

ART 111	Art Appreciation.....	3	
ART 114	Art History Survey I.....	3	
ART 115	Art History Survey II.....	3	
ART 122	Three-Dimensional Design	3	
ART 135	Figure Drawing I.....	3	
ART 231	Printmaking I.....	3	
ART 240	Painting I.....	3	
ART 264	Digital Photography I.....	3	
ART 265	Digital Photography II.....	3	
ART 275	Introduction to Graphic Design.....	3	
ART 276	Interactive Media Design	3	
BUS 110	Introduction to Business.....	3	
CIS 115	Introduction to Programming and Logic	3	
CSC 120	Computing Fundamentals I.....	4	
MKT 120	Principles of Marketing.....	3	
MKT 232	Social Media Marketing.....	4	
WEB 111	Intro to Web Graphics	3	
WEB 151	Mobile Application Dev I	3	
WEB 213	Internet Mkt & Analytics	3	
WBL 111	Work-Based Learning I.....	1	

Total Credits..... 64/65

Advertising and Graphic Design (CTE Pathway)

ART 121	Two-Dimensional Design	3	
ART 131	Drawing I.....	3	
GRD 110	Typography I.....	3	<i>[New to CFCC]</i>
GRD 131	Illustration I.....	2	<i>[New to CFCC]</i>
GRD 142	Graphic Design II.....	4	<i>[New to CFCC]</i>
GRD 151	Computer Design Basics	3	<i>[New to CFCC]</i>

Total Credits.....18

ADMINISTRATIVE & PERSONNEL COMMITTEE

President Morton reviewed the following policy update.

A MOTION from the Administrative & Personnel Committee recommends approval by the Board of Trustees of the General Admission Policy update as presented. Motion carried unanimously.

General Admissions Policy – Update

If you have earned an associate’s degree or higher from a regionally accredited college or university, you may submit an official college transcript with a graduation date in place of an official high school transcript.

Students wishing to access veteran’s benefits are required to submit official transcripts from all schools attended.

In addition to general admission requirements, some programs, including health sciences and Basic Law Enforcement Training, have additional admission requirements, including an approved official high school transcript with a graduation date.

Handbook Updates

President Morton reviewed the following updates to the CFCC Faculty and Staff Handbook.

A MOTION from the Administrative & Personnel Committee recommends to the Board of Trustees approval of the Faculty and Staff Handbook as presented. Motion carried unanimously.

SECTION I – General Information and Governance

1.1 Foreword

Cape Fear Community College issues this FACULTY AND STAFF HANDBOOK for the purpose of furnishing relevant information to all employees. Announcements, rules, regulations, policies, and procedures contained herein are subject to change without notice and may not be regarded in the nature of binding obligations on the College or the State. Efforts will be made to keep changes to a minimum, but changes in policy by the State Board of Community Colleges, the North Carolina Community College System, the State Legislature, the Cape Fear Community College Board of Trustees, and/or local conditions may make some alterations necessary.

The administration is receptive to and encourages suggestions for the improvement of this HANDBOOK; suggestions should be submitted in writing to the Executive Director of Human Resources.

In the belief that a well-informed faculty and staff ~~is~~ are essential to the success of Cape Fear Community College, this HANDBOOK is revised, when necessary, and such revisions are presented to each faculty and staff member as early as possible. It is approved by the CFCC Board of Trustees at a regular meeting and becomes official and remains in force until additional revisions are necessary and approved by the Board. No publication can cover every aspect of the College's operation, but an attempt has been made to cover those most essential.

Each employee should become familiar with the HANDBOOK as well as the CATALOG and the STUDENT HANDBOOK in order to contribute to the continued success of the College. A copy of the North Carolina Community College System Policy Manual and a copy of relevant administrative memorandums are available to all College personnel in the Library.

1.2 Mission Statement

Cape Fear Community College: A world-class college serving diverse communities, promoting excellence through innovation, and empowering students for life-long success. *Approved by the CFCC Board of Trustees, November 14, 2018.*

1.3 Cape Fear Community College Vision Statement

Provide high quality, dynamic, and innovative educational, cultural, training, and workforce development opportunities for individuals, businesses, and industries in New Hanover and Pender counties. *Approved by the CFCC Board of Trustees November 14, 2018.*

1.4 Cape Fear Community College Goals

- Provide exceptional professional, technical, pre-baccalaureate, and life-long education.
- Enhance the regional economy by providing training and educational programs that support a skilled workforce and are responsive to the needs of local employers.
- Promote the region's technological, cultural, and artistic development and civic involvement.
- Support learning environments that celebrate and value diversity, inclusiveness, and respect, and that encourage the personal and intellectual growth of all students, faculty, and staff.
- Provide safe, well-maintained and utilized facilities and campuses that offer the latest technologies to promote student learning and engagement.
- Support and promote the holistic development of all learners' personal abilities and wellbeing.

Approved by the CFCC Board of Trustees November 14, 2018.

1.5 The North Carolina Community College System

Prior to 1963, state-supported industrial education in North Carolina was administered through the public school system with boards of education having local policy responsibility. In 1963, the Community College System was established by the North Carolina Legislature. This was the beginning of a completely new educational era in North Carolina. Provision for the

establishment, organization, and administration of a system of educational institutions throughout the state is spelled out in Chapter 115-D of the General Statutes of North Carolina.

1.6 Mission Statement for the North Carolina Community College System

The mission of the North Carolina Community College System is to open the door to high quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, develop a globally and multi-culturally competent workforce, and improve the lives and well-being of individuals by providing:

- Education, training and retraining for the workforce, including basic skills and literacy education, occupational and pre-baccalaureate programs.
- Support for economic development through services to and in partnership with business and industry and in collaboration with the University of North Carolina System and private colleges and universities.
- Services to communities and individuals, ~~which~~ **that** improve the quality of life.

Adopted by the State Board of Community Colleges, 10/93. Revised 3/10/94, 4/15/94.

Cape Fear Community College operates under policies as prescribed by the state of North Carolina, the State Board of Community Colleges, the NC Community College System, and the local Board of Trustees.

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~~ **or** 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~~ **or** any other applicable statutes ~~and~~ **or** 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~~ **those** 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.

1.8 Diversity Statement

Cape Fear Community College represents rich diversity among its faculty, staff, and students. The College and the Board of Trustees promote and support a student body, faculty, staff, and ~~an~~ administration that is multicultural and diverse. ~~To meet these goals, the~~ **The** College

supports policies, curricula and co-curricular activities that encourage understanding, respect, and appreciation of all the various groups who are members of our community.

1.9 Cape Fear Community College History

Cape Fear Community College is a comprehensive community college that offers education and training services through numerous TECHNICAL/VOCATIONAL CURRICULA in such broad areas as health care, business, engineering technologies, computer sciences, architecture/construction/interior design, law enforcement, and numerous other fields; COLLEGE TRANSFER/UNIVERSITY PARALLEL studies in the freshman and sophomore years of baccalaureate programs; and a host of CONTINUING EDUCATION programs that can be broadly clustered into such categories as Basic Skills (including Adult High School and GED, among other programs), Occupational Extension (custom-designed training related directly to the in-service training needs of various professions), and Community Services/Self-Supporting classes that may include a wide range of vocational interests.

The core of the College's mission is world-class workforce development.

CFCC is one of ~~fifty-eight~~ 58 institutions comprising the North Carolina Community College System. The North Carolina Community College System and its constituent institutions operate in accordance with legislation enacted by the North Carolina General Assembly and as contained in Chapter 115D of the North Carolina General Statutes. Governance of Cape Fear Community College is further defined by policies, rules, and procedures as promulgated in accord with state and federal laws by the North Carolina State Board of Community Colleges, the Cape Fear Community College Board of Trustees, and College officials.

The service area of Cape Fear Community College includes New Hanover and Pender counties with campuses located in Wilmington, and Castle Hayne, with centers at Burgaw and Surf City. Several CFCC technical and vocational programs are unique to southeastern North Carolina and to the state as a whole, and the College therefore serves as a regional provider of workforce training. CFCC serves approximately 25,000 citizens in our service area (New Hanover and Pender Counties) in curriculum and continuing education courses.

1.10 Current School Calendar

The School Calendar governs students and teaching faculty. All other personnel are governed by College leave and holiday policies. ([Academic Calendar](#))

1.11 Holiday Schedule

Total holiday days may not exceed the twelve-day holiday schedule. A Pay and Holiday calendar is published annually.

1.12 North Carolina Community College Administration

Mr. Bill Carver

North Carolina Community College System

1.13 State Board of Community Colleges

All Members of the State Board of Community Colleges are posted here:

<https://www.nccommunitycolleges.edu/state-board-community-colleges/members-state-boardcommunity-colleges>.

1.14 Local Board of Trustees

All Members of the Cape Fear Community College Board of Trustees are posted here:

<http://cfcc.edu/boardoftrustees/>

1.14.1 Major Powers and Duties

The Board of Trustees shall:

- a. Elect a president or chief administrative officer of the College for such term and under such conditions as the Trustees may fix, subject to the approval of the State Board of Community Colleges.
- b. Apply the standards and requirements for admission and ~~graduation~~ **graduation** of students and other standards established by the State Board of Community Colleges.
- c. Receive and accept donations, gifts, bequests, and the like from private donors and to apply them or invest any of them, and apply the proceeds for purposes under the terms which the donor may prescribe and which are consistent with the provisions of Chapter 115D and the regulations of the State Board of Community Colleges.
- d. Provide all of the instructional services for the College including contracting with other public or private organizations or institutions in accordance with regulations and standards adopted by the State Board of Community Colleges.
- e. Perform such other acts and do such other things as may be necessary and proper for the exercise of the foregoing specific duties, including the adoption and enforcement of all reasonable rules, regulations, and bylaws for the government and operation of the College under Chapter 115D and for the discipline of students.
- f. Establish and discontinue programs of instruction within the College when necessary.
- g. If the Board of Trustees provides access to the buildings, campus, or student information directory to persons or groups which make students aware of occupational or educational options, the Board of Trustees shall also provide access, on the same basis, to official recruiting representatives of the military forces of the United States for the purpose of informing students of educational and career opportunities available in the military.
- h. Adopt and recommend current expense and capital outlay budgets.
- i. Review the performance of the President annually and report to the State Board of Community Colleges.
- j. The Board reserves for itself all other duties, responsibilities, and powers, not inconsistent with Chapter 115D or the regulations of the State Board of Community Colleges, in addition to those enumerated in this Section.

1.14.2 Board Travel Policy

The College authorizes travel within the regulations mandated by the North Carolina Community College System. These regulations apply to all College employees and members of the Board of Trustees. Travel requests are approved contingent upon the availability of funds.

Policy - The Chairman of the Board will designate trustees to represent the College at in-state and out-of-state meetings and seminars. In addition, the Chairman will approve all travel for Trustees after review of funds available for such travel.

Travel Process

Trustee travel arrangements are made through the President's Office, in accordance with State travel regulations, well in advance of the travel. A Travel Request Form must be completed and processed through the College Business Office before the travel takes place. The following procedures apply to Trustees only:

1. After approval from the Chair, notify the President's Office that you plan to attend a meeting/seminar. Hotel registration, transportation, and other arrangements can be made through that office.
2. Please observe the following allowances:
 - a. Transportation - includes air, mileage at approved state rate), automobile rental, and taxi. (Must be the most economical mode by the usually-traveled route.)
 - b. Lodging - actual amount for single occupancy.
 - c. Meals - Meals will be paid at the approved rate determined by the state for **in-state** as well as out-of-state travel. **STATE FUNDS CANNOT BE USED FOR ALCOHOLIC BEVERAGES.**
3. A Travel Advance **can may** be obtained for travel expenses exceeding \$100, calculated at a maximum of 90% of the total estimate. Please inform the President's Office if you will need an advance. Most travel arrangement costs will be paid by the college credit card.
4. Receipts are required for all expenses to be reimbursed, with the exception of meals reimbursed at the State rate.

Upon return from meeting/seminar, submit receipts within two weeks to the President's Office for completion of a Travel Reimbursement Form. The form will be signed by the traveler and the President before being submitted to the Business Office for reimbursement.

SECTION II – Administration

2.1 Administration and Organization Chart

Cape Fear Community College is organized into functional units. These areas cover a wide range of services, **which that** provide College-wide assistance and/or direction. The Organization Chart is accessed from the HR Department page of the Intranet.

2.2 Standing Committees

Faculty and staff involvement in academic matters and in the governance of Cape Fear Community College occurs as a result of their participation in standing committees. Accordingly, participation by faculty and staff named as members of standing committees is required.

CFCC Athletic Sub-Committee

Purpose of the Committee – To evaluate the intercollegiate athletic program regularly and systematically to ensure that it is an integral part of the education of student-athletes and is in compliance with the educational purpose of Cape Fear Community College. To oversee and monitor academic, admission and financial aid policies consistent with the college as they relate to athletics. Facilitate athletic administration and staff with the policies and procedures in the athletic program. Additionally, approve *Sea Devil Club* expenditures (*over \$10,000*) as recommended and submitted by the Athletic Director.

Committee on Committees

Purpose of the Committee – To review the purpose(s), structure, composition and annual report of all standing committees; and make recommendations to the President.

Curriculum Committee

Purpose of the Committee – To make recommendations for administrative consideration of 1) changes in curriculum course titles and course descriptions; 2) addition or deletion of courses; and 3) addition or deletion of a curriculum. Moreover, the Curriculum Committee shall ensure that all curricula and any proposed changes to curricula are consistent with the Criteria of the Commission on Colleges of the Southern Association of Colleges and Schools and the North Carolina Community College System.

Diversity Committee

Purpose of the Committee – ~~The purpose of the Diversity Committee is to~~ To promote awareness and understanding of the importance and benefits of diversity by supporting programs, ~~which that~~ encourage inclusiveness and respectful, open discussion on multi-cultural issues.

General Education Committee

Purpose of the Committee – To monitor and review ~~the following:~~ the mission of the committee, the general education core competencies, the methods of assessment, the list of courses being assessed, and the data resulting from the assessment instruments, thus creating a more unified process of evaluating student learning outcomes in the core general education curriculum.

Global Education Committee

Purpose of the Committee – ~~The purpose of the Global Education Committee is to~~ To increase awareness of global issues by supporting programs, ~~which that~~ build knowledge and skills for understanding world events, cultures, and social institutions.

Information Technology Committee

Purpose of the Committee – To provide a means for CFCC faculty and staff to review, discuss, and make recommendations regarding campus-wide IT policies, procedures and initiatives. In addition, the Committee may assist in reviewing the campus IT Plan and making recommendations on technology goals of the college.

Institutional Effectiveness and Planning Committee

Purpose of the Committee – ~~The Institutional Effectiveness and Planning Committee is a standing committee within the structure of the college. The team~~ To develops and monitors planning and evaluation processes, ~~which are~~ designed to ensure the effectiveness of the educational programs, services, and operations of the institution. The team ensures that the CFCC planning and evaluation processes are in accordance with the requirements of the North Carolina Community College System (NCCCS) and the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).

Judicial Board

*Purpose of the **Judicial** Board* – To ensure the right of appeal to all students. The Judicial Board will hear appeals concerning academic suspension, conduct suspension, and charges of discrimination and/or denial of service based on race, color, national origin, age, religion, handicap, or sex. The Judicial Board's subcommittees (Academic, Financial Aid, Residency Status) will act on other categories of student appeals.

Learning Resources Committee

Purpose of the Committee – To serve as a medium, through which CFCC instructors, staff, and students may collaboratively discuss matters concerning the Library and the Media Center. This Committee may advise and make recommendations for the LRC related to the College's goal of enhancing the teaching and learning process through the provision of up-to-date learning resources and equipment suitable to the college's needs and goals.

Online Learning Committee

Purpose of the Committee - ~~The Online Learning Committee~~ To works collaboratively with the Department of Online Learning to evaluate current practices, tools, and technologies, and to make recommendations for improvement in order to support the College's mission by providing high quality distance learning courses enabling students to achieve their career and educational goals through technology-enhanced delivery.

Professional Development Committee

Purpose of the Committee – To assist the administration, faculty, and staff in identifying and developing professional development opportunities that emphasize student success and critical thinking, and advance the college's teaching, learning, and service missions.

QEP Committee

Purpose of the Committee – To guide the implementation of CFCC’s Quality Enhancement Plan (QEP). The QEP Committee coordinates the activities of individuals, departments, and other committees, particularly Student Success, Professional Development, and General Education, toward meeting the goals and objectives of the QEP. The committee meets regularly to review the status of the QEP and provides progress reports to CFCC’s College Council.

Safety Committee

Purpose of the Committee – To promote a safe and secure learning and working environment for students, faculty, and staff through awareness and training opportunities. The Safety Committee is also responsible for making recommendations regarding safety rules, regulations, and campus security to the CFCC authority having jurisdiction over campus safety.

Social Committee

Purpose of the Committee – To 1) coordinate and plan approved social and recreational events for CFCC personnel and boards; 2) recognize significant events in the lives of CFCC personnel and board members; and 3) **forward recommendations of** faculty and staff members to receive the President’s Award for Outstanding Service to the College **to the President.**

Student Services Committee

Purpose of the Committee – To review and recommend policies and procedures as they concern services to students to include, but not limited to:

- financial aid;
- career and testing services;
- student government, student activities, and publications;
- residency;
- student grade appeals;
- conduct and discipline;
- bookstore;
- food services;
- intramural and intercollegiate athletics; and
- College calendar

Student Success Committee

Purpose of the Committee – To develop and promote activities that foster students’ achievements of college success and development as critical thinkers. This committee coordinates its efforts with counselors, developmental and basic skills instructors, LRC staff, Learning Lab staff, and testing and career services. This committee provides regular reports on the progress of student success initiatives to the QEP Committee.

Sustainability Committee

Purpose of the Committee – To promote and facilitate the development of sustainable practices and policies through the collaborative efforts of faculty, students and staff.

Veterans Coordinating Committee

Purpose of the Committee – To advise the Veterans Coordinator; and to review and recommend policies and procedures as they concern student veteran academic and support services.

SECTION III – Institutional Effectiveness and Planning

3.1 Introduction

CFCC Institutional Effectiveness and Planning functions include institutional effectiveness, planning, research, and educational program auditing.

3.2 Institutional Effectiveness

The term “institutional effectiveness” is derived from the Southern Association of Colleges and Schools (SACS) Commission on Colleges (SACSCOC) Criteria for Accreditation (see Section 7 of the 2018 Principles of Accreditation) and is at the heart of the Commission’s philosophy of accreditation. Institutional Effectiveness is a term synonymous with CFCC’s planning, assessment, and budgeting process. The College systematically engages in planning and the assessment of its programs and services to demonstrate how well it is fulfilling its stated Mission. Employees of Cape Fear Community College participate in this process through annual college and department level planning, program and services assessment, and budgeting. Faculty and staff should contact their immediate supervisor or the Director of Institutional Effectiveness and Research for more information.

3.3 Research Function

Cape Fear Community College is not a research institution; however, there is an institutional research function to support planning and assessment. The Director of Institutional Effectiveness and Research has been assigned administrative responsibility for institutional research and performs a coordinating function. The primary objectives of the Institutional Effectiveness and Planning Research Office are

- (a) to coordinate campus-wide assessment by assisting individuals with developing annual assessment plans, survey design and methodology, and in the selection of other means of assessment;
- (b) to conduct and/or coordinate research activities to support planning such as environmental scanning, program and services reviews, focus groups, and economic impact studies, for example;
- (c) to respond to requests from faculty and staff for assistance with research projects that support the Mission of CFCC; and
- (d) to respond to external agencies, such as SACS and NCCCS, when requesting information for accountability purposes.

3.4 Patent and Copyright Policy

Every invention, discovery, material, work, product, or any part thereof, that results from the efforts of a full or part-time employee, student, or outside consultant carried out while in the employment of, or under contract or agreement of any kind with, the College and that is

produced or brought about in any fashion with the aid of the College's facilities, staff, or through funds administered by the College shall, as between the College and the full or part-time employee, student, or consultant, be the property of the College. Any patents, trademarks, trade names, and/or trade secrets shall belong to the College and any legal protection applied for shall be applied for by the College or through an authorized agent, assignee, or licensee in the name of the College.

As a general rule, all rights to copyrightable material are the property of the creator. The creator shall be deemed to be the College where a specific contract so provides, where a full or part-time employee, student, or outside consultant is employed for the purpose of producing a specific copyrightable work, or where necessary to reflect the contribution of the College to the work, as in the case of software or audiovisual material of any kind.

As between the College and The State Board of Community Colleges, ownership of any of the above-described items shall be determined in accordance with applicable regulations of the state Board of Community Colleges.

The College may charge a reasonable rental fee for use of any of the above-described items and, further, if such items are a learned journal, work of art, book, publication, textbook, library book, form, bulletin, or instructional supply, then it may, as allowed by the Umstead Act, be offered for sale by the College.

This policy shall be deemed to be a part of any existing and/or future employment or consulting agreements of the College.

(Approved by the CFCC Board of Trustees, March 17, 1994, amended July 20, 2006, November 2020)

3.5 Substantive Change for Regional Accreditation

In accordance with North Carolina State Board of Community College (SBCC) code, Cape Fear Community College (CFCC) seeks to maintain reaffirmation of accreditation and retain membership in the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

1B SBCCC 400.96 ACCREDITATION BY THE SOUTHERN ASSOCIATION

All colleges shall obtain and maintain regional accreditation by the Southern Association of Colleges and Schools. The System President, when requested, will provide assistance to colleges seeking regional accreditation.

History Note: Authority G.S. 115D-1; 115D-5;

Eff. February 1, 1976;

Readopted Eff. January 5, 1978;

Amended Eff. September 1, 1993; December 1, 1984; July 1, 1980.

As a SACSCOC member institution, CFCC is eligible to provide federal funding for qualifying students and preserve the transferability of CFCC courses to other regionally accredited institutions. As a SACSCOC requirement for membership and accreditation, Cape Fear Community College must comply with SACSCOC's policy statement on Substantive Change for Accredited Institutions of the Commission on Colleges by taking the appropriate measures to ensure timely, accurate, and complete notification to SACSCOC whenever the college proposes to make a significant modification or expansion in its nature and scope. SACSCOC's policy statements may be reviewed at <http://www.sacscoc.org/pdf/081705/SubstantiveChange.pdf>.

The following information is excerpted from the SACSCOC Substantive Change policy to aid in understanding:

Definition: Substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Under federal regulations, substantive change includes:

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

The SACSCOC Board of Trustees has approved additional substantive changes that require notification and, in some cases, approval prior to implementation.

Of equal importance is the definition of Significant Departure:

Significant departure – a program that is not closely related to previously approved programs at the institution or site, or for the mode of delivery in question. To determine whether a new program is a “significant departure,” it is helpful to consider the following questions:

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

Procedures for the identification and processing of substantive changes reside in the office of Institutional Effectiveness and Planning and are the responsibility of the SACS Liaison.
Revision approved by the CFCC Board of Trustees on 5/26/16.

SECTION IV – Institutional Advancement

4.1 CFCC Foundation, Inc.

The Cape Fear Community College Foundation, Inc., is a non-profit, tax-exempt corporation under North Carolina law and section 501(c)(3) of the Internal Revenue Code. The Foundation receives gifts of money and property to support educational programs and the Mission of the College. The Foundation is governed by a Board of Directors consisting of community leaders who volunteer their time in support of CFCC. Funds raised by the Foundation are used for scholarships and other needs of the College.

All gifts to the College (cash and in-kind) must be made through the CFCC Foundation. Faculty and staff are encouraged to identify potential donors. The **Vice President of Advancement and the Arts** should be notified before any gifts are accepted to ensure appropriate procedures are followed and all necessary paperwork is completed.

4.2 Fund-Raising Policy

The Cape Fear Community College Foundation, Inc. is the designated fund-raising unit of the College. To protect the donors and solicitors, all fund-raising activities outside the Foundation must be coordinated in consultation with the College President or **Vice President of Advancement and Arts** .

Only by permission of the College President or **Vice President of Advancement and Arts** or his/her designee may a college employee or student be authorized to solicit funds, goods, or services on behalf of the College.

Exception to this policy may be made for fund-raising activities by student clubs and organizations, where no outside donations are sought and where such activities are held within

the campus and are approved by the Director of Athletics and Student Activities or appropriate administrator. *(Approved by the CFCC Board of Trustees, July 18, 1996.)*

4.3 Gifts to the College Policy

The Cape Fear Community College Foundation, Inc., is a non-profit 501(c)(3) corporation established to solicit, receive, hold, and administer gifts for the College.

All gifts (cash, real property, stocks, bonds, bequests, equipment, supplies, and in-kind donations) to the College must be recorded through the Cape Fear Community College Foundation, Inc., including those gifts designated by the donor(s) for a specific project, program, department, or division. All private cash gifts will be given to the Foundation, which will serve as the central registry for such gifts to the College, ensuring acknowledgment and accountability to the donor.

Whenever gifts or bequests involving maintenance are made, provisions for such maintenance shall be included in the gift unless the Board of Directors of the Cape Fear Community College Foundation, Inc., waives this requirement.

The Board of Directors of the Cape Fear Community College Foundation, Inc. reserves the right to refuse any proffered gifts. *(Approved by the CFCC Board of Trustees, May 16, 1996.)*

4.4 Externally Funded Grants and Contracts Policy

Externally funded grants and contracts must be related to the stated purpose of Cape Fear Community College. Prior to any commitment of college resources in seeking grants and contracts, the President must approve all externally funded grants and contracts being sought. The President (or her/his designee) is the only authorized representative of the College who can accept externally funded grants and contracts.

In no case shall externally funded grants and contracts be allowed to interfere with the College's instructional commitments without prior approval of the President. Externally funded projects shall be conducted and reported in a manner consistent with the operational guidelines required of Cape Fear Community College by the State of North Carolina.

Summer salaries, salary supplements, and fees for consultative services rendered by college faculty and staff in externally funded grants and contracts shall be consistent with the College's compensation plan (for full-time employees) or with established part-time pay rates, unless particular requirements of funding levels of the project require different rates of compensation. *(Approved by the CFCC Board of Trustees, July 20, 1995, amended September 28, 2006.)*

4.5 Participant Support Policy

1. Purpose

The purpose of this policy is to ensure that grant funds, specifically Federal grant funds, provided for Participant Support Costs are accounted for and expended according to grantor requirements.

2. **Participants**

In general, a participant is the recipient of training provided in connection with a conference or a training project. Unless specifically provided in the grant award document, CFCC employees are not eligible for participant support.

The dual status of student employees means that some employees (full time and part time) may be eligible to participate (as participants) in some conferences and training projects.

3. **Participant Support Costs – Definition**

OMB Circular A-81 (also called the Omni-Circular), Section 200.75, defines Participant Support Costs as direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences or training projects.

4. **Participant Support Costs – General**

Participant Support Costs as defined in Section 200.75 are allowable with the prior approval of the Federal awarding agency (Section 200.456). If included in the budget and budget justification and not disallowed, the item can be considered approved.

Funds provided for participant support may not be shifted or transferred to other cost categories without the specific prior written approval of the cognizant NSF Program Officer. Therefore, Participant Support Costs must be accounted for separately.

The amount budgeted for Participant Support Costs is normally exempt from determining indirect costs.

5. **Procedures**

5a. **Participant Payments**

Participant support is distinguished from student support in that non-compensatory stipends for student support are for the objective of obtaining a degree, whereas participants are usually not students and, if they are, the non-compensatory stipend is not to support their degree-seeking enrollment.

Participant expenses may be paid directly or as reimbursement to the individual.

5b. **How to Process Participant Payments and Reimbursements**

A vendor ID is needed for each participant and can be established by submitting a Form W-9, Request for Taxpayer Identification, to the Director of Purchasing. Participant Payments are processed using a Participant Check Request form. Participant Check Request forms must be accompanied by evidence of attendance, signed by the Principal Investigator/Project Director, and submitted to the Office of the Controller.

5c. Account Codes for Participant Support Costs

Business and Institutional Services, specifically the Controller, is responsible for assigning to each grant a unique budget code and the following Participant Support Costs account codes.

Description	GL Code
Participant – Stipends	519200
Participant – Direct Lodging Payment In-State	531140
Participant – Direct Lodging Payment Out-of-State	531240
Participant Expense – Lodging In-State	531140
Participant Expense – Lodging Out-of-State	531240
Participant Expense – Transportation In-State	531110
Participant Expense – Transportation Out-of-State	531210
Participant Expense – Subsistence/Meals In-State	531150
Participant Expense – Subsistence/Meals Out-of-State	531250
Participant – S Supplies	527000
Participant – Registration Fees	531430

5d. Monitoring Participant Costs

The Principal Investigator/Project Director is responsible for providing evidence of attendance of participants in the form of a daily log or similar documentation that must be maintained within the project’s records. It is recommended that a signup sheet be used. Evidence of attendance signed by the Principal Investigator/Project Director must be received by the Office of the Controller before stipends are paid to participants. *Policy approved by the CFCC Board of Trustees on 5/26/16.*

SECTION V – Human Resources

5.1 Equal Employment Opportunity and Nondiscrimination

5.1.1 General Policy Statement

General Policy Statement: Cape Fear Community College (the “College”) is committed to equality in employment opportunity and does not discriminate against employees or applicants for employment on the basis of any legally protected status.

The College supports the protections against discrimination available to applicants and employees under all applicable federal, state, and local laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the North Carolina Equal Employment Practices Act, and Chapter 115D of the North Carolina General Statutes, as these and other applicable laws from time to time may be amended.

A full copy of the Cape Fear Community College Faculty and Staff Handbook is available online. A printed copy may be requested from Human Resources.

5.1.2 Veterans preference for hiring decisions as defined in N.C. General Statute §128-15 in hiring decisions.

Employment preference for veterans and their spouses or surviving spouses:

- a) It shall be the policy of ~~the~~ Cape Fear Community College that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, eligible veterans shall be granted preference in employment with CFCC when the qualifications and experience of the final candidates for a position are generally equal.
- b) As used in this section:
 1. “A period of war” includes World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June 27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.
 2. “Veteran” means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.
 3. “Eligible veteran” means:
 - a. A veteran who served during a period of war; or
 - b. The spouse of a disabled veteran; or
 - c. The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as the result of such service; or
 - d. A veteran who suffered a disabling injury for service-related reasons during peacetime; or
 - e. The spouse of a veteran described in subdivision d. of this subsection; or
 - f. The surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

The President or the Board will take into consideration veteran status in accordance with NC state law if two or more candidates are generally equally qualified for the position based upon qualifications and experience

5.2 Definitions of Employment Categories

Regular Full-Time – A position established in the budget as a regularly recurring position. Employment must be for nine (9) or more months per calendar year and considered full-time with a normal workload of 40 hours per week for Staff and per Section 8.3 Teaching Loads for

Full-Time Faculty. Positions in this category earn all benefits offered by CFCC, including membership in the Retirement System.

Regular Part-Time – A position established in the budget as a regularly recurring position. Employment must be for nine or more months per calendar year and at least 20 hours per week but less than 30 hours per week. Positions in this category earn holidays, longevity, and pro-rated annual and sick leave.

Temporary Full-time – A position established temporarily in the budget to cover a full-time work load. Employment in this category may include temporary grant funded positions or positions needed on an interim basis to cover a regular full-time position. Positions in this time limited category earn all benefits offered by CFCC, including membership in the Retirement System.

Temporary Part-Time without Benefits – A position not established in the budget as a regular or recurring position. Employment in this category is **AT WILL**. All employees classified as temporary part-time without benefits are limited to no more than 25 hours per week. Student employees are limited to 20 hours per week. Temporary part-time contracts for staff positions are issued on a quarter-by-quarter basis and temporary part-time contracts for faculty positions are issued semester-by-semester. Most employees are paid at an hourly rate. No benefits are earned.

Exempt positions – Positions paid on a salary basis at the executive, administrative, and professional levels that are not subject to the Fair Labor Standards Act (FLSA) overtime requirements.

Non-Exempt Positions – Positions that are paid by the hour and subject to the FLSA overtime requirements.

5.3 General Information

5.3.1 Employee Conduct and Dress

All employees are expected to conduct themselves professionally and in a manner that positively reflects on the College.

The college attempts to help students enhance their life academically, socially, politically, and economically. In that regard, employees are encouraged to act as role models for students and dress in a professional manner that also observes health and safety requirements for the workplace.

In general, all employees are expected to dress in appropriate business attire or suitable attire for their respective work environments.

5.3.2 Pay

All employees receive their regular paycheck on the last workday of the month, including employees whose employment is terminated during the month.

5.3.3 Employment of Relatives

The following restrictions apply to all employees in the North Carolina Community College System as specified in the State Board of Community Colleges Code ([1C SBCCC 200.98 EMPLOYMENT OF RELATIVES](#))

1. The College shall not employ two or more persons concurrently who are closely related by blood or marriage in positions which would result in one person of such family relationship supervising another closely related person or having substantial influence over employment, salary or wages, or other management or personnel actions pertaining to the close relative.
2. “Closely related” is defined to mean mother, father, husband, wife, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, uncle, aunt, nephew, niece, step-parent, step-child, step-brother, step-sister, guardian or ward.
3. With respect to the concurrent service of closely related persons within the same academic department or other comparable College subdivision of employment, neither relative shall be permitted either individually or as a member of a committee, to participate in the evaluation of the other relative.

5.3.4 Secondary Employment

All secondary employment for the President must be approved in advance by the Board of Trustees.

Full-time employees of the College are expected to devote the time, energy, and efforts to their full-time employment with the College that are necessary to fulfill the terms of their contract. All secondary positions within CFCC or outside employment must not conflict nor interfere with his/her full time College duties, responsibilities, or schedules. Any full-time employee who engages in work for pay outside the College must submit a request that includes all outside employment through his/her supervisors who will make a recommendation to the President. The request must state the hours per week or month and be approved by the President or President’s designee prior to the employee engaging in such employment. **Employees must use the Secondary Employment Request Form available on the Intranet, Human Resources Department page. No institutional personnel, supplies, facilities or equipment are to be utilized in conjunction with secondary employment.**

5.3.5 Job Description

Full-time job descriptions are maintained by Human Resources in electronic format and are available upon request. Additional information concerning the office of President may be found in the Board of Trustees ~~By-laws~~ **Bylaws**.

5.3.6 Employment Recommendation and Approval

The President is elected directly by the Board of Trustees. The President appoints all other employees of Cape Fear Community College, with the exception of senior level administrator positions who are direct reports to the President and must be nominated by the President and approved by the Board of Trustees. Senior level administrators may include Executive Vice President, Vice Presidents, Executive Directors, Directors or other positions designated as a direct report to the President.

5.3.7 Voluntary Termination

An employee who desires to terminate employment must submit a written notification of resignation to the President, notify his/her supervisor and provide a copy to Human Resources. To be eligible for re-employment, a 30-day notification is required. ~~Curriculum instructional faculty may terminate employment only at the end of the academic term.~~ Curriculum instructional faculty may terminate employment only at the end of an academic term. Under extenuating circumstances, the President may waive ~~either of these~~ this requirement. Employees terminating employment must complete an electronic Human Resources exit process. An in-person exit interview is available by request ~~with the Executive Director of Human Resources.~~ The employee is responsible for clearing all outstanding items before the effective date of termination. Contact HR for further guidance.

5.3.8 Employee Evaluations

Employee evaluations are conducted annually for all regular full-time faculty and staff as well as for part-time (adjunct) faculty. Annual evaluations for part-time staff are optional. Blank copies of the Evaluation Forms are available on the HR Intranet.

5.3.9 Employee Personnel Files

Employee records are maintained in hard copy and electronic formats, and in a secure location within the Human Resources office and HRIS. The following information is maintained for each employee and is available for review to any person during regular business hours from Human Resources: name, age, date of original employment, current position title, duties performed, salary, date and amount of most recent increase or decrease in salary, office to which currently assigned, date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification.

All other information is not made available for inspection except to persons or agencies authorized to have access to such records as allowed by [North Carolina General Statute 160A168](#). Any person requesting access to confidential information will be required to submit satisfactory proof of identity to the President or the ~~Executive Director of Human Resources.~~ Employees will be notified if restricted information from their personnel file is released and the name of the authorized person to whom the information was released.

Personnel files are subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes. ~~and~~ Cape Fear Community College must comply with requests within the context of these rules.

5.3.10 Participation in Community Activities

Employees must secure prior approval of the President (or her/his designee) when participating in any community activity/event where they are representing the college. Requests for College employees to represent the College in community activities should be routed through the President's office for distribution to the proper department or individual for processing.

5.3.11 Freedom of Speech

College employees are not restricted in exercising the freedom to speak as individuals. However, it is incumbent upon each employee to clearly state that he/she is speaking for him/herself and not the College in situations where there is any possibility that statements, ~~which are~~ made, might be interpreted as College positions.

5.4 Contracts

5.4.1 New Hire Offer and Acceptance Letter

At the time of hire, an offer is provided and the acceptance acknowledgement is returned to Human Resources by the new hire. As soon as the annual budget is approved after the beginning of the fiscal year (July 1- June 30), each newly hired employee will be given a contract which specifies the salary and terms and conditions of employment for any period remaining in the fiscal year in which the employee is hired. The first 90-days of employment for new staff and the first semester of employment for new faculty will constitute a probationary period during which employment performance will be appraised. A recommendation shall be made by an employee's supervisor at least ten (10) business days prior to the conclusion of the probationary period as to either continued employment, an extension of the probationary period, or separation from employment. Recommendations for separation resulting from the new hire probationary period must be reviewed and approved by the President and employees shall be notified of the decision by the conclusion of the probationary period. Employees in this new hire probationary period are not entitled to due process under the College's Dismissal, Non-Reappointment and Grievance Procedure.

5.4.2 Annual Contract Renewal – Ongoing Employment

As soon as the annual budget is approved after the beginning of the fiscal year (July 1- June 30), each employee will be given a contract which specifies the salary, terms, and conditions of employment for any period during the fiscal year in which the employee is hired. Each employee will sign the contract and return it to Human Resources.

5.4.3 Continued Employment

Continuation of employment is contingent upon job performance, professional improvement, work relationships, program trends, and availability of funds. Persons whose contracts and/or work agreements are not to be renewed will be notified in accordance with the non-reappointment procedure section of the College's Dismissal, Non-Reappointment, and Grievance Procedure. All positions are contingent upon yearly budget allocations, subject to

review, and prior annual contract renewal does not guarantee continued employment and contract renewal in the future.

Academic freedom is essential to an institution of higher learning and should not be cause for dismissal or non-renewal of contract. Within the environment of academic freedom, faculty members are expected to carry out their duties in a professional, ethical and collegial manner that enhances the purpose of the institution.

5.5 Employee Work Schedules

5.5.1 Exempt Staff Positions

Positions exempt from the provisions of the Fair Labor Standards Act are paid on a salary basis and are not eligible for overtime or compensatory time. Executive, administrative, and professional staff positions are exempt and expected to work the number of hours necessary to fulfill the requirements of their position and no less than 40 hours per week.

Faculty – Faculty work schedules are based on instructors being on campus a minimum of four days per week for a minimum of 30 hours per week. Exceptions to this requirement may be made for faculty who have selected or been assigned to a 40 hour workweek. These faculty members will be on a campus or at an instructional site for 40 hours each week. Faculty are not generally required to be present when students are away, except for in-service activities or when directed by their supervisor in support of college needs. Full-time regular continuing education faculty members work the class schedule as set in accordance with the needs of the college. Continuing Education faculty are also not generally required to be present when classes are not in session except for in-service activities and when directed by their immediate supervisor. Class schedules will be determined in accordance with college needs.

5.5.2 Non-Exempt Positions

Non-exempt positions are subject to the overtime requirement of the Fair Labor Standards Act (FLSA). Employees in this position type submit monthly time cards that reflect actual hours worked. These positions typically work 40 hours per week. Overtime begins after an employee has actually worked 40 hours in a calendar week. For FLSA purposes, CFCC's workweek begins at 6:00 a.m. on Monday and runs to 6:00 a.m. the following Monday.

Employees whose principal duty stations require them to be at their desks or confined to their offices are entitled to a fifteen (15) minute break in each half of the workday. Supervisors are to schedule the break time, and at no time is a break period to interfere with a service to be provided or completion of an assigned duty.

Lunch Period: The typical employee lunch period for office operations at CFCC should be observed for ~~a one-hour period~~. However, supervisors may approve alternative lunch periods depending upon employee needs and ~~that, when~~ the normal daily-required number of work hours are met, and operational needs are met. Hourly employees may not forego a lunch period for purposes of a later arrival or earlier departure in order to shorten the workday.

5.6 Employment Process

5.6.1 Initial Position Opening

When a regular position opens, the hiring supervisor or senior level administrator of the division in which the vacancy occurs must notify the Human Resources office and submit an updated job description. The Human Resources office will finalize the job description and gather all information needed to initiate the Posting Approval Request through the applicant tracking system workflow. The President has the final approval of the posting request which is also reviewed and approved using the online application tracking system.

5.6.2 Job Posting

Regular Full-time Exempt and Non-exempt positions – Regular full-time positions - **exempt and non-exempt**, are generally posted internally for three business days prior to being posted externally **for seven days**. The College reserves the discretion to determine an appropriate time frame for internal postings and when/if those postings should be advertised externally. Internal job postings will be placed on the college's internal job posting site. Employees without access to computer resources to access the Colleges' internal job site can come to Human Resources to apply online. Internal candidates include regular full-time, regular part-time, and temporary part-time employees currently on the CFCC payroll at the time the job posting is approved.

Eligibility requirements to apply as an internal applicant for employees who are in **temporary** part-time positions are:

- 1) employed at CFCC for at least six months,
- 2) working a schedule of at least 20 hours per week, and
- 3) in good job performance standing in the areas of customer service, productivity, quality of work, **and** attendance, and punctuality.

Temporary part-time employees may apply for any externally posted positions at any time. Eligibility requirements to apply for internal or external postings for employees who are in regular full-time or temporary full-time positions are:

1. Must have satisfactorily completed probationary period of employment (refer to Section 5.4.1 for details on the probationary period).

Regular full-time exempt and non-exempt positions that are not filled by an internal search will be advertised and posted externally for a minimum of seven (7) business days. Internal candidates may apply for both internally and externally posted jobs. Internal applicants not selected through an internal search may still be considered in the external applicant pool.

Regular Full-time Exempt positions – All regular full-time exempt positions are advertised locally, statewide and nationally through our recruitment and advertising solution partner(s). Openings are listed with the North Carolina Employment Security Commission, the North Carolina Community College System, and with other trade or diversity organizations, agencies or advertising avenues as needed. Openings are posted externally for a minimum of seven (7)

business days. The College reserves the discretion to either extend postings as needed or take postings down in order to gather an appropriate talent pool of qualified candidates.

Part-time positions – Workflow for part-time openings originate in Human Resources and follows the same approval process as full-time postings, with the exception of pre-approved direct-hire links which are not posted, but used to capture applications for continuous recruitment of positions (commonly Wilson Center and adjunct instructor positions). Applicants for part-time positions apply using the online applicant tracking system.

Exception – The President may make changes in a regular full-time employee’s job status through reorganization or reassignment without a search. For an application to be official, a Cape Fear Community College employment application must be fully completed and submitted through the College’s online application tracking system and by the date listed in the posting, **and must contain unofficial transcripts**. At the end of the posting period, College personnel who have been designated to serve on the search committee for the position will proceed with the selection process as described under Selection Process.

Successful candidates who are offered a position are required to submit their official transcripts for all degrees earned prior to their first day of employment.

Faculty will be given credit for full-time teaching experience only.

5.6.3 Selection Process

Whether a vacancy is being filled internally or externally, the hiring supervisor or search committee charged with conducting the search will proceed with the selection process. This will include a review of applicants’ qualifications, appropriate personal interviews and, as needed, consultation with other College employees. Reference checks must be made on all candidates for positions.

Upon completion of their search and interview of candidates, the search committee will score candidates and submit a hiring proposal for the committee’s selected candidate through the applicant tracking system. Proposed candidates who were not the highest scoring must be accompanied by a rationale in the hiring proposal. Hiring proposals follow a standard approval workflow with recommended salary input and forwarded by Human Resources. The President has the final approval authority on hiring proposals and may approve the selection of a recommended candidate, or if not approved, the position may be re-advertised or the search cancelled.

The findings of the committee should be noted by the search chair on the hiring proposal via the online applicant tracking system. In the case of senior level administrators filling positions that report directly to the President, the President’s nomination will be forwarded to the Board of Trustees for final approval. After approval by the President or Board of Trustees, the applicant selected will be notified of his/her selection by Human Resources. The appointment

will be confirmed by an official offer letter or employee status change form from Human Resources.

If a candidate who is selected to fill a vacancy declines the offer, the position may be offered to another qualified applicant who had submitted an application within the accepted time frame. If a search is canceled for any reason, any attempt to fill the vacancy at a later date will follow the same procedures as for a new position.

5.6.4 Temporary Replacement of Full-Time Employment

In the rare event that a regular full-time position comes open at such a time that it is in the best interest of the College that no break occurs in operations, the vacancy may be filled with a temporary part-time employee without benefits or a temporary full-time employee with benefits. Filling the position with a temporary part-time employee without benefits is possible and the employee may work in excess of 25 hours and no more than 40 hours by completing an Exception to Work Extended Hours Form. This form must be approved in advance by the President, and in most cases requires a full search be conducted within six months in accordance with established policy and procedures. Exceptions to conducting a search will be available to cover for a regular full-time vacancy, for a time limited period, due to extenuating circumstances related to an approved disability or military leave expected to last for 9 months or more. See section 5.2 Definitions of Employment Categories - *Time Limited – Full-time*. When a full search is conducted to fill the position, a temporary part-time employee may be eligible to apply for the position.

5.6.5 Unsolicited Applications

The Human Resources office does not accept unsolicited applications for employment. Resumes and other unsolicited information that are sent to the College are returned to the sender or deleted from e-mail.

5.6.6 New Employees

Regular and time-limited full-time - All new regular and time-limited full-time employees report to Human Resources on or before the first day of employment for the purpose of orientation to CFCC and completing required forms for new hire paperwork including but not limited to: payroll, employment eligibility, benefits, state and federal tax withholding, NC State Retirement System, and other required forms. All new full-time employees will receive benefits information and an overview of the Faculty and Staff Handbook during orientation. All employees are expected to familiarize themselves with and adhere to all policies and procedures outlined in the Faculty and Staff Handbook.

Temporary part-time - All new temporary part-time employees report to Human Resources on or before the first day of employment, for the purpose of orientation to CFCC and completing required forms for new hire paperwork including: payroll, employment eligibility, state and federal tax withholding and other required forms.

5.6.7 Employee Changes

Any change in an employee's status must be reported promptly to Human Resources. Senior level administrators are responsible for reporting changes. Employee status changes are initiated through the Human Resources Employee Status Change Form and routed for all appropriate approvals prior to processing.

The President reserves the right to make changes in an employee's job status through reorganization or reassignment. All other promotions or transfers of employees will be considered by the President upon request by the employee or appropriate supervisory personnel. The first 90-days for staff members in a new position and the first semester for faculty in a new position will constitute a probationary period during which employment performance will be appraised. A recommendation shall be made by an employee's supervisor at least ten (10) business days prior to the conclusion of the probationary period as to either continued employment, an extension of the probationary period, or separation. Recommendations for separation resulting from the new position probationary period must be reviewed and approved by the President and employees shall be notified of the decision by the conclusion of the probationary period. Employees in this new position probationary period are not entitled to due process under the College's Dismissal, Non-Reappointment and Grievance Procedure.

Employees have the responsibility of notifying Human Resources or the Business Office, as appropriate, any time personal information changes which would affect their retirement, insurance, beneficiaries or dependents, or other important matters. Changes, including address and telephone, should be reported as soon as they occur to avoid any problems in mailing official communications and correcting any crediting and coverage for insurance, retirement, and similar purposes. Phone numbers are particularly important in case of an emergency.

5.6.8 Background Reviews

Background reviews apply to all new hires and volunteers. Current employees who are changing jobs, will have a background review if the job requires a higher level of review. Former employees who return to employment will have a background review.

Upon receipt of a completed and signed authorization from the new hire, the Human Resources representative will initiate the appropriate background review prior to scheduling orientation and the first day of employment. Professional reference checks are the responsibility of the search chair or their designee. Refusal on the part of a new hire to authorize any part of the background review will make the individual ineligible for employment or volunteer services and the offer may be rescinded.

Levels of Background Review. The level and content of background reviews will be determined by the Human Resources representative and will be based on the duties and qualifications of the job being filled. At minimum, a standard background review contains a criminal history check, including a sex and violent offender registry check, and verification of

identity, employment, and, if required by the position, academic credentials, professional certificates, Department of Motor Vehicle report, financial background check, etc.

If CFCC has performed any of the above verifications or history checks on an individual within the past year, a new background review will not be required, unless there are areas of review required by the job that were not covered in the previous review.

An offer of employment may be withdrawn as a result of the background review. When such withdraw occurs, the Human Resources representative will provide a copy of the background review report to the finalist/new hire. S/he works directly with the background review vendor to correct any errors in the report. In all other instances, the Human Resources representative will provide a copy of the report upon request. If a review results in a finalist or new hire no longer being considered for employment, Human Resources will notify the hiring department.

If the criminal history check reveals convictions which the candidate disclosed on the employment application, the campus Human Resources representative will review the report, including any additional information the candidate provides, before making a determination regarding hiring. Relevant considerations may include, but are not limited to, the nature and number of convictions, their dates, and the relationship the conviction has to the duties and responsibilities of the job.

Criminal convictions - Candidates are automatically disqualified if they have been convicted for any felony or violent misdemeanor (examples include but are not limited to, crimes against persons, simple assault, and assault with deadly weapons, aggravated assault, sex offenses, weapons violations, child abuse, and domestic violence).

Other Convictions - The existence of other convictions does not automatically disqualify a candidate from employment, **but not disclosing it will disqualify a candidate.**

If unreported convictions are revealed in the criminal history check, the candidate will not be hired, unless the candidate shows the report is in error. Falsification of information on application materials will result in dismissal from employment or withdrawal of an employment offer.

5.7 Salaries

The salaries of all personnel are paid from State, County, or Institutional funds; therefore, they must be within the guidelines established by the NC Community College System and College policies related to salaries. Beginning salaries for instructors are determined by the applicant's teaching experience, educational preparation, and business or industrial experience. Beginning salaries for non-teaching staff are based on the pay range assigned to each position and generally will be at entry level. Part-time employees are paid at a rate agreed upon at the time of employment.

5.7.1 Salary Increases

The President approves salary increases for all college personnel. These decisions are based on how the salary increase funds are allocated by the North Carolina General Assembly, availability of additional funding, and supervisor recommendations based on job evaluations. The North Carolina General Assembly mandates salary increase distribution in the following ways:

- **Across-the-board:** This requires all regular full-time, regular part-time and time-limited full-time employees to receive the mandated percentage or lump sum increase unless the General Assembly gives authorization to withhold increases due to poor performance evaluation. Occasionally, the instructional personnel percentage varies from the noninstructional percentage. Part-time employees usually receive similar increases.
- **Average across-the-board:** The salary increases given equals the average percentage. This gives the College flexibility to give some employees a higher raise than others. The salary adjustments are based on the employee's job performance.
- **In-lieu-of-merit percentage:** This is usually an additional percentage above the mandated across-the-board percentage. The in-lieu-of-merit increase gives the College the flexibility to give employees a higher increase based on job performance. Supervisor recommendations for salary changes are based on job evaluations.

5.7.2 Longevity Pay

Qualifying employees assigned to full-time and regular part-time positions receive longevity pay after ten or more years of State employment. Longevity pay is determined by multiplying an employee's annual salary on the date of eligibility by the appropriate rate determined by his/her aggregate service as shown in the table below:

Years of Aggregate Service	Longevity Rate
10 but less than 15 years	1.50%
15 but less than 20 years	2.25%
20 but less than 25 years	3.25%
25 or more years	4.50%

5.8 Benefits

5.8.1 Health Insurance

Regular full and part-time (75% or higher) employees are eligible to participate in the State Health Plan of North Carolina. Employees will be given the opportunity to choose between the currently available plans. Cost and coverage levels will vary depending upon plan selection. The employee is always responsible for the premium for dependent coverage.

An employee hired on a nine-month contract (pay not spread over 12 months) will have double deductions for insurance premiums in the months of March and April. In addition, optional benefits will be deducted per the employee's contract term. For employees that elect to spread pay over 12 months, premiums will be deducted monthly. Faculty ~~that~~ who do not return to work after the summer break shall repay the college any insurance premiums that have been paid on his or her behalf.

~~Salaried regular part-time employees designated as half-time but less than three-quarter time are eligible, provided they pay the entire cost.~~

A detailed account of coverage, premiums, and application procedures may be obtained from the Human Resources office.

5.8.2 Dental/Vision Insurance

A voluntary dental health plan and vision insurance are available to full-time employees at their own expense. The employees are eligible to select coverage during the first 30 days of their employment. Information may be obtained from the Human Resources office.

5.8.3 Unemployment Insurance

All College employees are covered under the Unemployment Insurance Act. Information may be obtained from the Business Office.

5.8.4 Wage Continuation Disability Insurance

Regular full-time employees are covered under the Disability Income Plan of North Carolina as administered by the State Retirement System. Information may be obtained from the Human Resources office.

5.8.5 Flexible Benefit Plan

A flexible benefit plan (IRS Section 125) is available for regular full-time employees who choose to participate. Enrollment is held annually.

5.8.6 Supplemental Insurance and Deferred Compensation

Full-time employees may also choose to enroll in supplemental insurance and deferred compensation plans as offered by **Prudential Retirement** during the year or at specified enrollment times.

Employees may participate in the Cape Fear Community College 403(b) deferred compensation plan effective January 1, 2009, however, the College reserves the right to exclude certain employees from participation in accordance with the section 403(b) rules. Employees will be provided detailed information on this benefit at the time of hire and annually beginning in 2009. **Additional options include the NC 401(k) and NC 457 plans.**

5.8.7 Social Security

All College employees are covered by Social Security. The employee pays a percentage on a maximum wage base. The State pays a matching percent. Percentages and the wage base are subject to change.

5.8.8 State Retirement

Regular full-time and full-time time-limited employees are members of the North Carolina Teachers' and State Employees' Retirement System. The employee and the College contribute a percentage of the gross salary of each full-time employee to the retirement fund.

The State policy covering all aspects of the retirement system is provided in the publication "Teachers' and State Employees' Retirement Handbook." Copies are available in Human Resources and on-line at www.myncretirement.com. The Retirement System web-site allows employees to view their retirement accounts on-line through the ORBIT System.

5.8.9 Workers' Compensation

All employees are covered by Workers' Compensation. If an employee is injured because of, or in the course of his/her employment, or contracts an occupationally related disease, he/she is entitled to medical attention at the College's expense. In addition, the employee will be paid for lost time as provided for by the Workers' Compensation Act.

The first responsibility for workers' compensation lies with the employee. Therefore, it is imperative for the employee to report the accident or occupationally related disease to his/her supervisor. A Workers' Compensation report must be filed with the Business Office within five (5) working days after the accident occurs. In addition, the supervisor must complete the Supervisor's Accident Report and submit it to the Business Office within five (5) days after the accident. (For full details, see General Statute 115D-23 on file in the Library or in the Business Office).

5.8.10 Employee Lounge

Employee Lounges have been provided for College employees. Each person using these lounges shares the responsibility for the maintenance and cleanliness.

5.8.11 Flower Fund

A special fund has been set aside from the Vending Fund for payment of flowers upon the death of any full-time employee, current Trustee, and the following members of his/her family: spouse, child, parent, brother or sister, including step and in-law relationships. Flowers may also be sent to the funeral of a retired employee or past Board member. In lieu of flowers, a memorial contribution may be made to a charity or to the CFCC Foundation or scholarship fund of choice. Cards may be sent to retired employees, past Board members or part-time employees at the death of an immediate family member.

Flowers will be sent to the hospital for ill employees and Board members only after confinement exceeds three consecutive days.

The Human Resources office has the responsibility, when made aware of death or sickness, to send flowers, cards, or memorial contributions as appropriate.

Generally, the cost of flowers and memorials will range from \$40 to \$55 for funerals and from \$35 to \$45 for flowers for other occasions.

5.9 Leave Policies

Any exceptions to all leave policies must be requested by the employee for approval by the President, in advance if possible.

5.9.1 Sick Leave

Sick Leave Credits – Sick leave credits are provided for regular full-time, regular part-time (halftime or over), and full-time time limited employees who are in pay status for one-half or more of the regularly scheduled workdays and holidays in a pay period. Sick leave is earned at the rate of 8 hours per month for regular full-time employees. The rate for regular part-time employees is computed as a percentage of total amounts provided to full-time employees.

In addition, vacation leave in excess of 240 hours on December 31 of each year is converted to sick leave.

Advancement – The College may advance sick leave not to exceed the amount an employee can accumulate during the employee's current contract. If an employee requires time away from work that is not covered by available sick leave or other paid leave, the unpaid leave taken will be reconciled and the employee's paycheck reduced accordingly on a pro rata basis or as otherwise required under the Fair Labor Standards Act. Should an employee leave the College's employment for any reason, sick leave will be prorated on a monthly basis and any sick leave used in excess of what the employee actually earned will be deducted from his/her paycheck.

NOTICE: If an employee's need for sick leave is foreseeable, the employee must provide his or her supervisor with at least five-(5) business days advance notice of the reason for the leave before the leave is to begin. If five (5) business days' notice is not practicable because of a change in circumstances or a medical emergency, notice may be provided as soon as practicable (normally within one (1) or two (2) business days of learning of the need for sick leave). The employee must make this notification personally unless physically or mentally incapable, and in this instance, the employee's representative must make the notice in a timely manner.

If an employee's need for sick leave is not foreseeable, notification must be made to the employee's supervisor of the reason for his or her absence as early as possible (and in any event, not later than thirty (30) minutes before the beginning of the scheduled workday). The employee must make this notification personally unless physically or mentally incapable, and in this instance, the notice must be made by the employee's representative in a timely manner.

Verification – To avoid the abuse of sick leave privileges and in instances where an employee may have a demonstrated pattern of frequent absences, the College may require a medical certification/note from a medical doctor or other acceptable proof that confirms the employee was unable to work due to personal illness, family illness or death in the family. The verification requirement is at the discretion of the supervisor in consultation with Human Resources.

For any absence of three (3) or more consecutive workdays, the employee may be asked to obtain and present a Certification of Health Care Provider or other acceptable medical certification from his or her health care provider or the health care provider of his or her immediate family member attesting to the illness, injury, or medical condition for which sick leave is being taken. For any absence of ten (10) or more consecutive workdays due to an illness, injury, or medical condition for which leave may be taken under this policy, an employee is required without further notice to obtain and present the appropriate medical certification. Presentation of a medical certification by the employee, if required pursuant to this policy, is a condition to the employee's leave being authorized.

Return to Work Certification – The College may require a return to work certification from his or her health care provider before being allowed to return to work following a personal illness, injury, or medical condition for which sick leave is taken. If a return to work certification is required, it must be provided to the College prior to and as a condition of the employee's restoration to employment.

Use of Sick Leave – Sick leave may be used for illness or injury which prevents an employee from performing usual duties, including the actual period of temporary disability connected with pregnancy or recovery there from. Sick leave may not be used for purposes other than prescribed by this policy.

Sick leave may also be requested for:

1. Medical appointments
2. Illness of a member of the employee's immediate family (For this purpose, immediate family includes a spouse, parent, son or daughter, as defined in the College's Family and Medical Leave Policy, and also includes step relationships. Sick leave may also be taken for the illness of other dependents living in the employee's household).
3. Death of an employee's immediate family member (For this purpose, immediate family is defined as spouse, parents, children, brother, sister, grandparents, and grandchildren. Also included are the step, half, and in-law relationships).

Sick Leave Transferable – Unused sick leave may be transferred when an employee transfers to a public school, community college, or other North Carolina governmental agency if the head of the employing agency or school administrative unit is willing to accept it. Sick leave transferred to CFCC cannot have been granted at a higher amount than is allowed for CFCC employees.

Separation – Sick leave is not allowable in terminal leave payments when an employee separates from State service. It may be exhausted prior to participation in the Disability Income Plan.

Leave Charges – Sick leave shall be taken and charged in units of time appropriate and consistent with the responsibility of managing absences in keeping with operational needs. Sick leave will be deducted in full hour units, i.e., a full hour for any part of an hour overdrawn.

Eight (8) hours of sick leave must be deducted for each full-time day missed by any full-time regular or time-limited full-time employee. Part-time regular employees must deduct the number of hours they were scheduled to work on the day(s) missed.

Faculty is charged sick leave using the following formula:

$$\frac{\text{hours absent}}{\text{scheduled work hours}} \times 8 \text{ hours} = \text{hours charged (rounded to the nearest whole hour)}$$

Examples:

$$\frac{1 \text{ hour absent}}{4 \text{ hours scheduled}} \times 8 \text{ hours} = 2 \text{ hours charged}$$

$$\frac{2 \text{ hours absent}}{6 \text{ hours scheduled}} \times 8 \text{ hours} = 3 \text{ hours charged}$$

$$\frac{\text{absent full day}}{5 \text{ hours scheduled}} \times 8 \text{ hours} = 8 \text{ hours charged}$$

Department Chairs will be responsible to ensure the proper sick leave hours are reported in accordance with this policy.

Reinstatement of Sick Leave – Sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five years from any type of separation. Sick leave may be reinstated when an employee accepts College employment within five years after separating from governmental employment in North Carolina.

Retirement Credits – One month of credit is allowed for each 20 days, or any portion thereof, of sick leave to an employee's credit upon retirement, but not to exceed 12 days for each year of retirement membership.

Unused sick leave is considered creditable service in the NC Retirement System. Therefore, upon notification of retirement, employees are asked to limit use of any sick leave to only extenuating circumstances. The unused sick leave balance is a component of the calculation for an employees' final retirement benefit.

When Sick Leave is Exhausted – Once sick leave has been exhausted, an employee must use earned vacation leave for any absence due to an illness, injury, or medical condition covered by this policy. Any additional days away from work after sick leave and earned vacation leave have been exhausted will be without pay. Eligible employees shall be granted leave in accordance with the Family and Medical Leave Policy for a period of up to 12 workweeks, regardless of whether sick leave and vacation leave are available. Additional leave without pay up to one year may be granted by the President for the remaining period of disability after the 12-week period. During FMLA periods, only FMLA days covered by a medical certification are eligible for paid sick or shared sick leave. Vacation leave, if available, can be used for FMLA days not covered by medical certification.

Leave Records – The College will maintain annual records for sick leave for each employee. The College will notify employees of leave balances at least once each year.

5.9.2 Vacation Leave

Purpose and Uses – The primary purpose of paid vacation is to allow and encourage employees to renew their physical and mental capabilities and to remain a full productive employee. Employees are encouraged to request leave during each year in order to achieve this purpose. Vacation leave requests must be submitted to the supervisor for approval in advance of taking vacation leave. Vacation leave requests should be submitted to the supervisor in a timely manner to ensure adequate time for review of the request and necessary planning for work to be completed during the period of employee's vacation leave. The approval of vacation leave requests are at the discretion of the supervisor, division head, or the President.

Vacation leave may also be requested for other periods of absence for personal reasons, for absences due to adverse weather conditions when the school is not closed, and for personal illness or illnesses in the employee's immediate family in lieu of sick leave.

Time lost for late reporting may be charged to the vacation leave account. Deductions may be made from a non-exempt employee's pay where excessive tardiness or absenteeism occurs. Any time not covered by paid leave will require an employee to provide a written explanation and request for leave without pay to the President for approval.

Scheduling Leave – Vacation leave shall be taken only upon authorization by the employee's supervisor, division head, or the President. The College will try to consider employees' preferences and ~~work-out~~ accommodate their schedules, bearing in mind individual and College needs.

Leave Credits – Vacation leave credits are provided under the terms and conditions of this policy for a regular full-time, time-limited full-time, or regular part-time (half-time or over) employee who is in pay status for one-half or more of the regularly scheduled workdays and holidays in a pay period. The rate is based on length of total State service. Leave for regular

part-time employees shall be computed as a percentage of total amounts provided to a regular full-time employee.

Total Years of State Service	Hours Granted Each Month	Days Granted Each Year
Less than 5	9.34	14
5 but less than 10	11.34	17
10 but less than 15	13.34	20
15 but less than 20	15.34	23
20 years or more	17.34	26

Accounting for Creditable Service – The College is responsible for informing each employee of the types of prior service, which are eligible to be counted as total State service. If the employee fails to produce evidence of prior service at the time of employment and later produces such evidence, it creates a cumbersome, time-consuming process to adjust leave records. When this occurs, credit will be allowed for the service and the earnings rate will be adjusted; however, retroactive adjustments will only be allowed for the previous twelve months preceding employment at CFCC. Adjustments will not be decreased when the College fails to properly determine prior service once an employee has provided appropriate documentation.

Maximum Accumulation – Leave may be accumulated without any applicable maximum until December 31 of each calendar year. On December 31 of each calendar year, any employee with more than 240 hours of accumulated leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year. Excess annual leave cannot be converted to sick leave for individuals who leave the College at any time other than at the close of the leave year. Accumulation for regular part-time employees will be pro-rated based on the amount of time worked.

Advancement – Upon request, the President may advance annual leave not to exceed the amount the employee would earn during the remainder of the employee’s current contract. If an employee requires time away from work that is not covered by available vacation leave or other paid leave, the unpaid leave taken will be reconciled and the employee’s paycheck reduced accordingly on a pro rata basis or as otherwise required under the Fair Labor Standards Act. Should an employee leave the College’s employment for any reason, vacation leave will be prorated on a monthly basis and any vacation leave used in excess of what any employee actually has earned will be deducted from his or her final paycheck. Vacation leave will be deducted in full hour units, i.e., a full hour for any part of any hour overdrawn.

Leave Charges – As a rule, leave should be used and charged in increments of one or more hours. However, leave to be paid as terminal leave and leave to be exhausted before disability retirement or leave without pay shall be in units of one hour.

Leave Transferable – Unused leave may be transferred when an employee transfers to another North Carolina governmental agency if accepted by that employing agency. The College does not accept annual leave from any other jurisdiction.

If no leave is transferred, the employee leaving College service will be paid in a lump sum for accumulated leave not to exceed 240 hours (prorated for part-time employees). If the North Carolina governmental agency accepts a part of the leave, the combination of the amount transferred and paid for shall not exceed 240 hours (prorated for part-time employee).

Options During Leave Without Pay – An employee going on leave without pay may exhaust vacation leave or may retain part or all accumulated leave until the employee returns, the only exceptions being:

- If an employee has accumulated vacation leave, all leave must be exhausted before going on leave without pay for vacation purposes; or,
- If an employee requests leave for other personal reasons for a period not to exceed 10 workdays, vacation leave must be used if available; however, if the leave is for a period longer than 10 workdays, the employee may choose to use vacation leave or retain it for future use. Options for use of vacation leave under the Workers' Compensation Policy, Family and Medical Leave Policy, and Military Leave Policy are included in these respective policies. If leave without pay extends through December 31 of a calendar year, any leave accumulation above 240 hours (prorated for part-time employees) shall be converted to sick leave.

When on paid vacation an employee continues to accumulate leave, is eligible to take sick leave, is entitled to holidays and is eligible for salary increases during that period.

Separation – Lump sum payment for vacation leave is made only at the time of separation. An employee shall be paid in a lump sum for accumulated vacation leave not to exceed a maximum of 240 hours (prorated for part-time employees) when separated from CFCC service due to resignation, dismissal, non-reappointment, reduction in force, or death. An employee is not entitled to any scheduled holiday occurring after the last day of work, except when the last day of the month is a holiday and the employee is in pay status through the last available workday. The employee ceases to accumulate leave and ceases to be entitled to take sick leave. The last day of work is the date of separation.

Employees separating from the College due to service retirement or early retirement may elect to exhaust vacation leave after the last day of work but prior to the effective day of retirement. All benefits accrue while leave is being exhausted. If vacation leave is exhausted, the last day of leave is the date of separation; and any unused leave not exhausted must be paid in a lump sum not to exceed 240 hours. If vacation leave is not utilized, the last day of work is the date of separation.

5.9.3 Compensatory Time

The College awards compensatory time off in lieu of payment for overtime to non-exempt employees at the rate of one and one half hours for each hour beyond regularly assigned 40 weekly work hours performed Monday through Friday. If overtime occurs on weekends or holidays, the ratio moves to two to one. Supervisors should make every effort to avoid situations that require a non-exempt employee to exceed the 40-hour workweek. In no case is a non-exempt employee to schedule himself/herself for overtime work.

Amount Earned

Compensatory leave is earned only after a non-exempt employee has worked 40 hours during the workweek from 6AM Monday through 6AM the following Monday. Use of vacation, bonus, sick leave, furloughs, compensatory leave, holidays, inclement weather days or use of any other leave plan are not considered as time worked and are therefore not included in the computation of compensatory leave.

The following provisions apply to Overtime Compensatory Time:

- Overtime compensatory time may be accumulated up to a maximum of 240 hours (160 hours straight time). Any overtime worked above this amount shall be paid in the employee's next regular paycheck.
- Overtime compensatory time off cannot be denied to an employee unless the compensatory time off will unduly disrupt agency operations.
- Overtime compensatory time shall be taken before any vacation or bonus leave (exceptions may be made for retirees in final month prior to retirement).
- It is the employee's responsibility to take compensatory leave as soon as possible after it has been earned. Overtime compensatory time off not taken within 365 days of being earned will be paid out in the next paycheck.
- If an employee separates before taking overtime compensatory time, it shall be paid in a lump sum along with unused vacation.
- If an employee changes status to an Exempt-FLSA position, overtime compensatory time shall be paid in the next regular pay period after the effective date of the status change.

Scheduling of Compensatory Leave

Employees should make every effort to take all compensatory time off before the end of the pay period in which overtime is worked or within the next pay period.

To schedule compensatory leave, an employee must enter the leave request through the College's time and leave tracking system. The employee's request will be routed to their supervisor for approval and granted within a reasonable time provided that the employee's absence will not unduly disrupt the College's operations or impose an unreasonable burden on the College's ability to provide services of acceptable quality and quantity for students and other recipients of its services during the requested absence period.

The determination of what constitutes a reasonable time within which to grant an employee's request for compensatory leave will be based on customary work practices of the College and the facts and circumstances surrounding the employee's request for compensatory time. In addition to other relevant factors, the College may consider the following:

1. Whether the employee's absence will interfere unreasonably with the College's normal work schedule;
2. Whether the employee's requested absence period coincides with the College's anticipated peak workloads based on past experience;
3. Whether the employee's requested absence period will occur while the College is experiencing emergency needs for staff or services; and,
4. Whether qualified substitute staff is available to perform the employee's work during his/her requested absence.

Payment in Lieu of Compensatory Time

Employees subject to this policy will not be entitled to cash payment in lieu of compensatory time, except as may be determined in the College's sole discretion on a case-by-case basis or under the following circumstances:

- Employees will be paid for all overtime compensatory hours earned to the extent that such hours exceed the maximum of 240 hours of compensatory time that may be accrued under this policy.
- Employees will be paid for all overtime compensatory hours earned if not taken within 356 days per the stipulations under this policy referenced above.
- An employee who has any accrued, unused compensatory time when he or she separates from employment with the College will be paid for the compensatory time at a rate not less than the average regular rate received by the employee during the three years immediately preceding his or her separation or the regular rate received by the employee at the time of his or her separation, whichever is greater.

Ship Personnel Who Qualify as Seamen

Ship personnel who are "seamen," within the meaning of the FLSA, are exempt from overtime compensation. The College is not obligated to provide them with compensatory time for any workweek in which they work more than 40 hours. However, the College currently provides employees who are seamen with compensatory time in the amount of one hour for each hour over 40 within a workweek. Compensatory time for seamen is administered in the same manner as for non-exempt employees, except that it is earned at a different rate and will not be paid out upon an employee's separation from employment for any reason. The College reserves the right to limit the availability of compensatory time for exempt ship personnel at any time if, in its discretion, the College determines that the additional time away from work creates a conflict with the College's operational requirements.

5.9.4 Personal Leave for Faculty

Full-time Faculty members are allowed to take three personal leave days per fiscal year (July 1st – June 30th) for personal business or circumstances that cannot be attended to outside the normal working day. Faculty may use their personal leave days anytime during the fiscal year, and the time can be taken consecutively.

Faculty Personal Leave will be deducted in either half-day (4-hour) or full-day (8-hour) increments. Eight (8) hours of Faculty Personal Leave must be deducted for each full-day missed and four (4) hours of Faculty personal leave must be deducted for each partial day missed by any full-time regular or time-limited full-time employee.

A bank of 24-hours of Faculty Personal Leave will be credited to all eligible Full-time or time limited full-time faculty at the start of each fiscal year (July 1). Unused Faculty Personal Leave is not paid out and does not accumulate or roll over or convert to Sick time.

The personal leave day request must be submitted to the employee's immediate supervisor for approval in advance of the date the leave is to be used. A verbal request will be considered if an employee is unable to make the request in advance; however, the approved verbal request must be submitted to the supervisor for formal approval upon return to work.

5.9.5 School Leave

Parent involvement is an essential component of school success and positive student outcomes. Therefore, Cape Fear Community College will grant four hours per year for school leave to any faculty or staff member who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend or otherwise be involved at that child's school. However, any leave under this section is subject to the following conditions:

- The school leave shall be scheduled at a mutually agreed upon time between Supervisor and employee.
- The employee will be required to provide the supervisor with a written request for the leave, preferably one week prior, and at least 48 hours in advance of ~~to~~ the time desired for the leave.
- The employee will be required to provide the supervisor with a written verification from the child's school that they attended and were involved at that school during the time of the leave.

For the purpose of this section, "school" means any (i) public school, (ii) private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction, (iii) preschool, and (iv) child care facility as defined in G.S. 110-86(3).

CFCC will not discharge, demote, or otherwise take an adverse employment action against an employee who requests or takes leave under this section. Nothing in this section shall require CFCC to pay an employee for leave taken under this section. Employees who are authorized to take school leave may apply vacation leave toward their school leave absence to the extent

permitted upon the College's policy on vacation leave. Faculty members who are authorized to take school leave may apply personal leave toward their school leave absence to the extent permitted under the College's policy on school leave. Time away from work for school leave otherwise will be without pay.

5.9.6 Educational Leave

Any full-time employee may be granted permission to take educational leave with pay under the provision of the State Board of Community Colleges. Educational leave as defined in this regulation refers to release from the employee's normal duties or assigned responsibilities. State funds may be used to pay salaries of personnel while on educational leave provided all of the following conditions are met:

1. Employees desiring educational leave should submit a request in writing to the appropriate senior level administrator who in turn will evaluate such requests for recommendation to the President. Only the President and the Trustees of the College can approve the educational leave requested.
2. The employee is a regular full-time employee who is employed on a nine, ten, eleven, or twelve-month basis and is under contract for the year following the educational leave. Normally the employee must have completed five years of employment with the College to be eligible for such leave. Exceptions to the five-year prerequisite may be recommended by the President when it is in the best interest of the College to do so. An employee must have completed five additional years of employment to be eligible for subsequent educational leave.
3. Educational leave is contingent upon availability of other personnel to cover the employee's duties.
4. The educational leave with pay will not exceed a period of one semester per calendar year.
5. The studies engaged in during such educational leave are directly related to improving the competence of the employee.
6. In the event the employee fails to complete the employment contract for the year following educational leave, the employee will REFUND to the College all salary paid by the College during the period of the educational leave, or pro-rated amount if the employee fulfills a portion of the contract.
7. Administrative personnel taking educational leave must do so at the convenience of the College and their particular job responsibilities. Usually no more than three (3) members of the instructional staff will be granted educational leave in any one semester.
8. Professional development funds to cover tuition or books will not be granted for use while an employee is on educational leave.

5.9.7 Military Leave

Leave with pay shall be granted to members of Reserve Components of the U.S. Armed Forces for certain periods of active duty training and to members of the State Militia (National Guard) for State military duty as promulgated pursuant to North Carolina General Statute 127A-116 and the Uniformed Services Employment and Reemployment Rights Act of 1994.

Leave shall be granted to employees of the college for certain periods of service in the uniformed services. No agent or employee of the college shall discriminate against any employee of the college or applicant for employment at the college because of their membership, application for membership, performance of service, application for service or obligation for service in Uniformed Services. During a period of reserve active duty, the employee will continue to accumulate sick and vacation leave. If the employee does not return to State employment, vacation leave earned while on reserve duty will be paid in accordance with the Vacation Leave Policy.

An employee shall be granted necessary time off when the employee must undergo a required physical examination relating to military service. For additional information, contact the Human Resources office.

When ordered to State or Federal active duty, or as an intermittent disaster-response appointee upon activation of the National Disaster Medical System, the following shall apply for each period of involuntary service:

1. Members shall receive up to thirty (30) calendar days of pay based on the employee's current annual State salary.
2. After the thirty-day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee's annual State salary, if military pay is the lesser.
3. For periods eligible for military leave with differential pay, the activated State employee is required to provide a copy of their Leave and Earnings Statement or similar document covering the period eligible for differential pay.

When on State Duty, the State continues to pay for health coverage for members for the National Guard. When on Federal active duty, the State will pay for coverage in the State Health Plan for at least 30 days from the date of active service pursuant to the orders. Partial premiums are not accepted; therefore, if a full premium is paid to cover a partial month, coverage will also continue to the end of that month. After that, the employee may choose to continue coverage in the State Health Plan by paying the full premium. If the employee chooses to exhaust vacation leave, the State also pays for coverage while exhausting leave.

5.9.8 Civil Leave

Jury Duty – An employee who serves on a jury is entitled to leave with pay and regular compensation plus fees received for jury duty. The employee should report back to work as soon as jury duty is completed. He/she must report back to work the day following completion of the duty. If jury duty occurs on a scheduled day off, he/she is not entitled to additional time off.

Court Attendance – (a) When an employee attends court in connection with official duties, no leave is required. Fees received as a witness while serving in an official capacity shall be turned in to the College. (If court is on a day that would normally be an off day, the time is to be considered as working time and included in the total hours worked per week). (b) When an

employee is subpoenaed or directed by proper authority to appear as a witness, civil leave with pay shall be granted. Any fees received shall be turned in to the College. The employee may use vacation leave rather than take civil leave with pay in which case any fees received may be retained. (This is not considered as work time.)

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 service member family leave described in the Service Member 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.

An employee's FMLA leave for the birth or placement of a child must conclude within 12 months of the birth or placement.

Service Member 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 service member 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 service member 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 service member during this "single 12-month period," the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited. Leave entitlement to care for a covered service member shall be applied on a per covered service member, 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 service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 workweeks leave may be taken within any single 12-month 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 Service member 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 service member*” 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 service member, 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 service member*” means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by *court* decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for 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 service member, all such family members shall be considered the covered service member’s next of kin and may take FMLA

leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

The term "*parent of a covered service member*" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. 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 service member*" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member 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 service member 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:

1. Service member Family Leave; or
2. a combination of service member Family Leave and leave described in paragraphs (1), (2), (3), (4) or (5) of the “Reasons for Taking Leave” Section above.

Intermittent Leave

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 service member 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 taking 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.

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 **Human Resources** in writing as 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 service member 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 **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 **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 leave time such as sick leave, vacation, **comp time, faculty leave, or bonus leave toward his/her employee's FMLA absence.** ~~if the reason for the FMLA leave is a reason for which short term disability, long term disability, or vacation leave may be taken under the College's leave policies. Sick leave, vacation, and vacation leave will not be applied toward FMLA leave if the employee is receiving long or short-term disability or worker's compensation.~~ Any FMLA leave that is not covered by long or short-term disability, 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 service member, 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 service member, the employee must obtain complete and sufficient medical certification completed by an authorized health care provider of the covered service member. 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 **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~~ **the college** receives 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.**

5.9.10 Voluntary Shared Leave Program

Purpose

The purpose of the Voluntary Shared Leave Program is to allow an employee to donate leave, as allowed in this rule, to an employee who has been approved to receive leave through the Voluntary Shared Leave Program because of a medical condition of the employee or of a member of the employee's immediate family that will require the employee's absence for a prolonged period of time.

Policy

- a) In cases of a prolonged medical condition, an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee, from the sick leave or vacation account of an immediate family member as defined in section ~~of this~~ (c)(8) of this Subchapter or from the sick leave account of a non-family member as provided in (c)(11)(B) of this Rule. For purposes of this Rule, prolonged medical condition means medical condition that is likely to require an employee's absence from duty for a period of at least 20 consecutive workdays. If an employee has had previous absences for the same condition that has caused the employee to not have enough leave to cover the new need for leave or if the employee has had a previous, but different, prolonged medical condition within the last 12 months, the college may waive the requirement that the employee be absent from duty for a period of 20 consecutive workdays to participate in the program.
- b) An employee who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.
- c) Participation in the voluntary shared leave program shall be limited to 1,040 hours, (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant employees continuation in the program, month by month, for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.
- d) An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in the voluntary shared leave program. Use of donated leave under the workers' compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.
- e) The employee shall exhaust all available leave before using donated leave.
- f) Non-qualifying conditions: This leave does not apply to short-term or sporadic conditions or illnesses that are common, expected or anticipated as determined by the college president or the college president's designee. This includes such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to the intent of this Rule and must be applied consistently and equitably.
- g) For purposes of this Section, immediate family means:
 - (I) Spouse: A husband or wife; (II) Parent:
 - (i) a biological or adoptive parent; or

- (ii) an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child; or
- (iii) a step-parent; or
- (iv) in-law relationships;
- (IV) Child: A son or daughter who is:
 - (i) a biological child; or
 - (ii) an adopted child; or
 - (iii) a foster child (a child for whom the employee performs the duties of a parent as if it were the employee's child); or
 - (iv) step-child (a child of the employee's spouse from a former marriage); or
 - (v) a legal ward (a minor child placed by the court under the care of a guardian); or
 - (vi) a child of an employee standing in loco parentis; or
 - (vii) in-law relationships;
- (V) Sister or brother - biological, adoptive (including step-, half- or in-law relationships);
- (VI) Grandparents, great grandparents, grandchildren, great grandchildren (including step relationships); and
- (VII) Other dependents living in the employee's household.

Administration

The Human Resources department will handle administration of the voluntary shared leave program. The President or his/her designee will approve shared leave donations on a case-by-case basis. A leave “bank” for use by unnamed employees is not an established practice. Leave shall be donated on a one-to-one personal basis.

Qualifying to Participate in Voluntary Shared Leave Program

To participate in the Voluntary Shared Leave Program, an employee shall meet the following conditions:

1. A donor or recipient shall have a half-time or more permanent, probationary, or time-limited appointment (The limitation and leave balance for permanent part-time employees shall be prorated);
2. A recipient shall apply or be nominated by a fellow employee to participate in the program;
3. A recipient shall produce medical evidence to support the need for leave beyond the available accumulated leave; and
4. The parent college shall review the merits of the request and approve or disapprove according to these Rules.

Donor Guidelines

1. An employee of a community college may donate vacation leave, bonus leave or sick leave to an immediate family member in any State agency, public school or community

college. An employee of a community college may donate vacation or bonus leave to a coworker's immediate family member who is an employee in a state agency or public school provided the employee and coworker are at the same college. An employee may donate vacation, bonus, or sick leave to another employee at a community college in accordance with the provisions of (c)(11)(B) of this Rule.

2. An employee of a community college may donate up to five days of sick leave to a non-immediate family member employee of a community college. The combined total of sick leave donated to a recipient from non-immediate family member donors shall not exceed 20 days per year as defined by local college policy. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

3. The minimum amount of sick leave or vacation leave to be donated is four hours. An employee family member donating sick leave to a qualified immediate family member under the Voluntary Shared Leave program may donate up to a maximum of 1040 hours but may not reduce the sick leave account below 40 hours.

4. The maximum amount of vacation leave allowed to be donated by one individual is the amount of the individual's annual accrual rate. However, the amount donated shall not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate. Bonus leave may be donated without regard to this limitation.

5. An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. The donation of leave is confidential, and only those individuals authorized under G.S. 115D-29 to access employee personnel file information may view donation information consistent with G.S. 115D-29. Recipients of voluntary shared leave shall not have access to information about individuals who donated leave. The employee donating leave shall not receive remuneration for the leave donated.

Leave Accounting Procedures

The following conditions shall control the accounting and usage procedures for leave donations in the Voluntary Shared Leave program:

1. The community college may establish a specific time period during which leave can be donated.
2. All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.
3. At the expiration of the medical condition, as determined by the community college, any unused leave in the recipient's donated leave account shall be treated as follows:

- a. The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part-time employees).
 - b. Any additional unused donated leave shall be returned to active (working or on leave without pay) donor(s) on a pro rata basis and credited to the leave account from which it was donated.
1. If a recipient separates due to resignation, death, or retirement from state government, participation in the program ends. Donated leave shall be returned to active donor(s) on a pro rata basis.

The Community College Laws of North Carolina do not permit community college employees to donate sick leave to other non-family member community college employees or state workers.

5.10 Professional Development

5.10.1 Professional Growth and Development Policy Statement

The rapid rate of change makes it essential for all faculty and staff members to devote part of their time to staying current in their field of expertise. Employees are expected to develop and maintain the administrative skills, such as computer literacy, necessary for successful job performance. Faculty members are expected to further their knowledge within their specialty and to continuously refine their instructional skills.

The College offers many opportunities to help employees in their growth and development. These include conferences, seminars, visits to industry, and the opportunity to take classes at little or no cost. The College also provides facilities such as the Learning Resource Center (LRC), the Technology Training Center (TTC), and the Learning Lab which offer faculty and staff training in computer training and other skills.

The College expects employees to use these and other resources to ensure currency and continued growth in their chosen field. It is the responsibility of each employee to provide to his or her supervisors and to the Human Resources office records of growth and development activities such as transcripts and certificates of attendance or completion. Professional growth and development will be considered in faculty and staff annual performance evaluations.

5.10.2 College Courses

Regular full-time employees will be allowed to attend college on a part-time basis to upgrade or improve their abilities as it relates to their job duties and responsibilities through study or degrees, so long as it does not interfere with their College duties or conflict with NC Community College System regulations. Employees may be allowed to take one course at a time during working hours, providing it is approved by their supervisor with definite consideration being given to increases in workloads to other employees.

5.10.3 Tuition – Free Courses

As funds are available, full-time Cape Fear Community College faculty or staff members employed for a term of nine or more months may request to take one course per semester to upgrade or improve his/her abilities as it relates to his/her job duties and responsibilities upon approval by his/her supervisor to be paid for by the College. This course can be either a curriculum course or an occupational extension course and is limited to only one per semester. The employee is responsible for all other course related fees except College access parking and security.

Cape Fear Community College will pay for tuition only (curriculum course) or registration fee only (occupational extension course) **only for** approved job-related classes.

5.10.4 Textbooks

CFCC furnishes textbooks for use by regular full-time employees who enroll in supervisor approved and job-related tuition-free courses at the College, subject to availability of funding and completion of courses. Book vouchers must be requested through the President's office. Used books are to be purchased with CFCC vouchers when available in the CFCC bookstore.

All textbook packages provided by the College (textbook and any supplementary texts, workbooks, CD's, etc.) must be returned to the President's office within 5 workdays of completion of classes ~~in order~~ to increase the availability of used textbooks for the next academic term.

Employees must give serious consideration to their ability to complete courses before requesting textbook vouchers from the College as either failure to complete courses for unexcused reasons or failure to return all textbook packages on a timely basis and in usable condition will require reimbursement from the employee for net textbook expenses incurred by the College. "Net textbook expenses" is defined as the original cost of the new or used book less the buyback value of returned books as determined by the CFCC Bookstore.

5.11 Disciplinary and Grievance Policies and Procedures

5.11.1 Disciplinary Actions

General Information

The following guidance about prohibited conduct is intended to promote good understanding by College employees about conduct expectations and protection of the rights of all employees. If an employee engages in prohibited conduct, disciplinary actions may include verbal warnings, written warnings, suspension with pay, suspension without pay, disciplinary probation, demotion, ~~and or~~ dismissal as noted in CFCC's [5.11.4 Discipline Procedure](#). Such disciplinary actions are not necessarily intended to be sequential. A recommendation for dismissal could be the result of an accumulation of minor violations, or for a single serious violation. All disciplinary actions taken will be included in the employee's personnel file. The

guidance provided does not preclude any College department from establishing additional parameters for its employees and necessary for the effective business operations of that department.

What follows is not an all-inclusive list of rules, and the College reserves the right to use appropriate administrative judgment to take disciplinary action against an employee for acts or omissions not specifically stated below. For purposes of this policy, “College premises” shall include the buildings, grounds, and parking lots of the College campus, satellite facilities, or any other location where the business of the College is being performed or carried out, and College equipment and vehicles. “Students” of the College shall include enrolled students, applicants for enrollment, and other participants and applicants for participation in College programs and services.

All CFCC employees are expected to conduct themselves in a professional manner at all times.

Prohibited Conduct

The following are examples of prohibited conduct:

Sexual Harassment: Sexual harassment is a form of unlawful gender (sex) discrimination and is not tolerated at Cape Fear Community College. All employees should be familiar with the College’s policy on sexual and other unlawful harassment, available for viewing at: [5.11.2 Sexual and Other Unlawful Harassment](#)

1. **Sexual Conduct:** Behavior of a sexual nature that is not sexual harassment may, nonetheless, be unprofessional in the workplace, disruptive in the classroom, or violate other College policies; and, like other behavior that is unprofessional, disruptive, or violates a College policy or ordinance, it could warrant disciplinary action.

Many types of behavior may constitute sexual harassment or sexual conduct including, but not limited to, the following:

- Sexual assault
- Threats or insinuations that lead the affected individual reasonably to believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing within the College
- Sexual advances, sexual propositions, or sexual demands that are not agreeable to both parties
- Unwelcome and persistent sexually explicit statements or stories that are not related to employment
- Sexually explicit e-mails or text messages
- Sexual misconduct such as stalking, cyber stalking, voyeurism, or recording or transmitting sexual images
- Repeated use of sexually degrading language or sounds to describe a person
- Unwanted and unnecessary touching, patting, hugging, or other physical contact

- Comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior
 - Dissemination of sexually explicit materials through the College's information technology resources
Creation, dissemination, or display of offensive items or materials that disrupt the work environment including, but not limited to, photographs, graphics, symbols, or video or audio recordings
2. Other Prohibited Harassment or Inappropriate Conduct : see [5.11.2 Sexual and Other Unlawful Harassment](#)

Other unlawful harassment may occur when a CFCC community member is subject to unwelcome conduct based on a category based on a protected status. These protected status categories include: age, color, gender, gender identity, genetic information, disability status, marital status, national origin, political affiliation, race, religion, sexual orientation, and veteran status. Unwelcome conduct that is objectively and subjectively severe, persistent and/or pervasive and creates an unreasonable interference with the individual's ability to work or pursue their education is considered harassment.

Behavior that is based on a protected category, but does not rise to the level of prohibited harassment under the College's policy, may nonetheless be unprofessional in the workplace, disruptive in the classroom, or violate other College policies and, like other behavior that is unprofessional, disruptive, or violates a College policy or ordinance, could warrant discipline.

3. Misconduct related to the use or possession of alcohol, illegal drugs, or controlled substances: see [5.12 Drug and Alcohol-Free Workplace Policy](#)
- Unauthorized consumption or possession of alcohol on College premises
 - Consuming, distributing or possessing illegal drugs, as determined by state or federal law, on College premises
 - Consuming, distributing, or possessing controlled substances on College premises without a prescription
 - Selling or conspiracy to possess illegal drugs or controlled substances
 - Unlawfully manufacturing, distributing, dispensing or using illegal drugs or controlled substances
 - Being under the influence of alcohol when reporting to or while at work
 - Being under the influence of illegal drugs (as determined by state or federal law) when reporting to or while at work
 - Being under the influence of controlled substances without a prescription when reporting to or while at work
 - Failing a required drug or alcohol screen
 - Falsifying laboratory test results or samples
 - Adulterating or attempting to adulterate a drug screening specimen
4. Noncompliance with safety rules and regulations: See [10.3.1 Safety](#)

- Failing to immediately report all accidents and/or injuries
 - Failing to comply with safety rules and regulations established by unit supervisors, ~~the CFCC Police Department~~ in conjunction with local law enforcement, or local, state or federal statutes
 - Failing to use safety apparel and equipment
 - Failing to report unsafe conditions or practices
 - Creating or contributing to disorderly, unclean, or unsafe working conditions
 - Misuse of College vehicles or equipment
5. Improper behavior relating to attendance:
- Excessive absenteeism or tardiness
 - Leaving work early or taking extended break periods
 - Leaving the work area without permission
 - Making preparation to leave work before the lunch period, break period, or the specified quitting time
 - Failing to report for overtime work when scheduled
 - Failing to start work at the designated time
 - Failing to return from an authorized leave of absence or vacation at the designated time
 - Improper use of leave time to cover an absence (e.g., sick leave, bereavement leave, Family Medical Leave Act, jury duty)
 - Failure to properly and/or promptly report the reason(s) for being absent, if no previous arrangements were made with an appropriate supervisor
6. Negligent behavior relating to College property or the property of others:
- Malicious, negligent, or intentional destruction, damage, defacement, waste, or willful neglect of property of the College or another person
 - Using/possessing the College's or another's property without authorization, including but not limited to, non-business use of College computers and peripheral equipment – see the College's [9.13.1 Computer Use Policies](#)
 - Theft, unauthorized taking or attempting to take, misappropriate, conceal, or remove property of the College or of an employee, student, customer, supplier, vendor, visitor, patron or guest of the College
 - Unauthorized use of the College telephones, computers, electronics, or other equipment during working or nonworking hours
 - Knowingly admitting, or providing means of access to, an unauthorized person into any locked or restricted College building and/or area of the campus
 - Knowingly providing means of access to the College's information technology resources to an unauthorized person
 - Being on College premises without authorization unless on duty or have business as a member of the public
 - Failing to report inappropriate use of College equipment or electronic systems
 - Loss of keys, unauthorized use, manufacturing or duplication of any college key, unauthorized sharing or loaning of assigned keys to another person.

7. Poor work performance as evidenced by:
 - Insubordination, such as refusal or willful failure to carry out job responsibilities or refusal to acknowledge the legitimate authority of the supervisor or the College;
 - Neglect of duty and/or lack of due care or diligence in the performance of duties
 - Unsatisfactory work performance or failure to maintain reasonable standards of performance, productivity, or professionalism
 - Poor customer service, repeated discourtesy to or difficulty in dealing with students, co-workers, visitors, guests, or the public that comes in contact with the College;
 - Improper documentation, destruction, falsification, alteration, deletion, or omission related to completion/maintenance of College forms, records, or reports (e.g., production records, time records, employment applications, and medical records), including, but not limited to, false claims for wages, benefits, insurance, leave of absence, and/or providing false information for personal gain
 - Recording time for another employee on their time card/swipe card, allowing another employee to record time for you on your time card/swipe card, or altering any time card for any reason whatsoever;
 - Breach of confidentiality, unauthorized disclosure or misuse of records or other business information
 - Non-work related use of official position and influence for personal gain
 - Conducting personal business while on duty
 - Unauthorized leave from the College

8. Inappropriate behavior or conduct related to the treatment of others:
 - Utterance or publication of any threat, threatening, intimidating, obstructing, and/or harassing other persons
 - Fighting and/or instigating a fight while engaged in College duties or while in attendance at any College sponsored event;
 - Engaging in aggressive, hostile, or violent behavior, such as intimidation of others
 - Attempting to instill fear in others
 - Engaging in belligerent speech, excessive arguing or swearing
 - Sabotage or threats of sabotage

9. Other misconduct including but not limited to:
 - Using vulgar or obscene language
 - Gambling in any form on College time or premises
 - Exhibiting immoral conduct on College premises or during work hours;
 - Retaliating against an individual who makes a complaint of harassment
 - Possessing weapons, ammunition, firearms, firecrackers, hazardous materials or explosives on College premises (unless authorized in the course of employment)

- Engaging in horseplay or practical jokes that endanger or disrupt employees or College property
- Violation of [5.13 Tobacco-Free Policy](#)
- Sleeping, loitering, or loafing on the job
- Failing to maintain proper personal grooming, dress, cleanliness, or hygiene. Creating or contributing to unsanitary conditions. Dress or appearance should not be distracting to other employees and should be within acceptable standards of health, safety, and professional attire where there is public contact.
- Working for pay at other employment while on leave (e.g., medical or sick leave) from the College without prior authorization
- Failing to disclose outside interests that may conflict with the interests of the College including, but not limited to, financial, employment, or other business interests
- Vending, soliciting, or collecting contributions on College time or premises without prior appropriate authorization
- Making defamatory statements about other College employees, including supervisors, or making disparaging statements to the public concerning College business
- Knowingly making false statements about College business or employees
- Failing to maintain appropriate licensures and/or certifications in accordance with job requirements
- Off-duty misconduct, including committing illegal acts, that reflects adversely upon the College or adversely affects the employee's ability/credibility to fulfill his/her job responsibilities
- Failure to disclose and/or inform the employer of convictions that would result in the inability or restriction to operate College equipment or vehicles

FAILURE to follow the policies and procedures set forth in the College's Faculty and Staff Handbook or violation of any other policies and procedures applicable to the employees of the College may result in disciplinary action up to and including dismissal for just cause and would be administered in accordance with the Discipline Procedure.

Procedure

All disciplinary actions will be administered in accordance with the [Discipline Procedure](#) section of the College's Discipline, Non-Reappointment, and Grievance Procedure.

Right to Appeal

Employees who wish to appeal any disciplinary action taken against them should refer to the [Grievance Procedure](#) section of the College's Discipline, Non-Reappointment, and Grievance Procedure. Review of the disciplinary action may be requested in accordance with the Discipline, Non-Reappointment, and Grievance Procedure, from the level where the decision to administer discipline was made.

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.

Reports by Employees

Employees, without any fear of reprisal, have the responsibility to bring any form of sexual and other unlawful harassment (whether by another employee or by a student of the College) to the attention of their supervisor or department head. Any supervisor, department head, or other College administrator who receives a report from an employee alleging sexual or other unlawful harassment must report the matter to the Executive Director of Human Resources

immediately so an investigation may be initiated into the circumstances of the incident and alleged harassment.

If an employee is uncomfortable with reporting such harassment to his or her immediate supervisor or department head, he or she should report it to the Executive Director of Human Resources. If uncomfortable with initially reporting such harassment to the Executive Director of Human Resources, the employee should go directly to the President of the College. Notwithstanding the availability of these alternatives, employees are encouraged to attempt to resolve any incidents of sexual or other unlawful harassment with the designated administrative officer who is most directly concerned, excluding individuals accused of such harassment.

Reports by Students

Students, without any fear of reprisal, have the responsibility to bring any form of sexual and other unlawful harassment by an employee of the College to the attention of the Dean of Student Affairs so that an investigation may begin into the circumstances of the incident and the alleged harassment. Upon receipt of a student complaint alleging sexual or other unlawful harassment, the Dean of Student Affairs will take immediate action, following the internal student complaint procedures under Title IX. In addition, the Dean of Student Affairs will also inform the Vice President for Academic Affairs ~~and Workforce Development~~ of the complaint. If a student is uncomfortable with reporting such harassment to the Dean of Student Affairs, the student should talk to another senior level administrator or go directly to the Vice President for Academic Affairs ~~and Workforce Development~~. If uncomfortable with initially reporting such harassment to the Vice President for Academic Affairs and Workforce Development, the student should go directly to the President of the College. Notwithstanding the availability of these alternatives, students are encouraged to attempt to resolve any incidents of sexual or other unlawful harassment with the Dean of Student Affairs, who is the College's designated Title IX Coordinator.

College's Response to Reports; Review

The College will investigate allegations of sexual or other unlawful harassment. If the complaint is against an employee of the College, the College will conduct a review of the results of the investigation with that person, and take appropriate corrective disciplinary action up to and including dismissal where violations of the Sexual or Other Unlawful Harassment policy and/or the Prohibited Conduct policy have been found.

If the person alleged to have engaged in sexual or other unlawful harassment is a student of the College, the Dean of Student Affairs will conduct a review of the results of the investigation with that person, and take appropriate corrective disciplinary action up to and including immediate dismissal from the College for violations of the Sexual or Other Unlawful Harassment policy and/or the Student Code of Conduct.

If an initial report of sexual or other unlawful harassment is made by an employee to his or her supervisor or department head or to the President of the College, any review of the decision rendered must follow the Grievance Procedure section of the College's Discipline, Non-

reappointment, and Grievance Procedures, from the step where the decision was rendered; provided, however, that the Grievance Procedure may be modified with the consent of the employee to protect confidentiality. If an initial report of sexual or other unlawful harassment is made by a student to the Vice President for Academic Affairs ~~and Workforce Development~~ or to the President of the College, any review of the decision rendered must follow the Student Appeal Procedure approved by the Board of Trustees, from the step where the decision was rendered; provided, however, that the Student Appeal Procedure may be modified with the consent of the student to protect confidentiality.

The College will keep information relating to harassment allegations and investigations as confidential as possible under the circumstances and will take appropriate corrective action, including disciplinary measures when justified, to remedy violations of this policy. Be advised that disciplinary action, up to and including dismissal will be taken against any employee who is determined to have engaged in sexual or other unlawful harassment, conduct approaching sexual or other unlawful harassment, or other conduct that violates any other CFCC policy. Be advised that disciplinary action, up to and including dismissal from the College, will be taken against any student who is determined to have engaged in sexual or other unlawful harassment, conduct approaching sexual or other unlawful harassment, or other conduct that violates this policy or any other CFCC Policy with regard to employees of the College.

5.11.2.5 Addendum to Sexual and Other Unlawful Harassment Policy

SEXUAL MISCONDUCT

Information

Title IX of the Education Amendments of 1972 states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Cape Fear Community College is committed to providing a learning, ~~and~~ working environment that promotes respect, responsibility, communication, collaboration, critical thinking, and accountability in an environment free of sexual misconduct and discrimination. Sexual discrimination violates an individual's fundamental rights and personal dignity.

Cape Fear Community College considers sexual discrimination in all its forms to be a serious offense. This plan refers to all forms of sexual discrimination, including ~~;~~ discrimination against pregnant and parenting students, sexual harassment, sexual assault, and sexual violence by employees, students, or third parties. (Title 20 U.S.C. Sections 1681-1688)

Cape Fear Community College has a responsibility to ensure compliance by demonstrating that our education programs and other activities are operated in a manner consistent with Title IX regulations and provisions. Throughout the year there are several programs offered to the Cape Fear Community College community that provide knowledge to help prevent, avoid, and respond to sexual misconduct.

Procedures

If you feel you have been subjected to sexual harassment or discrimination, you should seek assistance as soon as possible. Please review the **Sexual or Gender Misconduct Plan** and the related **Plan Explanations** listed below.

How Can We Help

Our plan helps to ensure Cape Fear Community College's community is free from discrimination based on sex or gender behavior. We are here to help assist you in an effective and efficient manner. If you feel you are or have experienced sexual misconduct or discrimination, the most important thing you can do is get help.

Who Should I Contact

If you think you have been a victim of sex or gender discrimination, or if you are aware of its existence in any of our education programs or activities, or you have any questions about the sexual or gender misconduct policy, you can get help from any of the offices/individuals below:

- **Faculty or Staff:** Contact the Chief Human Resource Officer, your supervisor, or the Director of Safety & Training/Safety;
- **Students:** Contact the Dean of Student Affairs, any Student Services Director, Counseling Staff, Athletic Director, or the Director of Safety & Training/Safety;
- **Applicants for employment:** Contact the Chief Human Resource Officer or the Director of Safety & Training/Safety;
- **Visitors:** Contact the Director of Safety & Training/Safety

SEXUAL/GENDER MISCONDUCT PLAN & PLAN EXPECTATIONS

I. Plan Statement

Members of Cape Fear Community College's community, guests, and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Cape Fear Community College believes in zero tolerance regarding sexual or gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this plan, serious sanctions will be imposed to reasonably ensure that such actions are never repeated.

This plan has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This plan is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct ~~in order~~ to protect students' rights and personal safety. Such measures include, but are not limited to; modification of class schedule, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

In campus hearings, legal terms like "guilt," "innocence", and "burden of proof" are not applicable, but the College never assumes a student is in violation of college policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

II. Expectations with Respect to Physical Sexual Misconduct

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you do and do not want sexually. Consent to one form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence - without actions demonstrating permission - cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity is a violation of this plan in the same manner as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent. They cannot fully understand the details of a sexual interaction (who, what, when, where, why, and how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this plan, "No" always means "No" and "Yes" may not always mean "Yes." Anything less than a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No."

Expectations with Respect to Consensual Relationships

Romantic or sexual relationships between individuals in unequal positions (such as teacher and student, supervisor and employee) may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented

at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbook^s.

Sexual Violence – Risk Reduction Tips

Below is a list of suggestions to help avoid and reduce the risk of experiencing a non-consensual sexual act:

- a. If you have limits, make them known as early as possible.
- b. Tell a sexual aggressor "NO" clearly and firmly.
- c. Try to remove yourself from the physical presence of a sexual aggressor.
- d. Find someone nearby and ask for help.
- e. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views an impaired person as a sexual opportunity.
- f. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

Definitions

Sexual Misconduct

Sexual misconduct, including sexual assault, is defined as deliberate contact of a sexual nature without the other person's consent. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under College policy. These behaviors, all of which constitute sexual misconduct include:

1. Non-consensual sexual contact: Non-consensual sexual contact is any sexual touching, with any object, by a man or a woman upon another person without consent or making any person touch you or them in a sexual manner. It is defined as engaging in any sexual contact other than intercourse with another person without that person's consent and/or cognizance. It includes any non-consensual sexual contact, including any improper touching of intimate body parts. It also includes the non-consensual removal of another's clothing, indecent contact (i.e., the unwanted touching of intimate body parts including, but not limited to; genitals, buttocks, groin, or breasts) or causing another to have indecent contact with them.
2. Non-consensual intercourse: Non-consensual intercourse is any sexual intercourse (anal, oral, or vaginal), with any object, by a man or woman upon another person without consent. It is defined as engaging in sexual intercourse (oral, anal, or vaginal) with another person without that person's consent and/or cognizance. Non-consensual intercourse may be accomplished by expressly or implicitly forcing or coercing another person to have sexual intercourse against his/her will, including the use or threat of physical force, or any behavior that is designed to intimidate and induce fear in another person. Non-consensual intercourse can also occur when another person is under the influence of alcohol or other

drugs, is undergoing physical or emotional trauma, is less than 17 years of age, or is otherwise incapable of denying or giving consent (for example, when an individual is in an unconscious or semi-conscious state).

3. Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or sexual advantage of another ~~or~~ for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- prostituting another person
- non-consensual video or audio-taping of sexual activity
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex)
- engaging in voyeurism
- knowingly transmitting an STD or HIV to another

Sex Discrimination

Sex discrimination includes all forms of sexual harassment, sexual misconduct, and sexual violence by employees, students, or third parties against employees, students, or others on campus. Sex discrimination also includes stalking, dating violence, and domestic violence. Students, college employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the college campus and whether or not the incidents occur during working hours.

Sexual and Gender-based Harassment

Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either implicitly or explicitly, as a term or condition of an individual's employment or academic status; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

1. Promising, directly or indirectly, a reward to an individual if the person complies with a sexually oriented request.
2. Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a sexually oriented request.
3. Denying, directly or indirectly, an individual employment or education related opportunity, if the individual refuses to comply with a sexually oriented request.

4. Engaging in sexually suggestive conversation or physical contact or touching another individual.
 5. Displaying pornographic or sexually oriented materials.
 6. Engaging in indecent exposure.
 7. Making sexual or romantic advances toward an individual and persisting despite the individual's rejection of the advances.
 8. Physical conduct such as assault, touching, or blocking normal movement.
 9. Retaliation for making harassment reports or threatening to report harassment.
- Gender-based harassment is also prohibited. It includes, but is not limited to; acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

Coercion

Coercing someone into sexual activity violates this policy as much as physically forcing someone into sex. Coercion exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates the norms of the community and that application of pressure or oppression causes another individual to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation and the initiator's knowledge that the pressure is unwanted.

Consent

Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct and sexual violence.

1. Consent is informed, freely and actively given, and requires clear communication between all persons involved in the sexual encounter.
2. Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
3. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
4. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
5. Previous relationships or consent does not imply consent to future sexual acts.

6. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
7. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand who, what, when, where, why, and how of their sexual interaction.
8. Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.
9. Use of alcohol or other drugs will never function to excuse behavior that violates this policy. When alcohol or other drugs are being used, someone will be considered unable to give valid consent if they cannot appreciate who, what, when, where, why and how of a sexual interaction. Individuals who consent to sex must be able to understand what they are doing.
10. If you have sexual activity with someone you know to be - or should know to be - mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
11. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited and administering one of these drugs to another person for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. **DO NOT MAKE ASSUMPTIONS** about consent, about someone’s sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically or mentally able to consent to you.
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. Understand that consent to some forms of sexual behavior does not necessarily imply the consent to other forms of sexual behavior.
4. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them.
5. Do not take advantage of someone’s drunkenness, impaired or drugged state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by, or fearful of you.

Silence and passivity cannot be interpreted by you as an indication of consent. Read your partner carefully, paying attention to verbal and non-verbal communication.

Retaliation

The College strictly prohibits retaliation against any person for reporting, testifying, assisting or participating, in any manner, in any investigation or proceeding involving allegations of discrimination or harassment. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or expulsion if they are a student.

Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, a form of retribution, or violence that occurs in connection to the making and follow-up of the report.

Dating Violence

The term “dating violence” means violence committed by a person (a) who is or has been in a social relationship of romantic or intimate nature with the complainant; and (b) where the existence of such a relationship shall be determined based on a consideration of the following: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes committed by the current or former spouse of the complainant, by a person whom the complainant has a child with, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from the person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

5.11.3 Discipline, Non-reappointment, Grievance Procedure

The purpose of this Discipline, Non-Reappointment, and Grievance Procedure is to help ensure that where appropriate, contractual employees will be afforded adequate notice and an opportunity to respond to any charges that may result in disciplinary action, to inform contractual employees of the College’s procedures relating to non-reappointment, and to help assure employees that their grievances, including those relating to disciplinary action for which a pre-disciplinary conference took place (generally, suspension without pay, demotion, or dismissal,) will be considered fairly, rapidly, and without reprisal.

General Definitions

1. A fiscal year runs from July 1 through June 30 of the following calendar year.

2. A contractual employee is any regular full-time, regular part-time, or time-limited fulltime College employee who has been issued an annual contract with the College to work for all or any portion of a fiscal year.
3. A temporary part-time employee without benefits is anyone who has been issued a temporary part-time instructional or non-instructional contract. For the purposes of this policy, temporary part-time employees are employed AT WILL and without benefits. This employment category is not considered a contractual employee and the following discipline procedure does not apply.
4. An annual contract period is the period during a fiscal year for which a contractual employee has been hired to work.
5. Disciplinary action includes an oral warning, a written warning, disciplinary probation, suspension with or without pay, demotion, and dismissal.
6. Dismissal is the termination of a contractual employee's employment by the College during a contract period.
7. Non-reappointment is the administrative decision not to rehire a contractual employee at the conclusion of a contract period.
8. A grievance is any matter of concern or dissatisfaction arising from a work situation or the working conditions of an employee, including any disciplinary action taken against the employee, subject to the control of the College.
9. A day is a normal workday during which the administration of the College is open for business, unless otherwise defined.

Revision approved by the CFCC Board of Trustees on 7/21/16.

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 generally ~~not~~ subject to inspection under Chapter 132 of the North Carolina 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.

The employee then will be notified in writing of the decision regarding disciplinary action. 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 the 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 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 temporary 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.

Definitions:

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~~ determine 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 fulltime 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 ~~&~~ and 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 process as outlined in steps 1, 2 and 3 below.

5.12 Drug and Alcohol-Free Workplace Policy

Statement of Policy

The employees of the College are its most valuable resource, and their health and safety are of great importance. The use of illegal drugs and the abuse of alcohol are harmful to health, and the College will not tolerate any drug or alcohol use which imperils the health and ~~well-being~~ **well-being** of its employees, students, or the public at large, or which could result in damage to College property. All employees have the right to work in a drug and alcohol-free environment, and the College is committed to maintaining a safe workplace free from the influence of illegal drugs and alcohol. This statement of the drug and alcohol-free workplace policy of the College is being provided as part of its good faith commitment to complying with the Drug-Free Workplace Act of 1988 and to maintain a safe workplace. Employees are required to abide by this policy as a condition of their employment with the College.

Definitions

For purposes of this policy, the term “prohibited drugs” means any “controlled substances” as defined at 21 U.S.C. 802 and listed on Schedules I through V of 21 U.S.C. 812, as revised from time to time, and as defined by other federal statutes and regulations. Generally, these are drugs, which have a high potential for abuse and include but are not limited to heroin, marijuana, cocaine, PCP, amphetamines, and “crack.” Also included are any other drugs that are illegal under federal, state, or local law, legal drugs that have been obtained illegally or are not being taken as prescribed by a licensed health care provider, and substances that are not intended for human consumption (such as glue). “Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

For purposes of this policy, “workplace” includes the buildings, grounds, and parking lots of the College campus, satellite facilities, or any other location where the business of the College is being performed or carried out, and College equipment and vehicles.

Violation of Policy

A violation of this drug and alcohol abuse policy occurs when any employee:

1. Engages in the unlawful or unauthorized manufacture, distribution, dispensing of, possession of, sale, purchase, or use of any prohibited drug or alcohol while at the workplace, while traveling to or from the workplace, while using equipment owned or leased by the College, while in a vehicle owned or leased by the College, while at work or during working hours, while engaged in business for the College, or while representing the College away from the workplace, except for the reasonable social use of alcohol in a business/social setting;

2. Manufactures, distributes, dispenses, possesses, sells, purchases, or uses prohibited drugs away from the workplace in a manner that adversely affects the employee's work performance, his or her or others' safety at work, or the regard or reputation of the College in the community;
3. Manufactures, distributes, dispenses, possesses, sells, purchases, or uses alcohol away from the workplace in a manner that adversely affects the employee's work performance or his or her or others' safety at work;
4. Fails to report to the College a conviction under any federal or state criminal drug statute or conviction of an alcohol-related crime that results from a violation occurring in the workplace more than five (5) calendar days following such conviction; or,
5. Stores any prohibited drug or alcohol in a locker, desk, vehicle, or other repository owned or leased by the College or located at the workplace.

Commission of any of the above violations will result in disciplinary action, up to and including termination. Likewise, at its sole discretion and in lieu of or in addition to taking disciplinary action against the employee, the College may require the employee, on his or her own time and at his or her own expense, to participate in and complete satisfactorily a substance abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency. The Drug Free Workplace Act of 1988 also requires the College to notify any federal agencies with which it contracts of all convictions of employees for workplace drug-related crimes within ten (10) calendar days of receiving notice thereof.

In accordance with the Drug-Free Workplace Act of 1988, the College will take disciplinary action against any employee who is convicted under any federal or state criminal drug statute for a workplace-related violation and/or will require the employee to participate in and complete satisfactorily an approved substance abuse assistance or rehabilitation program.

Awareness Program

To assist employees and their families to understand and avoid the perils of drug and alcohol abuse, the College has established a comprehensive awareness program. The College will use the program in an ongoing educational effort to prevent and eliminate drug abuse that may affect the workplace. The awareness program will strive to inform employees of the following:

1. The dangers of drug and alcohol abuse in the workplace;
2. The College's drug and alcohol policy and its intention to maintain a drug and alcohol-free workplace;
3. The availability of counseling, rehabilitation, and assistance programs for employees who voluntarily seek such assistance; and
4. The penalties that the College will impose for violation of this policy.

5.13 Tobacco-Free Policy

By unanimous approval of the College's Board of Trustees, it is the policy of Cape Fear Community College that:

1. **Use of tobacco is prohibited by students, staff, faculty or visitors:**
 - in all campus buildings, facilities or property owned or leased by *Cape Fear Community College* and outside areas of the campus;
 - on campus grounds, facilities, or in vehicles that are the property of the college;
 - at lectures, conferences, meetings, athletic, social and cultural events held on college property;
 - for the purposes of this policy, tobacco is defined as any type of tobacco product including, but not limited to, cigarettes, cigars, cigarillos, pipes, bidis, hookahs, smokeless or spit tobacco or snuff, e-cigarettes or any product simulating smoking instruments.
2. **The sale or free distribution of tobacco products, including merchandise, on campus or at school events is prohibited.**
3. **Student organizations are prohibited from accepting money or gifts from tobacco companies, including;**
 - Events sponsored by tobacco companies and/or allowing the on-campus distribution of free, reduced-price, or fully priced tobacco products or products that advertise or promote tobacco use (T-shirts, hats, etc.)
 - All tobacco advertising, such as billboards and signs in all campus buildings, facilities or property owned, leased, and operated by Cape Fear Community College.
4. **Tobacco advertisements are prohibited in college-run publications and on grounds and facilities, including athletic facilities, owned or operated by Cape Fear Community College.**
5. **Cape Fear Community College will provide access to tobacco cessation programs on campus.**

These tobacco treatment programs shall be publicized regularly in student, faculty, and staff publications and academic buildings, through Student Services and through other appropriate means.

6. Implementation & Compliance

A campus committee developed and implemented a plan to communicate the policy to students, staff, faculty and visitors upon initial implementation on August 1, 2009. Thereafter, the College provides appropriate signage and other physical indicators of our policy, including this notice. All tobacco waste management products such as ashtrays shall be removed. Violators of the policy shall be issued a verbal reminder of the policy.

Visitors who repeatedly violate the policy shall be asked to leave campus. Staff and faculty who repeatedly violate the policy shall be referred to their supervisor. Repeated violations by staff or faculty can result in further personnel action such as reprimand. In accordance with the Code of Conduct, students who violate the policy shall be referred to the Dean of Student Affairs.

5.14 Reduction in Force Policy

The Reduction in Force Policy of Cape Fear Community College is designed for the termination of employment during a fiscal year pursuant to a written agreement due to a lack of sufficient funding or enrollment to merit continuation of courses, programs, and/or services.

Reduction in Force provisions do not apply to non-reappointment following the expiration of a contract period. All decisions made under this policy will take into consideration the needs of the population being served with respect to the mission and goals of the College while attempting to minimize the negative impact on the level and quality of services provided. Primary responsibility for recommending separations due to a reduction in force will rest with the senior level administrators whose decisions will be based on recommendations from supervisors and other management personnel associated with the department where reductions will be made.

An employee who is to be terminated through a reduction in force will be informed in person by his/her immediate supervisor and will be informed in writing by the President. Maximum notice will be given an employee, whenever possible; under no circumstances will a notice be given less than thirty days prior to separation. The letter from the President will state the conditions, which determine the separation, a general description of the procedures followed in making the decision, and the right to appeal by the employee. An employee who wishes to appeal his/her separation from employment resulting from reduction in force may do so beginning at Step 3 of the Grievance Procedure Section of the College's Discipline, Non-Reappointment, and Grievance Procedure. In the event the matter is not satisfactorily resolved to the employee's satisfaction, the employee may appeal the matter to the Administrative and Personnel Committee of the Board of Trustees of Cape Fear Community College. The decision of the Administrative and Personnel Committee is final.

An employee who is separated through a reduction in force will be given priority consideration for re-employment during the next twelve months assuming he/she meets the requisite performance standards and qualifications for the position to be filled. He/she will receive all copies of position vacancies during this period.

An employee who is to be separated through a reduction in force may choose a twelve month leave of absence without pay in lieu of separation in order to continue group insurance benefits (to be paid in full by the employee). Choosing a leave of absence does not extend the time or alter the conditions under which priority for re-employment is provided.

5.15 Communicable Disease Policy

OSHA Standard; Exposure Control Plan

Compliance with Standard and Exposure Control Plan – The federal Occupational Safety and Health Administration (OSHA) has promulgated a standard to eliminate or minimize occupational exposure to hepatitis B (HBV), human immunodeficiency virus (HIV) and other blood borne pathogens (the "Standard"), and the Standard has been adopted by the State of North Carolina. In compliance with the requirements of the Standard, Cape Fear Community College has established an Exposure Control Plan. Employees who, during the performance of their duties, are reasonably anticipated to have skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials, are deemed to have "occupational exposure" and are required to abide by the Standard and to follow the College's Exposure

Control Plan and the procedures set forth therein. Failure to do so will result in disciplinary action, up to and including termination. Copies of the Exposure Control Plan are available from the Human Resources office.

N95 masks are recommended by for dental professionals while completing procedures that create aerosols. OSHA requires that a medical evaluation form be completed by the employee. CFCC will identify a health professional to complete the medical evaluation on the employee.

Training Programs – To ensure that all employees with occupational exposure understand their obligations under the Standard and the Exposure Control Plan, the College will provide an exposure control training program during working hours at the time of the employee’s initial assignment to tasks where occupational exposure may take place and annually thereafter. Additional training will be provided whenever the College institutes new tasks or changes its procedures so as to affect the employee’s occupational exposure. Employees who have been designated as having occupational exposure are required to participate in the College’s training programs and, upon completion thereof, must sign an Exposure Control Training Statement.

HBV Vaccination – As part of its Exposure Control Plan, the College will offer an HBV vaccine and vaccination series to each employee within ten (10) working days of his/her initial assignment to a task involving occupational exposure, unless the employee has previously completed the HBV vaccination series, antibody testing has revealed that the employee or student is immune to HBV, or the vaccine is contraindicated for medical reasons. The HBV vaccination will be provided at no cost to the employees. Employees who decline to accept the HBV vaccination offered must sign a Hepatitis B Declination.

An employee who initially elects not to receive the HBV vaccination and who continues to be at risk for occupational exposure may later require the College to provide the HBV vaccination and will receive the HBV vaccination free of cost.

Non-Discrimination

Employees and students of the College who may be infected with a reportable communicable disease, as defined by the North Carolina Department of Environment, Health, and Natural Resources shall not be excluded from employment or enrollment, or restricted in their access to College facilities, services, programs, or activities, unless medically based judgments in individual cases establish that exclusion or restriction is reasonably necessary in the opinion of the College because the infected individual poses a significant risk of substantial harm to the health or safety of him/herself or others at the College that cannot be eliminated or reduced by reasonable accommodation.

Individuals who know or have reason to believe that they are infected with a communicable disease are expected to seek expert medical advice about their health circumstances and are obligated, legally and ethically, to conduct themselves responsibly for the protection of themselves and others. Employees and students who know that they are infected with a communicable disease are encouraged to share that information with their supervisor or

advisor, as applicable, so that the College can assist in the appropriate response to their health and employment or educational needs and can make any reasonable accommodations, if necessary. Such information will be kept confidential, unless authorized by the individual in writing to be released, except that appropriate health care providers, supervisors, department heads, administrative staff, and safety and health personnel may be informed regarding any restrictions in participation or work duties and any reasonable accommodations, and government representatives may be provided information in compliance with applicable laws and regulations.

5.16 Political Activities of Employees

Employees of Cape Fear Community College may become a candidate for a public office and be elected or appointed to a public office provided the following conditions are met:

1. An employee who wishes to run for public office must send a written notice to the President who in turn will notify the Board of Trustees. The notice must stipulate that the employee will not campaign or engage in any political activities during his/her regular work hours or involve the College in political activities.
2. An employee who is elected to a part-time public office will send a written notice to the President certifying that the office will not interfere with his/her carrying out assigned College duties and that leave will not be requested. The President will inform the Board of Trustees.
3. An employee who is elected or appointed to a full-time public office or to the General Assembly will be required to take a leave of absence without pay upon assuming that office. The employee must request leave through a written notice to the President who will take the request to the Board of Trustees. The length of the leave of absence will be determined by the Board.
4. Employees of less than three years longevity with CFCC will not be granted a leave of absence to take a full-time elected or appointed public office.
5. An employee who becomes a candidate for public office is prohibited from soliciting support during regular work hours. The employee in question is prohibited from soliciting support on College property unless authorization to do so is granted by the Board of Trustees. To request authorization, a written request must be sent to the Board of Trustees through the President.

5.17 Solicitation

Salespersons and solicitors will not be allowed to contact school personnel during work hours except through specific permission from the President or an administrative person designated by the President.

Distribution of home addresses of students, teachers, or staff is prohibited. The only exception will be employers seeking to employ students.

No outside agencies will be allowed to solicit from students or staff unless it is a recognized nonprofit organization, which has obtained prior approval from the President of the College or one with the authority to act on the President's behalf.

Voluntary gift, sickness, and coffee funds will be permitted among the staff. No member of the staff should accept a gift or a loan from a person that he/she supervises.

5.18 Children on Campus Policy

Children of employees should not be brought into the workplace for prolonged periods of time unless authorized by the immediate supervisor responsible for the area.

Children who are not registered for a class may not be present in the classroom, lab or studio during classroom instruction.

Children cannot be left unattended on campus, in any area including administrative offices, waiting areas, the Learning Resource Center, the cafeteria, employee lounge areas, or parking lots. College employees are expected to be responsible adults and contact the Director of Safety & Training when noticing unattended or disruptive children.

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~~ as related to 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

- I. Maintain the confidentiality of private or confidential information.
- II. Do not post information that is private according to state or federal law.

- III. 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.
- IV. 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.”).
- V. 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.
- VI. 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.

SECTION VI – Community Relations

6.1 Public Information and Media Inquiries

To assure accuracy and consistency of news and information concerning CFCC, all news releases must be coordinated and/or released by the Community Relations Office. All media interviews with college personnel must be approved by the Community Relations Office ahead of time. When contacted by members of the news media, employees should notify the Community Relations Office first and respond to questions only when they have sufficient information to give factual, accurate responses. If an employee prefers not to answer media inquiries, or does not feel that he/she is informed, the requests should be referred to the Community Relations Office.

6.2 College Publications

To keep a consistent and professional public image of the College, any college-related promotional materials must follow the official College standards and graphics guidelines. Standards include correct grammar and spelling, and should include the College logo and should also be duplicated clearly. More details on standards are available on the College's website at www.cfcc.edu/marketing/standards. Please contact the Community Relations Office with any questions. Exceptions to these guidelines may be approved only by the Community Relations Office.

Official publications include, but are not limited to, materials such as business cards, official reports, promotional displays, banners, signs, letterhead, envelopes, newsletters, catalogs, view books, advertisements, posters, brochures, pamphlets, and flyers. Publications also include electronic publications such as web pages, official College social media sites, promotional videos and audio/video presentations, with the exception of instructional materials for classroom use and promotional materials for student clubs and organizations.

6.3 Printing/Duplication Services

Cape Fear Community College offers a variety of printing, design, and duplication services through the Publications Office to produce official College materials, publications, signs and banners. Faculty/staff are encouraged to use the printing/duplication services available for larger scale/higher volume print jobs and limit the use of the more expensive local printers in offices and computer labs to smaller, day-to-day business needs. Because of the large demand for duplication services, all printing/copying requests must be submitted by using the publications request form located online at myCFCC. Typically, jobs will be completed on a **first-come, first-served** basis. Although the time needed to complete each project will vary according to size and preparation time, departments are encouraged to give as much advance notice as possible to the Publications Office in order to complete the job in the time desired.

Failure to give adequate notice may require the requester to use a commercial printing/copying service. All work designed and produced outside of the College must follow College standards.

6.4 Promotional Advertising

All promotional advertising (not employment ads) must be approved by the Community Relations Office. All ad copy and design must also be approved by the Community Relations Office before it is submitted to the media.

SECTION VII – Student Services

7.1 Children on Campus Policy

Children who are not registered for a class may not be present in the classroom, lab or studio during classroom instruction.

Children cannot be left unattended on campus including the Learning Resource Center, the cafeteria, lounge areas, registration sites, administrative offices or parking lots. College personnel will expect responsible adults to remove unattended or disruptive children immediately.

Failure to comply with this policy will lead to disciplinary action as outlined in the College Catalog, Student Handbook, and Faculty and Staff Handbook. Visitors violating this policy will be notified of the violation and continued violation will result in the individual being asked to leave campus.

7.2 Guidelines for Display or Distribution of Materials

Guidelines for Display or Distribution of Handbills, Posters, or Other Materials by Student Clubs, Community and Non-Profit Organizations, and Individuals

The College would like to provide educational opportunities to its students and others in the College community and believes that public expressions through display or distribution of handbills, posters, or other materials can play an important role in accomplishing this goal. The College also believes firmly in its obligation to College employees and its students to provide an environment that is conducive to learning. Public expression that enhances this environment by affording students and others in the College community exposure to a variety of ideas is encouraged. Subject to the terms and conditions set forth in these procedures, to any rules or regulations established by the College pertaining to display or distribution, and to other applicable laws, rules, and regulations, an organization or individual may display or distribute handbills, posters, or other materials that are aimed at providing information to students.

The following guidelines apply to materials posted on the campus of Cape Fear Community College, regardless of the source of those materials. They include:

1. Posted information shall not contain obscene or libelous information or other information that is not protected by law.

2. Information will not be placed over existing notices. Outdated material will be removed to make room for timely information.
3. All event items must be removed by the sponsoring organization immediately follow the event.
4. All notices to be posted require approval by the Vice President for Student Services and Enrollment Management (or designee).
5. Due to extreme space limitations, information to be posted by student groups, community groups, or individuals in areas other than those reserved for Phi Theta Kappa and academically oriented student clubs will be posted for a maximum of two weeks and must be no larger than 8.5" x 11."
6. Items not approved in the prescribed manner will be removed and discarded.
7. Placement of information on vehicles of others on campus is prohibited.
8. The College reserves exclusive rights to re-arrange materials to accommodate the display of additional materials, to establish limits on the amount of information organizations may display, and to deny additional requests when all designated space is being used.
9. Failure by any organization or individual to abide by CFCC guidelines will be grounds for denying additional requests from the same organization or individual.

The College will grant access by an eligible organization or individual to areas of College premises designated for public expression on a neutral basis, in accordance with these procedures. A grant of access to any particular organization or individual does not mean that the College endorses the beliefs, practices, or views expressed by that organization or individual, and outside organizations and individuals are expressly prohibited from stating, implying, or suggesting in any manner that they are endorsed by or associated with the College or that any publication, announcement, or other form of expression provided by the organization or individual has been approved by or is associated with the College. Areas of College premises designated for public expression will not be denied to any organization or individual on the basis of the content of information sought to be provided by or the convictions or affiliations of that organization or individual.

Given the varying nature of different organizations and the wide-range of notices that individual students and/or college personnel may wish to post on occasion, additional guidelines apply to certain types of organizations and individuals. (Additional information available from Student Services office)

SECTION VIII – Instruction

8.1 Responsibilities of Faculty

The College's faculty is responsible for the development and delivery of quality instructional programs, content, and experiences. Faculty responsibilities also include:

- Supporting the College's initiatives to recruit, retain, and graduate students □
- Promoting awareness of the College's curriculum and continuing education programs
- Engaging in professional development activities

- Building and maintaining partnerships with community stakeholders in support of academic programs
- Contributing to the College's strategic planning and institutional effectiveness processes
- Serving on the College's standing committees and working groups as assigned

8.2 Faculty Assignments

Department/program chairs and their instructional deans will determine faculty instructional assignments based on the College's academic programming needs and student success considerations. Specifically, these needs and considerations will determine assigned courses, modes of instructional delivery, locations of instructional delivery, scheduling of instruction, textbook selection, and section capacity.

8.3 Teaching Loads

8.3.1 Curriculum Teaching Loads

In general, full-time instructors will be assigned an instructional load of 18 semester credit hours or 25 weekly contact hours (whichever threshold is met first) or its equivalent per academic semester. The College President may authorize increases to full-time instructional loads as needed to address programming requirements. Such increases may apply to all areas of instruction or to specific programs. Instructors who are assigned an instructional load beyond the guidelines established above may receive additional compensation. In such cases, instructors will receive temporary part-time instructional contracts prorated for the credit or contact hours exceeding the general full-time load of 18 semester credit hours or 25 weekly contact hours or its equivalent per academic semester.

Instructors may not apply the instructional hours for which they receive additional compensation to the calculation of their required on-campus and office hours.

Instructors may be assigned a reduced instructional load in order to support College needs such as supplemental instruction and academic tutoring, new course and program development, student clubs and activities, program accreditation requirements, and academic assessment activities. Any reduction in a full-time instructor's assigned load must receive prior approval from the instructor's divisional dean and the Vice President for Academic Affairs. Program Directors may be eligible for course load reductions as required by accrediting agencies and/or external review boards.

8.3.2 Economic and Workforce Development (EDW) Teaching Loads

Regular full-time Continuing Education faculty will teach 30 contact hours per week and are not required to hold office hours. Exceptions to this requirement may be made for faculty who have selected or been assigned to a 40 hour workweek. These faculty members will be on a campus or at an instructional site for 40 hours each week.

8.4 Hours

Full-time instructors' schedules will provide for being on a campus or at an instructional site at least four days per week for at least 30 hours per week. These 30 hours will include scheduled class and lab sessions, office hours, and on-campus hours. Regular full-time curriculum faculty must schedule a minimum of five office hours per week. Office hours will be scheduled so that faculty are accessible to students. Hours must be posted and are to be given to students as part of first day handouts; office hours will also be posted for students along with other essential class information in the College's online learning management system (LMS). As needed for appointments with students and as required by the College, faculty are expected to schedule time on campus for faculty meetings, committee activities, etc. Instructors who teach online classes may deduct one hour from their 30-hour minimum weekly schedule (excluding office hours) for each online class they are teaching that semester. This reduction recognizes that instructors teaching online classes must respond to student needs outside of their regularly scheduled workweek.

Part-time curriculum faculty members will be accessible to students. If possible, office hours will be provided. If office hours are not possible, instructors will provide contact information in the first day handout. This contact information is to include a CFCC telephone number, a CFCC email address, and instructions for making an appointment. Additionally, each part-time instructor has a location assigned for them to pick up mail. Students are to be advised of the location along with instructions on scheduling appointments.

8.5 Absences

Absences from the campus during the faculty member's scheduled hours must be cleared with the appropriate department chair/director (or designee). Faculty members are expected to make arrangements in advance with the appropriate department chair/director (or designee) for any absences from regularly assigned duties. The department chair/director (or designee) will notify the appropriate Dean. In case of emergencies, or unavoidable absences, instructors are required to call in and report such directly to the appropriate department chair/director (or designee). If the department chair/director (or designee) is unavailable, the instructor should talk with the appropriate Dean.

8.6 Conducting Classes

All instructors are expected to be ready to begin their classes at the published start time and conduct their classes until the published end time.

8.7 Office Areas

Every full-time curriculum faculty member is provided with either a private or semiprivate office and is expected to maintain the office space in a professional manner.

8.8 Professional Development

Each faculty member will engage in a program of continuous professional improvement and participate in required professional development activities, including those scheduled on

specified days in the academic calendar. Faculty members will utilize professional development opportunities to maintain the professional and continuing education qualifications required by their programs' accrediting bodies.

8.9 Supervision of Students

Students must be under supervision at all times during scheduled classes, labs, or shops to ensure safety of students and protection of College assets. Faculty members are not to leave their classes, labs, or shops when in session. If an emergency requires a faculty member to leave a class, the program director, department chair, and/or the divisional dean must be notified.

8.10 Academic Advising

Academic Advising is an integral part of the total educational process of the College and is a collaborative effort between faculty and the Academic Advising Center. Most new students and all non-degree seeking students initially receive advising through the Academic Advising Center and will later transition to a faculty advisor. College Transfer students will continue to receive advising through the Academic Advising Center throughout their enrollment at the College. The assignment and re-assignment of a student to an advisor will be made by the Registrar's office in cooperation with the appropriate department chair or dean. Faculty advisors must provide sufficient office hours to meet the needs of advisees and are required to post advising signup schedules during the advising period.

8.11 Classroom Expectations

All faculty are expected to inform students of classroom expectations as delineated in the CFCC Catalog and Student Handbook code of conduct as well as including any additional expectations for their students that are necessary to provide a classroom atmosphere conducive to effective learning. These classroom expectations must be explicitly stated in the course syllabus. Instructors must also incorporate into their classroom expectations allowances for students with documented accommodations (see section 8.15 for additional information). It is at the discretion of the instructor/chair/director on the allowance of food and beverages in classroom locations. However, no food or beverages are permitted in any computer classrooms or labs at any time.

8.12 Evaluation of the Faculty

8.12.1 Faculty Performance Evaluation

All faculty will be evaluated for job performance, professional improvement and assigned duties to ensure consistent professional instructional performance. The administrative staff and academic supervisors will make evaluative judgments and observe to what degree instructors meet these criteria.

Visits to the classroom, laboratory, or shop by appropriate supervisors are an integral part of faculty evaluation. The purpose of such visits is the observation of the teaching-learning process in the particular setting. Following such visits, the faculty member being observed is given written feedback. The faculty member and evaluating supervisor may meet at a convenient time for a discussion of the class visitation.

8.12.2 Student Evaluations

Students have the opportunity to evaluate faculty during each course. A summary of these evaluations ~~are~~ **is** available to each faculty member. A hard or digital copy will be accessible from the appropriate department chair/director.

8.13 Course Syllabi and/or Outlines

Course syllabi and/or outlines are available for all courses included in the curricula offered at Cape Fear Community College. Faculty members will review these and develop their lesson plans around the objectives of the course being taught. Faculty members will review or revise these course syllabi and/or outlines prior to the beginning of each semester.

8.14 Information for Students

Each instructor is required to provide students with essential class information on the first day a class meets. Essential class information should include (a) the most current course description from the NCCCS Combined Course Library, (b) the major objectives of the course (written in terms of what the student will do rather than what the instructor will do), (c) required textbooks and materials, (d) the course requirements (what will be expected or required of the student), (e) the College's grading scale, (f) the course prerequisites and corequisites, (g) the attendance policy, (h) a schedule of major assignments and due dates, (i) an academic integrity/plagiarism statement, (j) children on campus statement, (k) the College's policy on technology and e-mail account use, and (l) the most current accessibility statement provided by the College's disability services unit (see subsection 8.15.1 of this handbook). In the event of any changes to the original course syllabus during the conduct of the course, all changes must be communicated in digital format and/or hardcopy to students. All instructors will provide their essential class and contact information to students through the College's LMS.

8.15 Students with Disabilities

The rights of students with disabilities are outlined in Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act (ADA). Section 504 is a Federal Civil Rights Law, which prohibits discrimination against individuals with disabilities. Section 504 states:

No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financial assistance.

The Americans with Disabilities Act (ADA) of 1990 and ADA Amendments Act of 2008 expands the scope of institutional and service provider responsibility for providing reasonable

accommodations to people with disabilities. The ADA is a civil rights statute that promises equal access to opportunities for persons with disabilities. A “person with a disability” as defined by law is someone who has a physical or mental impairment that substantially limits one or more major life activities.

Students with disabilities are a rapidly growing minority at CFCC, as elsewhere in American higher education. To assure equal opportunity for all students, both physical and programmatic access must be provided. This means more than the removal of architectural barriers and the provision of auxiliary services. It means that reasonable accommodations must also be made in the instructional process.

CFCC supports faculty who, in cooperation with Disability Support Services, provide authorized accommodations and support services, in a timely manner for students with disabilities. Students with disabilities are not required to disclose their disabilities or register with Disability Support Services. However, when requesting specific accommodations, they are required to submit supporting documentation and register with CFCC Disability Support Services to determine appropriate accommodations.

Faculty do not have the right to refuse to provide required accommodations or to question whether a disability exists in accordance with the ADA. However, faculty are encouraged to have input into the means for providing accommodations in their particular classes. A student with a disability must be able to understand the material and communicate that understanding to the instructor. Support services give the student the opportunity to achieve that outcome without altering the fundamental nature of the course or program.

If a faculty member has questions about the appropriateness of a required accommodation, he or she should not address concerns with the student but should consult with the Disability Support Services Office. Faculty should always require students to submit a current Accommodations Form from Disability Support Services before providing any accommodations. Faculty should be discrete when discussing disability issues with students. Faculty should not address any disability related issue in front of a student’s classmates.

8.15.1 Syllabus Statement

Faculty are encouraged to make an announcement at the beginning of the semester inviting students with disabilities to schedule appointments to discuss accommodations. If the student brings a disability issue to the attention of the instructor and is not registered with Disability Support Services, please instruct the student to contact Disability Support Services in order to request services. Instructors should not ask a student if he or she has a disability. All instructors will include a statement on their class syllabus/essential class information that informs students how they may request accommodations from Disability Support Services. Instructors will refer to the guidelines provided by Disability Support Services for such statements (<http://cfcc.edu/disabilityservices/>).

8.15.2 Accessibility of Instructional Content

Instructors who teach online or hybrid/web-assisted classes and/or provide information via web pages or through the College's LMS have a responsibility to ensure that their instructional content is accessible to students with disabilities. Instructors who use films and videos in their classes must make sure those films and videos are accessible to students who have hearing or vision loss. Films and videos must be captioned for students who are deaf or hard of hearing, and any video or film with sub-titles must be made audible for students with vision loss. Please contact Disability Support Services for assistance with accessibility issues.

8.15.3 Service Dogs

Service dogs must be allowed in class. If it is not obvious what service the animal provides, only limited inquiries are allowed. Two questions may be asked: 1) Is the service animal required because of a disability and 2) What work or task has the animal been trained to perform? Do not ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog or ask that the dog demonstrate its ability to perform the work or task.

8.16 Disposal of Complimentary Textbooks

Examination and complimentary textbooks will not be sold. Instructors who receive complimentary textbooks should either donate them to the College's library, which may or may not retain them, or keep them as reference materials. This requirement is based on the following memorandum from the NC Community College System: It is the opinion of the Attorney General that complimentary textbooks are the property of the colleges and may be disposed of only in accordance with G.S.115D-15 and with the approval of the State Board of Community Colleges. Any proceeds must be used for capital outlay purposes.

8.17 Academic Freedom

Academic freedom is essential to the mission of higher education, which is to allow and promote free inquiry into the total environment of human endeavor. A college exists for the purpose of examining questions and issues arising out of that environment, including the past, the present, and the future. Cape Fear Community College firmly believes in freedom of inquiry, freedom to teach, freedom to share, and freedom to learn from others. All freedoms carry with them responsibility to use them with care and with full consideration for the rights and freedoms of others. Instructors must comply with copyright laws regarding duplicating all copyrighted materials.

8.18 Class Documentation

Instructors will take attendance during each class or laboratory session and enter their classes' attendance records into Web Attendance on a weekly basis. Instructors will also maintain an updated gradebook in the College's LMS for each of their classes, regardless of those classes' mode of instructional delivery. The responsibility for grading students rests with the faculty and will be in accordance with the College's grading scale as delineated in the current Cape

Fear Community College Catalog and Student Handbook. Midterm and final grades must be entered by the instructor of record by the deadlines provided by the College's Registrar.

8.19 Field Trips

Well-planned field trips can provide valuable learning experiences. Faculty planning field trips should have the approval of the appropriate department chair and dean prior to the trip and a completed fieldtrip form should be given to the following: the ~~Campus Safety Coordinator~~ **Director of Safety and Training/Safety**, department/program chair, appropriate dean, the Vice President for Academic Affairs and the Dean of Students. The field trip form must include the following: (1) the nature and location of the planned field trip; (2) objectives of the trip and its relationship to the courses being taught; (3) the date and hours students will be off-campus; (4) a roster of students participating in the field trip; and (5) contact cell phone number. A field trip notification should be placed on the classroom door on the day of the scheduled trip. All students participating in a field trip should also complete a field trip waiver form prior to the field trip.

8.20 Live Client Projects

State Board Code defines live client projects as:

- (1) educational programs in which students, as part of their educational experiences and as part of the instructional course requirements, repair or remodel non-college owned personal property or real property; or
- (2) educational programs that construct structures that are sold, produce goods that are sold, or provide services for a fee, such structures, goods or services being the normal and necessary product of learning activities of students.

All live client projects undertaken through the College's educational programs will adhere to the College's established procedures for such projects in accordance with 1H SBCCC 300.1 Live Client Projects.

8.21 Faculty Association

The Faculty Association consists of full-time faculty members. Part-time faculty are invited to join the Faculty Association as non-voting members. The purpose of the Faculty Association is to:

- serve as an organization through which members may discuss and interpret matters concerning the Faculty, and to provide assistance and encouragement to fellow members;
- involve the Faculty in the affairs of Cape Fear Community College in order to enhance the effectiveness and quality of the College;

- participate in planning the educational program and in developing educational policy; and
- maintain a close working relationship between the Administration and Faculty in contributing to the success of this College in accomplishing its goals and purposes. (See Appendix A for a copy of the Faculty Association’s Constitution and ByLaws).

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8.22 Online Learning and Instruction

In order to fulfill its mission of providing students with high quality, dynamic, and innovative educational opportunities, CFCC offers many courses through a variety of synchronous and asynchronous modes utilizing online learning management systems (LMS). To serve all students equally, CFCC is committed to ensuring that classes offered through these modes are comparable to and consistent with the academic quality and rigor of traditional face-to-face classes. Instructors of classes delivered fully or partially (hybrid/web-assisted) through an online LMS will provide students with engaging and collaborative pedagogical activities; coherent instructional units with specified due dates throughout the academic term; regular and substantive feedback on coursework; and timely responses to student emails and phone messages. All CFCC classes delivered fully or partially through an online LMS will also comply with the College’s online instructional standards, design parameters, and accessibility guidelines. As with all curriculum instruction provided by the College, department/program chairs and instructional deans are responsible for reviewing and evaluating the academic quality of all the classes their instructors teach through an online LMS. Department/program chairs will assign online and hybrid/web-assisted classes to instructors based on instructors’ demonstrated compliance with the College’s online instructional standards, design parameters, and accessibility guidelines, as well as the overall quality of the online/hybrid/web-assisted instruction those instructors have provided in prior semesters.

8.23 Graduation Activities

All full-time faculty members will participate in the College’s graduation activities as assigned by their divisional dean.

SECTION IX – Learning Resources

9.1 Learning Resource Services

Cape Fear Community College provides a wide variety of resources and services for students, faculty and staff through the Learning Resource Center (LRC). The Learning Resource Center includes the Library, **Learning Lab, International Center, and Transition Math and English programs**. The Learning Resource Center operates under the direction of a Dean who is responsible to the Vice President of Academic Affairs.

9.1.1 The Libraries

The Libraries contain more than **48,000** books supporting the curricular and **continuing education-Economic and Workforce Development** offerings of the College. Additionally, the

Libraries' collections include more than 8,000 audiovisual items and access to more than 200,000 e-books. Qualified personnel are available during all times that the Libraries are open to assist students, employees, and community patrons in using these resources. Efforts are made continuously to update the Libraries' resources in order to meet the changing needs of the CFCC community. Faculty and staff members are encouraged to participate in the selection of new materials and suggestions from students are also welcomed. The CFCC ID card becomes a library card once it is presented and registered with the Library. It is used to check out all library materials.

Staff of the Libraries offer general tours and instruction in the use of Library resources. Instruction can be customized to an individual class and/or assignment, as needed. To arrange a tour, in-Library instruction, or to reserve space for a whole class, instructors may contact the Reference Desk at either the Wilmington or North Campus Library.

9.1.2 Materials Selection Policy

Librarians, in consultation with faculty, select materials in designated subject/program areas. All materials acquired reflect the resource needs of Cape Fear Community College. This underlying principle will determine such basic matters as type, format, quantity and scope of resources to be acquired. In general, resource needs reflect one or more of the following:

- Curriculum support
- General reference needs
- Research needs
- General or specialized professional growth
- Extracurricular interests

Students, staff, faculty, and community patrons are welcome to make recommendations for the purchase of materials at any time. All recommendations should be submitted to a CFCC librarian for consideration. Ultimate responsibility for selection of materials rests with the Dean of the LRC and the professional librarians of the College.

9.1.3 Weeding Policy

Weeding, or material deselection, is an ongoing process. Faculty members are an integral part of the collection review process and are expected to assist the librarians with this task. The Dean of the LRC retains the ultimate responsibility for determining whether material will be retained or discarded. The Libraries adhere to the NC Administrative Code governing the disposal of Library materials (23 NCAC 02C .0403 SURPLUS AND IRREPARABLE BOOKS AND BOOK-LIKE MEDIA).

9.1.4 Gifts Policy

The Libraries gladly accept donations to the collection, using the criteria of the [Materials Selection Policy, in conjunction with other criteria, including, but not limited to: identified need or interest; relevance to current programs; currency; and physical condition](#). Gifts that cannot be used in the collection will be disposed of through established procedures.

9.1.5 Confidentiality of Library User Records

Users have a right for their registration and circulation records to remain confidential, and the Library adheres to NC General Statute 125-19 regarding confidentiality of user records as follows:

§ 125-19. Confidentiality of library user records

(a) Disclosure. -- A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except as provided for in subsection (b).

(b) Exceptions. -- Library records may be disclosed in the following instances:

- (1) When necessary for the reasonable operation of the library;
- (2) Upon written consent of the user; or
- (3) Pursuant to subpoena, court order, or where otherwise required by law.

9.1.6 Library Conduct in the LRC:

The Cape Fear Community College Libraries welcome all visitors who are actively engaged in the use of our resources and services for academic purposes. To ensure that you have a safe and pleasant environment for study and research, the Library prohibits the following behaviors:

- Commercial use of computers or viewing obscene/pornographic sites (or any other violation of the CFCC Acceptable Use Policy)
- Drinking near Library computers, equipment, books, or journals (securely covered beverages are permitted in other areas of the Library)
- Eating
- Damaging or defacing facilities or resources
- Loud cell phone use (please be courteous and take phone calls outside)
- Leaving children unattended
- Entering the Library with duffel bags, bedrolls, sleeping bags, trash bags, or shopping carts
- Selling, soliciting, or panhandling
- Disrupting other users due to poor hygiene
- Prolonged sleeping
- Disruptive behavior, rowdiness, or excessive noise
- Possession of alcohol or of a controlled substance
- Smoking or the use of tobacco products

9.2 Learning Labs

The CFCC Learning Labs provide academic support for students through tutoring, Supplemental Instruction (SI), and computer use and instruction. Students are required to sign up for tutoring and can do so at any Lab location or online.

9.3 International Center

The Siegfried and Louise Goodman International Center provides programs and services that highlight the College's commitment to global awareness and education.

9.4 RISE Transition Math and English Program

ENG 002 and MAT 003, developmental education courses under the NC Community College System's RISE program (Reinforced Instruction for Student Excellence), are offered by the LRC.

9.2 TV Studio

The primary purpose of the TV Studio is to provide students with a laboratory setting for learning the tools and tasks of producing television content. The Studio also produces programming for broadcast on The Learning Network (TLN), as well as the internet, and creates promotional videos highlighting CFCC students and programs. A strong emphasis is placed on the quality of content being considered for broadcast. Some programs and concepts that have strong educational value may not make good television programming. Therefore, all ideas or concepts submitted for taping are treated as proposals. Proposals for long-form programming (full-length shows) should be submitted at least two months in advance of the prospective "shooting" date. Short programs require a minimum of one week's notice and are also subject to approval.

The supervision and use of Studio resources is the responsibility of the TV/Video Production Specialist.

9.3 Online Learning

The Online Learning unit is dedicated to supporting the design, development, and implementation of high-quality online education (Internet and hybrid). Services provided by the unit staff ensure the quality of online courses offered by CFCC and support the faculty and students with challenges faced in the online environment.

Functions of the Online Learning unit include, but are not limited to:

- Providing convenient and relevant training for faculty relating to best practices and technology use in the online classroom;
- Working one-on-one with faculty on course design and implementing new technologies;
- Consulting with departments to ensure continuing compliance with standards, best practices, procedures, and policies;
- Maintaining accessible web resources—for faculty and students—available 24/7 for self-help;
- Monitoring and disseminating information on institutional, state, federal, and accrediting agency policies and procedures related to distance and online education;
- Assisting students with problems and challenges related to learning online;
- Advising online-only students on how to navigate online resources and processes.

9.4 Instructional Technology

Instructional Technology provides leadership for faculty and staff in the effective use of new and current technologies for instructional purposes through the following:

- Research, analysis, implementation, and evaluation of technologies and their potential applications within the College;
- Establishing and promoting an environment which encourages independent, collaborative, and creative use of instructional technology;
- Serving as a faculty and staff resource for training and support of educational technology.

9.5 ACA – Academic College Student Success

The Learning Resource Center coordinates the offering of ACA/Academic courses, including ACA 111 College Student Success and ACA 122 College Transfer Success.

SECTION X – Fiscal Services

10.1 Payroll

Salary checks for full and part-time faculty and staff are issued on the last workday of the month. Salaries are usually paid early in December. All salaries are subject to federal and state income tax withholdings and Social Security. State retirement (TSERS) contributions are mandatory for full-time employees. Full-time employees are eligible for voluntary payroll deductions.

10.1.1 Electronic Direct Deposit Policy

Direct Deposit is Cape Fear Community College’s method for issuing payroll payments to employees. To utilize direct deposit employees must provide written authorization via the “[Direct Deposit Authorization Form](#).” Direct Deposit will remain in effect until changed by the employee. The electronic direct deposit policy applies to all Cape Fear Community College employees ~~that~~ who are paid by the College.

The Electronic Direct Deposit Policy promotes safe, confidential, convenient and fast payments to all College employees. Electronic direct deposit assures that an individual’s wage payment is deposited timely even if they are out due to illness, on vacation, or on other approved leave.

As a condition of employment, all Cape Fear Community College employees shall be required to enroll in the direct deposit feature within thirty (30) days of hire or rehire. The College offers direct deposit of an employee’s net pay to a financial institution in the United States in accordance with [NC Administrative Code – 13 NCAC 12.0309 - Form of Payment of Wages](#).

To authorize or change a direct deposit, the “[Direct Deposit Authorization Form](#)” must be completely and accurately filled out. A voided check for a checking account direct deposit or a deposit slip for a savings account direct deposit must accompany the “Direct Deposit Authorization Form. The completed “[Direct Deposit Authorization Form](#)” should be returned to the Payroll Department. If mailing the completed form via interoffice mail, send to: Payroll Department, (U277). If mailing the form through the United States Postal Service, send completed form to: Cape Fear Community College, Payroll Department, 411 N. Front Street, Wilmington, NC 28401.

Once the authorization form is received by the Payroll Department, it will take one pay cycle for direct deposit to become active. During such time an employee shall be paid by paper check which will be mailed to a valid mailing address on file, on the employee's designated pay day and shall be dated the date of the employee's pay date.

An employee who desires to request a hardship exemption from the direct deposit requirement shall do so by completing the "[Direct Deposit Exemption Request Form](#)," The Vice President for Business and Financial Services has exclusive authority to grant an exemption from the direct deposit requirement.

NOTE: It is the employee's responsibility to review their pay advices for accuracy of personal and payment information. Employees must notify the Payroll Department immediately if there has been an overpayment of wages. Further, employees have the responsibility to notify the Payroll Department when there is any change to their bank and/or bank account that affects their direct deposit. Any change **MUST** be received in the Payroll Department at least two weeks prior to the payday for which the change is to occur. Employees should never close an account until they know the cancellation has taken effect. If an employee closes the account prior to the cancellation of the direct deposit, the bank will eventually notify the Payroll Department. The Payroll Department will then issue a paper check and mail it to a valid mailing address on file. Employees who have questions or need assistance with these guidelines may contact the Payroll Accountant at (910) 362-7609. *New Policy approved by the CFCC Board of Trustees on 5/26/16.*

10.2 Inventory Control

Equipment Inventory is responsible for implementing procedures for maintaining control over and the safeguarding of fixed assets.

10.2.1 Lost/Missing Assets

Assets are considered missing when a physical inventory is taken with a Mobile Asset counter and asset variances are collected on a physical inventory worksheet. Missing assets occur because an asset is moved to another location but the new location was not reported to Equipment Inventory thus it was not recorded in the system before Physical Inventory was conducted, or the asset could be lost or stolen.

During a physical inventory, missing assets are noted on Physical Inventory Worksheets. After the sheets are completed, **the** Equipment Inventory Technician compares assets listed as missing on the Physical Inventory Worksheets at one location/division with assets found at other locations/divisions that were not listed on that location's Physical Inventory Worksheets. If there are any matches, location changes are made to the Fixed Asset System to list it properly.

If there are any missing assets after this process, the person responsible for the asset will then be required to document all the efforts made to find the missing asset on the Lost/Stolen form.

After one year, if the asset is not found, it is retired as a lost asset. The form is routed through proper management levels for signatures.

10.2.2 Stolen Assets

If any College property has been stolen, the person discovering the theft must report it to the Director of Safety & Training. A College employee must also inform their immediate supervisor. This is to be done as soon as possible, but no later than three days from the day of discovery. The Director of Safety & Training will open an investigation and contact Equipment Inventory that an Asset has been reported stolen. The Director of Safety & Training will then take the lead and conduct interviews with all parties involved. After all efforts have been exhausted in trying to locate the Asset it would then be retired in the Fixed Asset System. The assigned department head is responsible for filing the lost or stolen equipment report to the Director of Purchasing and Inventory.

10.2.3 Disposal of College Property

Strict laws govern the disposal of public property. When in the opinion of faculty or staff a piece or pieces of equipment have become worn beyond repair, obsolete, or otherwise no longer useful, they should inform the immediate supervisor and if approved, the Equipment Inventory Technician with Business and Finance Services will be contacted since they are authorized to dispose of equipment properly and according to law.

10.3 Budgeting

The State Formula Budget for Cape Fear Community College is allocated by the NC Community College System and is the primary funding source for the College's current operations. Funds are allocated using three methodologies:

1. base allocations provide a standard amount of support regardless of college size,
2. enrollment allocations, which vary based on a college's budgeted full-time equivalent (FTE) student enrollment, and
3. performance-based allocations, which are determined based on student outcomes.

In addition to the State Formula Allotment, colleges may receive additional categorical allotments and/or program specific categorical allocations. The allocated budget is distributed by the President of the College, with assistance from the Vice President for Business and Financial Services, senior staff, deans, and other administrators. The County budget consists of funds from New Hanover and Pender Counties. These funds are requested by the President and the Board of Trustees annually and primarily provide funds for the maintenance and operation of the physical plant.

All federal and private grants must be managed through the Director of Grant Development in Institutional Advancement.

10.4 Credit Card Use Policy

1. All credit cards owned by Cape Fear Community College (college credit card) are to be used solely for conducting College business, and cannot be used for personal expenses.

2. The college credit card should only be used when standard methods of procurement are insufficient for the intended purpose.
3. A monthly credit card log will be maintained by the department/person using the credit card. The following information must be included for payment:
 - The ~~log should include the~~ date of the expenditure,
 - The date of an event for which the purchase was made,
 - The name of the employee making the purchase,
 - The amount of the expense and the type of event for which the purchase is made.

If the expenditure was for entertaining/hosting guests, a list of all guests and their affiliation with the college should also be included. This log will serve as documentation for all credit card expenses and should be submitted along with the original receipt for the purchase for payment.

Any unauthorized use of the credit card may result in disciplinary action, up to and including dismissal. “Unauthorized use” is defined as any action taken involving the use of the credit card that is inconsistent with this policy.

10.5 Payment Card Industry Policy

The purpose of this policy is to help assure that Cape Fear Community College (CFCC) is:

1. Being a good steward of personal information entrusted to it by its constituents,
2. Protecting the privacy of its constituents,
3. Complying with Payment Card Industry Data Security Standards, and
4. Striving to avoid a security breach from unauthorized and inappropriate use of cardholder² information.

Payment Card Industry Data Security Standards (PCI DSS) compliance is of the utmost importance to CFCC.

The following statements comprise CFCC payment card policy:

- Compliance with the PCI DSS is required of all CFCC employees and departments that accept, process, transmit, or store payment cardholder information.
- Only CFCC employees who are properly trained may accept and/or access cardholder information, devices, or systems which store or access cardholder information.
- Only PCI DSS compliant equipment, systems, and methods may be utilized to process, transmit, and/or store cardholder information.
- Each CFCC employee who has access to cardholder information is responsible for protecting that information in accordance with PCI DSS and College policy and procedures.

- Any suspected PCI DSS breach must be immediately reported to the parties identified in the CFCC Payment Card Industry Procedure and investigated in accordance with the CFCC Credit Card Security Incident Response Plan. The plan and procedure will be tested and updated annually.
- The College follows requirements for PCI compliance which include quarterly network scans and annual review and update of the PCI Self - Assessment Questionnaire.

Vendors and service providers who enter into a contract with CFCC and who will function within the CFCC PCI scope, and who are planning on processing credit card transactions must ensure their compliance with PCI DSS by evidence of a PCI certificate or by working with a CFCC PCI officer to obtain permission.

10.6 Petty Cash Policy

The College has determined that it is necessary to maintain a Petty Cash Fund. Petty Cash purchases are for emergencies under \$30, and are to be used for such items as postage, freight, etc. Any exceptions to this policy must be approved by the Controller or the Vice President for Business and Financial Services. The best source to replenish the Petty Cash Fund is Institutional Funds.

A receipt for purchase(s) made from Petty Cash funds, along with any other supporting documentation, must be presented to the Controller or the Budget Director before reimbursement is made. The documentation may be in the form of a voucher, describing the rationale for the purchase, budget code to be charged to, signature of the requestor and the requestor's supervisor. The supporting documentation shall be filed with the reimbursement check.

10.7 Mail

The Shipping and Receiving Department is responsible for pick-up and delivery of mail to employees located at every CFCC location. Packages and large items of mail should either be taken to the Shipping and Receiving Department (downtown), or contact the Shipping and Receiving staff to coordinate a pick-up.

10.8 Key Control Policy

10.8.1 Purpose

It is the intention of Cape Fear Community College to promote the security for campus personnel and equipment by maintaining and controlling appropriate access to College property. This Key Control Policy is designed to provide access to needed resources, while maintaining reasonable personal safety and security for all members and guests of the College. This will ensure the protection of personal and College property through control of keys to offices, buildings, and other secured assets at various campus locations. This Key Control Policy governs the control, use and possession of keys to CFCC secured assets, as well as the

use of keys by employees of the College, and those designated to use secured assets by agreement.

10.8.2 Principles

General Provision and Fabrication: Unauthorized use and manufacturing or duplication of any College key is prohibited. Cape Fear Community College keys are the property of the College, and may be repossessed at any time. Keys are to be used only by the individual they are assigned to and cannot be shared or loaned. Fabrication of keys and all lock changes shall only be done by authorized personnel as defined in the document titled “CFCC Key Control Procedures.”

Responsibility for Issuance: Faculty and staff will be issued the minimum number of keys at the lowest level of access needed to perform their job responsibilities based on actual need and with written approval following the procedures defined in the “CFCC Key Control Procedures”.

Responsibility for the Return of Keys: Any action including but not limited to termination, change of responsibility or status, may trigger the return of keys issued to an individual to CFCC. Upon separation from the College, all keys issued to the Employee must be immediately returned to the Employee’s Supervisor or Campus Locksmith. Failure to return keys will result in a charge to rekey those areas at the current cost of replacement. Please read the “CFCC Key Control Procedures” for detailed information on this topic.

Lost Keys: Lost keys should be reported immediately to the Campus Locksmith, the Supervisor of the employee. See “CFCC Key Control Procedures” for detailed instructions.

Liability for Lost Keys: Due to the sensitivity of some of the locations that keys can open; it can cost up to several hundred thousand dollars to rekey such an area if a key is lost or stolen. Key holders who have lost keys will be liable for them by disciplinary action as defined in section 5.1 of the Employee Handbook.

Damaged Keys: Keys that are damaged or are not working properly can be replaced at no charge by the Campus Locksmith by returning the damaged key.

Office Changes: If an individual moves offices, it is the responsibility of the individual to return the old keys to the Campus Locksmith within 3 days.

General Purpose Classrooms: General purpose classrooms keys may be requested from the Campus Locksmith as needed.

Key Identification: All keys will be stamped with a unique serial number and the information on the keys along with the information on the key holder will be recorded in a database maintained by the Campus Locksmith.

Key Inventory Control: Keys will be inventoried annually. See “CFCC Key Control Procedures” for detailed instructions.

Master Key Requests: Keys which access multiple areas, known as “master” keys will only be issued with appropriate approvals. These keys will be issued with a device tracker known as a “Tile.” A master key will not be issued without the Tile attached. The Tile is also considered CFCC property and any tampering with the device will result in disciplinary action as defined in section 5.1 of the Employee Handbook. If there are issues with the Tile, contact the Campus Locksmith.

10.9 Electronic Access Control

10.9.1 Definitions

Any card or device used to gain access to a secured area through the use of an electronic security system will be referred to as a “swipe card.”

Any reader capable of reading information from an electronic device and commanding access to a secured location will be referred to as “electronic door reader.”

10.9.2 Swipe Cards

Certain locations at CFCC are secured by electronic door readers. A swipe card that is used to control a locking mechanism, is considered to be a CFCC key, and its issuance and usage are governed by the “CFCC Key Control Procedures.”

Access to any CFCC secured area by the use of swipe cards should be requested in the same manner physical keys are requested and treated accordingly.

Swipe cards assigned to any person connected with CFCC are non-transferrable. Swipe cards cannot be borrowed or loaned, and should be kept safely.

Access granted by the use of swipe cards may impose more restrictions than key access at any one location. Such restrictions include but are not limited to the day of the week and time of day when access may be granted.

Any lost card must be deactivated immediately online, or by direct report to Campus Locksmith. See “CFCC Key Control Procedures” for more details.

Card Swipe data is confidential.

10.10 Parking

Parking spaces are provided, if available, to all full-time employees. The fee for these spaces is \$30 per year for nine-month employees, or \$40 per year for twelve month employees. In exchange for payment of the fee, the employee shall receive a decal that authorizes the employee to park in designated areas until the employee separates from the College. In the event of employee separation, parking fees are non-refundable. The static cling or parking sticker must be displayed on the front windshield, passenger side, lower right-hand corner of the vehicle. The “hang tag” must be clearly visible hanging from the rear view mirror. During events, decals are not recognized and patrons must pay the stated parking fees.

10.11 Traffic Plan & Towing Policy

The following rules, regulations and ordinances constitute the “Traffic Plan and Towing Policy” of Cape Fear Community College (CFCC):

1. Definitions:

- a. “Motor vehicle” includes any machine designed or intended to travel over land by self-propulsion or while attached to a self-propelled vehicle.
- b. An “abandoned motor vehicle” is a vehicle that: I. Is left unattended in violation of any rule, regulation or ordinance regulating parking, or, II. Is left for longer than three (3) days on property owned, operated, managed or regulated by CFCC.
- c. A “junked motor vehicle” is an abandoned vehicle that also: I. Is partially dismantled or wrecked; or, II. Cannot be self-propelled or moved in the manner in which it originally was

intended to move; or, III. Is more than five years old and appears to be worth less than \$100; or, IV. Does not display a current license plate.

d. "Tow," in any of its forms, includes removing a vehicle by any means, including towing and storing the vehicle.

e. "Towee" means the person who towed the vehicle.

f. "Towing fee" means the fee charged for towing and storing.

2. Vehicle Registration:

All motor vehicles where the owner or operator parks on the campus or keeps said vehicle on the campus must be registered with CFCC. The following information shall be required of the registrant at the time of registration:

a. The name and CFCC I.D. number;

b. The license plate number of the vehicle, including the name of the State that issued the license plate;

c. The make, model and year, and color of the vehicle. The Campus Access and Security Fee (CAPS) for students is as follows: a. 1 to 8 Credit Hours: \$20 per semester; or, b. 9 or more Credit Hours: \$40 per semester; or, c. \$5 per course for Continuing Education classes, excluding Basic Skills, HRD, Small Business, EMT, PLET, Fire and Customized Industry Training. In exchange for payment of the fee, the student shall receive a decal that authorizes the student to park in areas designated for student parking and is valid from September 1, 20xx to August 31, 20xx. The decal must be displayed on the front windshield, passenger side, lower right-hand corner of the vehicle. Students with registered vehicles who have purchased a decal and have the decal properly displayed in the window of the vehicle may park only in areas designated for student parking.

3. Employee Leasing of Parking Spaces: Upon payment of the annual leasing fee of \$40 by a twelve-month College employee, or \$30 by a nine-month employee, The Wilmington Campus employee will be assigned to the Nutt Street Parking Deck. Full-time Wilmington Campus employees shall not regularly park in unassigned parking spaces due to limited availability. North Campus employees will be assigned "Unassigned parking" at the North Campus is defined as "any unlettered or unnumbered space." Wilmington Campus employees visiting or working at North Campus shall park in any unassigned space (Student parking). North Campus employees visiting or working at the Wilmington Campus shall park in the Nutt Street Parking Deck.

4. Parking:

a. No vehicle without a valid decal may be parked in any parking lot, deck or parking area designated for either employee or student parking.

c. In all parking lots, decks or parking areas with marked parking spaces, parking is not permitted outside the marked spaces.

d. No vehicle shall be parked in any manner so as to block the ability of another vehicle to leave its parking space or exit from the parking lot, deck or parking area.

e. No vehicle shall be parked or left standing or unattended on any road, street, alley, travel lane, driveway, parking lot or parking area entrance or exit, or pedestrian crossing.

f. Where signs are posted limiting parking in any manner such as for a limited amount of time, for handicapped persons, or for visitors, parking shall be permitted only as posted.

g. Motorcycles, mopeds, scooters, vehicles with trailers, and bicycles are not allowed in the Nutt Street or Hanover Street Parking Decks.

5. Violation: A person may be issued a citation for each violation of the above rules, regulations or ordinances. The fine for each citation is \$25.00. A vehicle parked in repeated violation of any of these rules, regulations or ordinances is subject to booting.
6. Repeat Violators: Any person receiving more than three (3) citations for any violations within any one semester is subject to being booted. Any vehicle parked or left on campus that is banned from parking on campus shall be subject to immediate towing.
7. Removal of Vehicles: CFCC may remove and have towed to a storage garage or area any vehicle found to be in violation of any rule, regulation or ordinance of CFCC. The Parking and/or Security Guard shall notify Campus Safety of any vehicle in violation of any ordinance of CFCC, and the Director, Safety & Training (or his/her designee) shall arrange for the immediate towing of the vehicle in violation. The owner or operator of the towed vehicle shall be responsible for paying the towing fee of the tower.
8. Notice of Towing: Whenever a vehicle is towed Cape Fear Community College shall make every attempt to notify the last known registered driver of the vehicle of the following:
 - a. A description of the vehicle;
 - b. The place where the vehicle is stored;
 - c. The violation with which the registered driver is charged, if any;
 - d. The procedure the registered driver must follow to have the vehicle returned to him/her (to contact the tower and satisfy the tower's requirements for release of the vehicle); and,Notice shall be given to the CFCC registered driver of the vehicle within 24 hours. If feasible, actual notice shall be given either in person or by telecommunication, including leaving notice on an answering machine.

When a vehicle with neither a valid registration plate nor registration is towed, CFCC shall make reasonable efforts, including utilizing the V.I.N., to determine the last known registered owner of the vehicle, and to notify him/her of the information listed in Item 8. a. – e.

13. Parking Rules and Regulations: Parking Rules and Regulations shall be printed and copies posted at the appropriate place on campus and on the CFCC website. This shall serve as notice to the public of these parking and traffic rules, regulations and ordinances governing the CFCC campus, and copies shall be filed with the Office of the Secretary of State, State of North Carolina.

10.8.1 Purpose

It is the intention of Cape Fear Community College to promote the security for campus personnel and equipment by maintaining and controlling appropriate access to College property. This Key Control Policy is designed to provide access to needed resources, while maintaining reasonable personal safety and security for all members and guests of the College. This will ensure the protection of personal and College property through control of keys to offices, buildings, and other secured assets at various campus locations. This Key Control Policy governs the control, use and possession of keys to CFCC secured assets, as well as the use of keys by employees of the College, and those designated to use secured assets by agreement.

10.8.2 Principles

General Provision and Fabrication: Unauthorized use and manufacturing or duplication of any College key is prohibited. Cape Fear Community College keys are the property of the College, and may be repossessed at any time. Keys are to be used only by the individual they are assigned to and cannot be shared or loaned. Fabrication of keys and all lock changes shall only be done by authorized personnel as defined in the document titled “*CFCC Key Control Procedures*.”

Responsibility for Issuance: Faculty and staff will be issued the minimum number of keys at the lowest level of access needed to perform their job responsibilities based on actual need and with written approval following the procedures defined in the “*CFCC Key Control Procedures*”.

Responsibility for the Return of Keys: Any action including but not limited to termination, change of responsibility or status, may trigger the return of keys issued to an individual to CFCC. Please read the “*CFCC Key Control Procedures*” for detailed information on this topic.

Lost Keys: Lost keys should be reported immediately to the Director of Safety & Training, the Supervisor of the employee, and the Key Issuing Department. See “*CFCC Key Control Procedures*” for detailed instructions.

Liability for Lost Keys: Due to the sensitivity of some of the locations that keys can open; it can cost up to several hundred thousand dollars to rekey such an area if a key is lost or stolen. Key holders who have lost keys will be liable for them by disciplinary action as defined in section 5.1 of the Employee Handbook.

Damaged Keys: Keys that are damaged or are not working properly can be replaced at no charge at the Key Issuing Department by returning the damaged key.

Office Changes: If an individual moves offices, it is the responsibility of the individual to return the old keys to the Key Issuing Department within 5 days or a key fine may be assessed.

General Purpose Classrooms: General purpose classrooms are opened daily by Security with the exception of specialized classrooms that require added security.

Lock-Core Changes: If a lock-core must be changed for any reason, a request for the change will be initiated by the Key Issuing Department and approved by the proper CFCC officers as defined in the “*CFCC Key Control Procedures*” document.

Key Identification: All keys will be stamped with a unique serial number and the information on the keys along with the information on the key holder will be recorded in a database maintained by the college locksmith and the key issuing department respectively.

Key Inventory Control: Keys will be inventoried annually. See “*CFCC Key Control Procedures*” for detailed instructions.

10.9 Electronic Access Control

10.9.1 Definitions

Any card or device used to gain access to a secured area through the use of an electronic security system will be referred to as a “swipe card.”

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Access granted by the use of swipe cards may impose more restrictions than key access at any one location. Such restrictions include but are not limited to the day of the week and time of day when access may be granted.

Any lost card must be deactivated immediately online, or by direct report to the Director of Safety & Training. See “*CFCC Key Control Procedures*” for more details.

Card Swipe data is confidential.

10.10 Parking

Parking spaces are provided, if available, to all full-time employees. The fee for these spaces is \$30 per year for nine-month employees, or \$40 per year for twelve-month employees. Full-time employees who do not have an assigned parking space or location, as well as part-time employees, may elect to use the Hanover Parking Deck or surface parking lots for \$10 per year. In exchange for payment of the fee, the employee shall receive a decal that authorizes the employee to park in designated areas until the employee separates from the College. In the event of employee separation, parking fees are non-refundable. The static cling or parking sticker must be displayed on the front windshield, passenger side, lower right-hand corner of the vehicle. The “hang tag” must be clearly visible hanging from the rearview mirror. During events, decals are not recognized and patrons must pay the stated parking fees.

10.11 Traffic Plan & Towing Policy

The following rules, regulations and ordinances constitute the “Traffic Plan and Towing Policy” of Cape Fear Community College (CFCC):

1. Definitions:
 - a. “Motor vehicle” includes any machine designed or intended to travel over land by self-propulsion or while attached to a self-propelled vehicle.
 - b. An “abandoned motor vehicle” is a vehicle that:
 - I. Is left unattended in violation of any rule, regulation or ordinance regulating parking, or,
 - II. Is left for longer than three (3) days on property owned, operated, managed or regulated by CFCC.
 - c. A “junked motor vehicle” is an abandoned vehicle that also:
 - I. Is partially dismantled or wrecked; or,
 - II. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or,
 - III. Is more than five years old and appears to be worth less than \$100; or,
 - IV. Does not display a current license plate.
 - d. “Tow,” in any of its forms, includes removing a vehicle by any means, including towing and storing the vehicle.
 - e. “Towner” means the person who towed the vehicle.
 - f. “Towing fee” means the fee charged for towing and storing.

2. Vehicle Registration: All motor vehicles where the owner or operator parks on the campus or keeps said vehicle on the campus must be registered with CFCC. The following information shall be required of the registrant at the time of registration:
 - a. The name and CFCC I.D. number;
 - b. The license plate number of the vehicle, including the name of the State that issued the license plate;
 - c. The make, model and year, and color of the vehicle.

The Campus Access and Security Fee (CAPS) for students is as follows:

- a. One (1) to 8 Credit Hours: \$20 per semester; or,
- b. Nine (9) or more Credit Hours: \$40 per semester; or,
- c. \$5 per course for Economic and Workforce Development classes, excluding Basic Skills, HRD, Small Business, EMT, PLET, Fire and Customized Industry Training.

In exchange for payment of the fee, the student shall receive a decal that authorizes the student to park in areas designated for student parking and is valid from September 1, 20xx to August 31, 20xx. The decal must be displayed on the front windshield, passenger side, lower right-hand corner of the vehicle. Students with registered vehicles who have purchased a decal and

have the decal properly displayed in the window of the vehicle may park only in areas designated for student parking.

3. Employee Leasing of Parking Spaces: Upon payment of the annual leasing fee of \$40 by a twelve-month College employee, or \$30 by a nine-month employee, the Wilmington Campus employee will be assigned to the Nutt Street Parking Deck. The fee for unassigned parking in the Hanover Parking Deck and surface parking lots is \$10 annually. Full-time Wilmington Campus employees who are assigned to the Nutt Street Parking Deck shall not regularly park in unassigned parking spaces due to limited availability. North Campus employees will be assigned a numbered parking space, giving the employee the sole right to park in that designated parking space during normal hours of College operations. "Unassigned parking" at the North Campus is defined as "any unlettered or unnumbered space." Wilmington Campus employees visiting or working at North Campus shall park in any unassigned space (Student parking). North Campus employees visiting or working at the Wilmington Campus shall park in the Nutt Street Parking Deck.

4. Parking:

- a. No vehicle without a valid decal may be parked in any parking lot, deck or parking area designated for either employee or student parking.
- b. In parking lots or areas with numbered spaces, only the person who has leased that parking space may park in that parking space.
- c. In all parking lots, decks or parking areas with marked parking spaces, parking is not permitted outside the marked spaces.
- d. No vehicle shall be parked in any manner so as to block the ability of another vehicle to leave its parking space or exit from the parking lot, deck or parking area.
- e. No vehicle shall be parked or left standing or unattended on any road, street, alley, travel lane, driveway, parking lot or parking area entrance or exit, or pedestrian crossing.
- f. Where signs are posted limiting parking in any manner such as for a limited amount of time, for handicapped persons, or for visitors, parking shall be permitted only as posted.
- g. Motorcycles, mopeds, scooters, vehicles with trailers, and bicycles are not allowed in the Nutt Street or Hanover Street Parking Decks.

5. Violation: A person may be issued a citation for each violation of the above rules, regulations or ordinances. The fine for each citation is \$5.00. A vehicle parked in violation of any of these rules, regulations or ordinances is subject to booting.

6. Repeat Violators: Any person receiving more than three (3) citations for any violations within any one semester is subject to being booted. Any vehicle parked or left on campus that is banned from parking on campus shall be subject to immediate towing.

7. Removal of Vehicles: CFCC may remove and have towed to a storage garage or area an abandoned or junked motor vehicle found to be in violation of any rule, regulation or

ordinance of CFCC. The Parking and/or Security Guard shall notify the Director of Safety & Training of any vehicle in violation of any ordinance of CFCC, and the Director of Safety & Training (or his/her designee) shall arrange for the immediate towing of the vehicle in violation. The owner or operator of the towed vehicle shall be responsible for paying the towing fee of the tower.

8. Notice of Towing: Whenever a vehicle with a valid registration plate or registration is towed, the Director of Safety & Training Department shall immediately notify the last known registered driver of the vehicle of the following:
 - a. A description of the vehicle;
 - b. The place where the vehicle is stored;
 - c. The violation with which the registered driver is charged, if any;
 - d. The procedure the registered driver must follow to have the vehicle returned to him/her (to contact the tower and satisfy the tower's requirements for release of the vehicle); and,
 - e. The procedure the registered driver must follow to request a probable cause hearing about the towing, if one is desired.

Notice shall be given to the CFCC registered driver of the vehicle within 24 hours. If feasible, actual notice shall be given either in person or by telecommunication, including leaving notice on an answering machine. Regardless of the previous attempts to contact the registered driver, notice shall also be given by U.S. Mail to the last known address, unless the registered driver or an agent thereof waives the notice, in writing.

When a vehicle with neither a valid registration plate nor registration is towed, the Director of Safety & Training of CFCC shall make reasonable efforts, including utilizing the V.I.N., to determine the last known registered owner of the vehicle, and to notify him/her of the information listed in Item

9. Hearing Procedure: The owner, registered driver or any other person entitled to claim possession of the vehicle may request (in writing) a hearing to determine whether probable cause existed for the towing. Probable cause shall exist if the Parking and/or Security Guard had probable cause at the time he/she contacted the Director of Safety & Training to believe that a rule, regulation or ordinance of CFCC was violated. The request shall be filed with the Magistrate's Office in the county wherein the vehicle was towed. The Magistrate's Office is required by N.C. General Statute 20-219.119 (c) to set the hearing within 72 hours of receiving the request. The owner, the person who requested the hearing if someone other than the owner, the tower, and the Director of Safety & Training shall be notified of the time and place of the hearing. The owner, the person who requested the hearing if someone other than the owner, the tower, and the Director of Safety & Training, and any other interested parties may present evidence at the hearing. The Director of Safety & Training and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying. The only issue at this hearing is whether or not probable cause existed for the towing. If the Magistrate finds that probable cause did

exist, the tower's lien to secure payment of the towing fee continues. If the magistrate finds that probable cause did not exist, the tower's lien is extinguished. Any aggrieved party may appeal the Magistrate's decision the District Court Division of the General Court of Justice of the State of North Carolina as permitted by NC. General Statute 20219.11(f).

10. Option to Pay or Post Bond: At any stage in the proceedings, including before the probable cause hearing, the owner or registered driver may obtain possession of his vehicle by:

- a. Paying the towing fee; or,
- b. Posting bond for double the amount of the towing fee.

11. Hearing on the Lien: The tower may seek to enforce his lien or the owner may seek to contest the lien pursuant to Chapter 44 of the N.C. General Statutes.

12. Payment to the Tower Guaranteed: CFCC shall pay the tower his/her towing fee only if the final determination of the Court is that no probable cause existed for the towing.

13. Parking Rules and Regulations: Parking Rules and Regulations shall be printed and copies posted at the appropriate place on campus and on the CFCC website. This shall serve as notice to the public of these parking and traffic rules, regulations and ordinances governing the CFCC campus, and copies shall be filed with the Office of the Secretary of State, State of North Carolina.

10.12 Purchasing

All purchasing on behalf of the College must be conducted by the Purchasing Department. End users who have been properly trained will enter electronic requisitions in the NC E-Procurement System for electronic approvals. Under no circumstances should an order be placed without a fully approved CFCC Purchase Order.

The procedures to follow in requesting items or services to be purchased are in the CFCC Purchasing Manual. ([Purchasing](#))

10.13 Equipment

Equipment must be approved through the CFCC Equipment Hearing prior to being ordered. The guidelines for purchasing equipment are in the CFCC Purchasing Manual.

10.14 Travel Policies

10.14.1 Description of Policies

Cape Fear Community College (CFCC) authorizes official college travel consistent with policies and procedures established by the Office of State Budget & Management (OSBM) and the State Board of Community Colleges (SBCC). Statutory regulations for per diem, transportation, and subsistence allowances for state funds are contained in General Statute 138-

5 through -7. These travel regulations, apply to CFCC Board of Trustees members and all employees of the College.

Inasmuch as travel policies, procedures, and prevailing rates are subject to change, CFCC employees should always reference the most recent version of regulations enacted by the OSBM or SBCC. The most recent version can be found in the NCCCS “Accounting Procedures Manual” (www.nccommunitycolleges.edu).

Travel requests for official college business may be submitted when a board member or employee is traveling while performing work on behalf of, officially representing, or providing a service related to the College mission, or attending approved job related training. Board of Trustee members may be reimbursed for travel from their place of residence to the location of College Board meetings, while performing work on behalf of the College, or to attend Trustee training. Travel that would not directly benefit the College shall neither be approved nor reimbursed. In every instance and regardless of fund source all travel requests shall be approved contingent upon the availability of funds.

An employee traveling on official college business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays, or luxury accommodations and services unnecessary, unjustified, or for the convenience or personal preference of the employee in the performance of official College business are prohibited.

All in and out-of-state travel must be approved in writing by the President or her/his designee. In addition, written authorization must be secured in advance from the President or her/his designee for excess lodging, registration, out-of-state travel, and out-of-country travel. Failure by the employee to obtain such approval may result in expenses incurred not being reimbursed. The employee should submit a “Travel Request Form” at least two weeks prior to her/his travel date.

10.14.2 Blanket Authorization

General Statute 115D-20(1) directs that the President report to the College’s Board of Trustees. As such, the Board shall determine the manner in which it approves the travel of the President, consistent with this policy and subject to SBCC procedures. In addition, consistent with the Board’s fiduciary responsibility and in the interest of fiscal responsibility, it is the Board’s responsibility to examine the President’s travel at their discretion.

A blanket travel approval is required for all others, excluding the President but including CFCC Board of Trustees members and all employees of the College, for routine travel to claim mileage reimbursement while conducting official College business. The blanket authorization must include:

- Name of the person traveling;
- Colleague I.D Number;
- Destination(s) and purpose for the travel as defined by the college (Ex: various site visits to monitor classes, commuting between classes, etc.);

- Dates of the travel (Ex: July 1 20xx – June 30, 20xx);
- Source of funding (Ex: State, County, Institutional, Special funds); and,
- Any other information necessary to justify traveling on a routine basis.

A blanket authorization for travel must be completed and secured annually. The blanket travel authorization form must be approved prior to departure for all routine travel for which reimbursement is issued. Failure by the employee to obtain such approval may result in expenses incurred not being reimbursed.

10.14.3 Transportation Allowance

For transportation by privately owned automobiles on official College business, the reimbursement rate shall not exceed the maximum rate established by the Internal Revenue Service (IRS) as the business standard mileage rate when a College vehicle is not available for use by the employee. CFCC may establish a rate lower than the maximum as a result of the limited budget availability for travel. When a College vehicle is available and the employee elects to drive her/his personal vehicle on official College business, the employee may be reimbursed at the IRS medical or moving purposes rate. It is the responsibility of the employee to verify whether a College vehicle is or is not available, and document that on both the Travel Request Form and the Travel Reimbursement Request Form. College employees on official College business may use their private vehicles for personal convenience according to the rates listed above.

Reimbursement of costs incurred will be made for the use of a private vehicle should be for direct mileage between the employees' duty station (*the headquarters or job location assigned by the College at which the employee spends most of their time*) or home, whichever is less, and the travel destination, and between the place of lodging (if required) and the travel destination. Actual costs of road, bridge and ferry tolls, and valet service (if required by the lodging establishment) may be reimbursed with a valid receipt. Reimbursements may not be made for daily commuting between an employee's home and her/his duty station; except, temporary or part-time faculty "may" be paid mileage expenses when authorized by the Vice President for Academic Affairs and approved by the President or her/his designee. Nothing in this policy shall be interpreted to mean that CFCC intends to reimburse normal commuting expenses to and/or from the duty station.

For transportation by airline, bus, railroad or other conveyance, actual coach-class or tourist-class fare applies, whichever is less. No first-class air or train travel shall be reimbursed. The tickets for airline, bus or railroad travel may be purchased either by the College or by the traveler and claimed on her/his expense account. Flight or other travel insurance is not reimbursable. The actual cost of coach fare is reimbursable, as is the actual cost of Pullman fare on trains when overnight trips are required for official College business. Requests for travel on noncommercial (charter flights) aircraft are made and approved in the same manner as all transportation.

Reimbursement for travel between the employee's duty station and the place of departure (airline terminal, train or bus station) and for appropriate parking may be made under the following circumstances:

- Private vehicle – IRS business standard mileage rate for one round trip and airport parking with a valid receipt;
- Airport limousine – one round trip fare supported by a valid receipt; or
- Taxi – actual cost supported by a valid receipt.

In addition, transportation to and from the airport may be reimbursed consistent with the following circumstances:

- Airport limousine – one round trip fare supported by a valid receipt;
- Bus – one round trip fare. In lieu of using a taxi or airport shuttle, employees can be reimbursed without a receipt up to \$5.00 for each one-way trip either from the airport to the hotel/meeting, or from the hotel/meeting to the airport;
- Taxi – when shuttle service is available, one round trip shuttle fare supported by a valid receipt; or,
- Taxi – when shuttle service is not available, one actual fare to and from the airline terminal supported by a receipt.

Rental car charges at the least expensive available rate are reimbursable when required for intercity travel (out-of-state) when no alternate mode of transportation is practical. No reimbursement may be made for use of a rental car in-state when a College or private car is available.

10.14.4 Penalties and Charges Resulting from Cancellations

Penalties and Charges resulting from the cancellation of travel (including airline, ground transportation, hotel reservations, and/or conference registrations) shall be the College's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and/or for the convenience of the College. If the cancellation or change is made for the personal convenience or benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness, or death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the College may pay the penalties and charges upon written approval of the College President.

10.14.5 Subsistence Allowance

Subsistence consists of lodging, meals, registration, phone calls, and all other items, which are not defined as transportation. The established subsistence rates are subject to change by the OSBM, often on an annual basis. The rates are established for meals and lodging, on an In-State and Out-of-State travel basis. The rates are also subject to 24-Hour Period Travel and Less than a 24-Hour Period Travel. The following statements govern the payment of subsistence for travel costs incurred while on official college business.

- a **Rates:** The maximum rates payable for meals and lodging for In-State and Out-of-State travel from state, county or institutional funds shall be consistent with the rates established by the Office of State Budget and Management and the State Board of Community Colleges. The current rates may be found at: www.nccommunitycolleges.edu/finance-operations/budget-accounting/accountingprocedures-manual
- b Written authorization must be secured in advance from the college President or her/his designee for estimated travel costs in excess for lodging, meals, and registration fees established by the OSBM or SBCC.
- c **Lodging:** Reimbursement of actual costs of lodging, whether In-State or Out-of-State, must be documented by an itemized receipt of actual lodging expenses from a commercial establishment. When it is anticipated that more economical accommodations are not available, or the site of the convention or conference is the hotel where excess lodging is required, a request for this excess which sets forth the reason(s) must be submitted for prior approval. Lodging costs in excess of the established rates may be reimbursed, subject to securing written authorization from the College President or her/his designee in advance of the travel.
- d **Meals:** Reimbursement for meals shall not exceed the established rates for a maximum of three meals whether traveling either In-State or Out-of-State. If approved in advance, the total costs for meals may exceed the daily rates if the meals are included as a part of the registration fee.
- e **Daily Travel:**
 - 1. **Overnight** – Employees may receive allowance for meals for partial days of travel when the partial day is the day of departure or the day of return. The travel must involve a travel destination located at least 35 miles from the employee’s regularly assigned duty station (vicinity) or home, whichever is less. To be eligible, the employee must:
 - 2. Breakfast – depart duty station prior to 6:00 a.m.
 - 3. Lunch – depart duty station prior to noon (day of departure) or return to the duty station after 2:00 p.m. (day of return)
 - 4. Dinner – depart duty station prior to 5:00 p.m. (day of departure) or return to duty station after 8:00 p.m. (day of return).
 - a. The time of departure and/or arrival must be stated on the travel reimbursement request.
 - b. **Not-Overnight** – Allowances shall not be paid to employees for meals if travel does not involve an overnight stay.
 - 1. **Registration Fees:** State law (G.S. 138-6(a)(4)) allows for the actual reimbursement of convention registration fees as shown by a valid receipt or invoice. All registration fees must be approved in advance by the College President or her/his designee. Convention or conference registration fees must be included on the travel authorization prior to departure. Registration fees for webinars or other on-line training that does not involve travel should not be requested on a Travel Request Form, but instead should be requested

through CFCC's normal purchasing procedures. Registration fees may be paid either by the employee or the College. For the employee to be reimbursed for personal payment of a registration fee, they must provide documentation of the expense by a valid receipt. Employees may not claim reimbursement for meals included in registration fees.

2. **Other Subsistence Expenses:** The following items are not counted toward the authorized subsistence, but are eligible for reimbursement:
3. Tipping for handling baggage at common carrier terminals;
4. Tipping for the handling of baggage when arriving at or departing from the place of lodging;
5. Office phone/official business calls, up to a maximum of \$5.00, from non-state funds; and,
6. Personal calls, only for travel of two or more days, and only once every two days, to a maximum of \$3.00.
 - a. Then following items are not reimbursable:
7. Refreshments or other personal expenses;
8. Tipping for room service, valet and other hotel services; and
9. Costs of laundry, entertainment, alcoholic beverages, set-ups, between meals snacks, or other personal expenses not previously defined as permissible.

10.14.6 Travel Advances

At the discretion of the College President or her/his designee, a travel advance may be requested if the total amount exceeds \$200. The travel advance will be calculated at a maximum of 90 percent of the total estimated costs (excluding pre-paid air fare or other modes of transportation, registration fees, etc.). The request must be presented to the Division of Business and Financial Services a minimum of two weeks before the advance is required. If the estimated cost is less than \$200, the employee is responsible for their travel costs, unless an exception is granted by the President or her/his designee. Travel Advances will be deducted from the employee's Travel Reimbursement Request. The employee will be reimbursed when the Travel Reimbursement Request form is processed.

10.14.7 Timely Filing and Reimbursement

Each employee is responsible for her/his own request for reimbursement. All reimbursement requests shall be filed for approval and payment within thirty (30) days after the travel period has ended as reflected on the approved travel authorization, or June 30, whichever comes first. Requests for reimbursement submitted after July 30 of any new fiscal year for prior fiscal year reimbursements will be addressed on a case-by-case basis. "Travel period" is defined as the calendar month during which the travel occurred. Reimbursement forms must be submitted to the Division of Business and Financial Services within thirty (30) days after the travel period has ended.

10.15 Long Distance Phone Calls

Personal long-distance telephone calls shall not be charged to Cape Fear Community College. Persons making such calls should make them from a personal cell phone, through use of a personal credit card, or charge them to a non-college telephone number. No collect calls will be taken by CFCC faculty or staff; except that such calls will be permitted from the R/V Hatteras when the ship is away from port.

10.16 Institutional Funds Policy

The following policy governs the budgeting, permissible and impermissible uses, and reporting of Institutional Funds at Cape Fear Community College:

10.16.1 Definition

Funds that are acquired and controlled entirely by the local college, including loans, scholarships, endowments, trust and agency funds, auxiliary enterprises, student fees, and private and federal grants and contracts that are not processed through the System Office.

10.16.2 Approving Authority

The approving authority for the Institutional Funds budget shall be the Board of Trustees of Cape Fear Community College.

10.16.3 Sound Fiscal and Management Practices Policy

The Board of Trustees has adopted the following policy to assure sound fiscal and management practices. Policies to assure sound fiscal and management practices include:

1. Expending funds prudently and consistently with the approved budget.
2. Demonstrating stewardship of the institution's State financial resources by effectively executing the institution's budget to ensure that the percentage of State current operating funds remaining unexpended does not exceed five percent or five times the system-wide percentage, whichever is higher.
3. Ensuring that institutional fund accounts do not have a negative balance at the end of the fiscal year unless such an instance exists for a planned reason, such as an anticipated reimbursement. If any institutional fund account has a negative balance at year-end, the negative fund balance after the posting of all accrual entries shall be reviewed. In the event the negative balance is not due to a planned reason, the college shall develop a plan to rectify the negative balance, and the information shall be reported to the Board of Trustees at its first scheduled meeting following year-end.
4. Tracking expenditures consistent with the North Carolina Community College System's Chart of Accounts, as outlined in the NC Community College System Accounting Procedures Manual.
5. Providing financial reports to the Board of Trustees at intervals determined by the Board of Trustees.
6. Maintaining a system of internal controls as prescribed by G.S. 143D-7.

7. Ensuring the college does not overdraw accounts by ensuring bank accounts are reconciled and any discrepancies and a plan for resolution are identified within 30 business days from the end of the prior month. In the event the college fails to comply with this requirement more than once during a fiscal year, such information shall be reported to the Board of Trustees at its first scheduled meeting following the month of non-compliance.
8. Submitting complete and accurate financial statements to the North Carolina Office of the State Controller by the prescribed deadline.
9. Ensuring that audits are conducted consistent with G.S. 115D-20(9) and G.S. 115D58.16.
10. Addressing any findings identified in audits, compliance reviews, SACSCOC reviews, or other monitoring reviews.
11. Ensuring that the college is actively seeking to fill leadership and other supervisory positions in a timely manner with individuals of high competence.
12. Monitoring staff turnover by providing an employee vacancy report for information to the Board of Trustees at least biannually.

10.16.4 Records Retention and Disposition Schedule

The Colleges in the North Carolina Community College System and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when "reference value ends." Cape Fear Community College will enforce a minimum retention period of one month for records with this disposition instruction.

10.17 Annual Budget

The President shall submit an annual budget request for Institutional Funds to the Board of Trustees for consideration and approval. The budget request shall contain the items of current operating expenses, vending funds, bookstore funds, loan funds, client live projects, student fees, scholarship funds, auxiliary enterprises, state, private, and federal grants and contracts for which institutional funds are requested. The funds shall be classified as Current Unrestricted, Current Restricted, or Proprietary.

10.18 Fund Administration

Funds generated shall be expended under the direction of the President. The expenditure of funds shall be consistent with and governed by applicable North Carolina General Statutes [G.S 115D and G.S 111-42], the State Board of Community Colleges Code [Chapters 1E and 1H]; and, the North Carolina Community College System Accounting Procedures Manual & Reference Guide [Section 2: Chart of Accounts]. Notwithstanding Pell Grants, North Carolina Community College System Grants for financial aid, Bookstore Funds and operating expenses approved in the annual budget, prior to making an expenditure of \$100,000 or more, the President shall consult with the Chair of the Board of Trustees or the Chair of the Finance Committee.

10.18.1 Reporting

The President shall make reports to the Board on the expenditure of funds on a timely basis in a format determined by the Board. The Board may at its discretion require additional reports at any time.

10.18.2 Vending and Concession Activities

The budgeting, accounting and expenditure of funds generated through vending machines and other convenience concession activities will be consistent with General Statute 115D-58.13 and 1H SBCCC 300.4. Funds generated through these activities shall be deposited into an unrestricted institutional account. These funds shall not be used to support salary, benefits or any other compensation reportable as income to the Internal Revenue Service of the College President or College employee. Notwithstanding this limitation, funds generated through vending facilities, vending machines, and other concession activities may be used for employee of the year awards or employee recognitions that are provided on a one-time basis.

10.19 Student Tuition & Fees - Time Due, Deferred Payment, Failure to Pay

10.19.1 Time Due

If a student registers on or before the first date of a course section, tuition, registration fees, and other fees required for enrollment are due on a specific date prescribed by the College that is on or before the first date of the course section. If a student registers after the first date of the course section, tuition, registration fees, and other fees required for enrollment are due at the time of the student's registration. A student may satisfy the requirement for payment due through one or more of the following four methods:

Directly paying the College.

1. Demonstrating to the College's satisfaction that the student is eligible for financial aid or other third-party payment.
2. Entering into a deferred payment plan authorized by 1E SBCCC 200.2(b).
3. Providing evidence of eligibility for a tuition or registration fee waiver consistent with 1E SBCCC 800.

To ensure tuition receipts are deposited to the credit of the fiscal year in which the Fall academic term occurs, colleges shall begin collecting curriculum tuition payments for the Fall academic term on or after July 1 of that year.

10.19.2 Deferred Payment

The College may, with approval of the Board of Trustees, prescribe written procedures to permit short-term deferred payment or payment in installments; provided, however, that payment in full is due by the end of the academic term. For the purposes of this section, "short term" is defined as a period that does not extend beyond the last day of the academic term.

10.19.3 Failure to Pay

Unless otherwise prohibited by law, colleges may not enroll or distribute an academic credential to a student with an outstanding balance for tuition or registration fees except under the following circumstances:

1. The college anticipates that the outstanding balance will be paid using pending financial aid;
2. A person or organization demonstrates to the satisfaction of the college the ability to pay the outstanding obligation and guarantees in writing to pay the balance if the student fails to do so;
3. A student is registered in a course section offered for the benefit of a company or agency. For the purpose of this rule, company or agency specific course sections are courses where the company pays the tuition or registration, and courses where attendance in the course section is limited to employees of the company or agency;
4. A student is classified as a captive or co-opted student pursuant to 1D SBCCC 700.98(a); or
5. A student is registered in a course that is on a specialized course list approved by the State Board of Community Colleges and supports the organizational training needs for entities specified in G.S. 115D-5(b)(2).

Unless otherwise prohibited by law, colleges may withhold transcripts of grades and any other service pending resolution of outstanding monetary obligations. This statement shall not be construed to prohibit a college's board of trustees from adding more stringent provisions that are allowable under law regarding outstanding monetary balances.

10.20 P-Card Policy

10.20.1 Introduction

Cape Fear Community College (CFCC) has joined the North Carolina State Contract 946A VISA Procurement Card (P-Card) Program.

The procurement card (P-Card) is a payment tool, which offers an expansion of the existing CFCC procurement processes. The Card will allow departments to make transactions without having to submit a requisition for the issuance of a purchase order or a check request. Having a P-Card is a privilege that comes with responsibilities. This manual will serve as your guideline when using your P-Card. Whenever in doubt, you should always call our office. We are here to assist and to ensure the success of the P-Card Program.

The intent of the procurement card program is to provide Cape Fear Community College and departments with a streamlined method of payment for department related supplies and/or services, thereby reducing the volume of individual check payments to vendors. It is intended to be used by authorized staff for authorized purchases. Please refer to the Cape Fear Community College website for College Policy and Procurement Purchasing Guidelines.

CFCC expects you to exercise the same good judgement in your purchases of supplies and services with CFCC's procurement card as you would with your own card. CFCC expects you to offer the same level of care and protection for the college procurement card as you would with your own credit card.

10.20.2 Definitions

Agency: Cape Fear Community College

Approvers: The Individual who is responsible to coordinate/reconcile/and approve each transaction by the cardholder in their hierarchy. Must have easy accessibility to all transactions.

HUB: Historically Underutilized Business Vendor: A "preferred supplier" that CFCC Purchasing has authorized the cardholder to use in accordance with purchasing policies.

Cardholder: A faculty or staff person who has been issued a P-Card and is authorized by the college to make purchases for the college in accordance to CFCC purchasing guidelines.

Supervisor/Account Manager: The person responsible for approving the cardholder's purchases. This person may or may not be the cardholder.

Statement of Account: The monthly listing of all items purchased on a specific CFCC VISA P-Card. This statement must be reconciled with the P-Card Transaction Log.

Single Transaction Limit (STL): The dollar amount allowed for each single transaction.

10.20.3 Why Use the P-Card?

Cape Fear Community College recognizes there are significant administrative costs associated with the End-to-End processing of the normal purchase order. Introducing layers of organization increases costs to the process and, particularly in low-dollar purchases, frequently there is no attendant value added by more administrative layers.

The North Carolina State Contract 946A Procurement Card Program is designed to streamline these processes. This program is designed to reduce paperwork and handling costs. By using this procedure the traditional requisition - pricing inquiry - order placement - delivery of goods - invoice - voucher review and payment cycle is greatly reduced.

Potential benefits to CFCC include:

- Significant reduction in the number of low-value transactions handled by the Purchasing and Accounts Payable departments.
- Substantially reduce acquisition cycle time for users.
- Higher levels of user satisfaction.
- Improves relations with vendors - they receive payment within 3 days.

- Provides CFCC with a rebate incentive providing all payments for purchases are made in full within the monthly grace period.
- Integrate card spending data into accounting and information system
- Minimize card misuses and fraud with account level authorization controls
- Obtain better data on employee purchases
- Improve employee convenience

10.20.4 Requesting a Card

- All full-time college employees, excluding temporary employees, designated by their supervisor, may be permitted to apply for a Procurement Card.
- WORKS and procedure training is required for all new cardholders and approvers.
- Each P-Card is uniquely assigned to an employee using CFCC funds and is tied to a specific funding source.
- The Procurement Office will notify the cardholder when the card has been received to set up training.
- A CFCC P-Card is not tied to an individual's personal credit line

10.20.5 Activating the Card

- The card must be activated by the cardholder using the 1-800 number on the card. The cardholder will be prompted to provide his/her credit card number and any personal information that was included on the P-Card application form.
- It is good business practice for Cardholders to sign the back of the P-Card.

10.20.6 Training

All cardholders are required to attend a training session on the use of the card. After completion of training, an agreement form **must** be signed stating that you agree to the procedures set forth in the P-Card manual. Additional training sessions may be required by the CFCC P-Card Administrator if an audit reveals that unauthorized purchases have been made and/or updates deemed necessary.

10.20.7 Separation from Cape Fear Community College

Upon retirement or resignation, the cardholder will return the P-Card to the CFCC P-Card Administrator. The P-Card Administrator will work with the cardholder's department to assure that any changes in personnel will not disrupt the purchase of goods.

10.20.8 Spending Limits (Credit & Single Transaction)

Cardholders may request permanent spending/credit limit increases with supervisor approval via email. In addition, cardholders may request temporary single transaction limit (STL) increases by submitting request to the P-Card Administrator via email. State Purchase and Contract must approve all single transaction increases, so please allow 48-hour notice for STL requests.

10.20.9 HUB Reporting

Bank of America will furnish CFCC a quarterly report of HUB (Historically Underutilized Businesses) vendors. The P-Card Administrator will periodically furnish a list of HUB Vendors to all P-Card users to increase participation with these vendors.

10.20.10 Authorized Use

The P-Card is designed for repetitive small or large commodity type purchases.

1. The North Carolina Administrative Code [01 NCAC 05B. 1523](#) governs the P-Card Rules. As per the memorandum from the Division of Purchase and Contract dated May 15, 2018, the per-transaction limit shall be \$5,000 for general purchases and \$25,000 for all travel related purchases (including airfare, hotel/lodging, and transportation/rental cars) including current NC sales tax and applicable freight.
2. The cardholder will inform the vendor that the goods are to be taxed at the current rate even if the item is sold tax exempt. **(CFCC is not Tax-Exempt).**
3. The cardholder strives to obtain the best value for the College by using “preferred suppliers” as identified by CFCC Purchasing.
4. The cardholder will comply with all State Purchase and Contract guidelines set forth in the CFCC Purchasing Procedures Manual.
5. The cardholder will seek and use HUB vendors in accordance with the CFCC HUB Plan which is available for review.
6. Prior to use, the cardholder will check budget and will not “over-spend” budget availability. The monthly spending limit on your P-card is not a reflection of your actual budget.
7. Emergency situations (as defined by [01 NCAC 05B. 1601](#) or Governor’s declaration), shall be approved by the P-Card Administrator or the Director of Purchasing and Inventory.
8. Equipment repairs must be reported to the Equipment Inventory Coordinator, if equipment is removed from campus to have work completed so notation can be made in Colleague.
9. Institutional memberships may be paid using the P-card. Memberships are for CFCC and must be transferable if the employee leaves the College. Individual memberships **may not** be paid using the P-Card.
10. Meals associated with meetings and/or visitors.

11. Payment of seminar and conference registration, airline tickets, shuttle and taxi services, hotel, and parking fees, expenses for the cardholder only. A CFCC Travel Request must have been completed and approved prior to these charges being made. See note below.

***** NOTE *****

Documentation that the Registration fee will be paid with P-Card must be included with the travel request. Travel should be approved prior to the registration fee being paid with the P-Card. Purchasing will not be responsible for verifying. It is the responsibility of the cardholder to ensure this happens.

10.20.11 Unauthorized Use

1. Splitting purchases into multiple transactions so that previously mentioned limits or state purchasing guidelines are avoided.
2. Backorders are not allowed.
3. Cash advances, alcoholic beverages, controlled substances, personal purchases, telephone calls, or monthly telephone service fees.
4. Gift Cards/Debit Cards (IRS regulations consider gift cards/debit cards to be a cash equivalent with a requirement to be added to an employee's W-2 earnings as taxable income.)
5. Laptops or tablets of any dollar value.
6. Furniture purchases of any dollar value.
7. Equipment purchases of any dollar value.
8. Adobe (software or related) purchases. These requests are to be made through the E-Procurement system.
9. Meals (travel related) are not allowed since the State provides a Subsistence Rate. This rate is an allowance related to meal costs (including gratuities). Travel related meals are allowed if it is an approved function for Cape Fear Community College students or athletes.
Exceptions: registration fees for conferences and seminars.
10. Gasoline for personally owned, college owned, or rented vehicles.
11. Contractual services (PSA or Performance Agreements) should not be paid with the CFCC VISA P-Card since Cape Fear Community College is legally responsible for reporting this income to the federal and state government.

*****NOTE*****

When uncertain if a purchase should be made with a P-Card, contact the Procurement Office.

10.20.12 Policy Enforcement

The delegation of authority to purchase goods using the card is a privilege that automatically ceases upon separation from the college or upon reassignment to another department. The authority to enforce this policy lies with the P-Card Administrator and the business office.

Cause for Employee Suspension/Termination

Fraudulent or willful misuse of the card, including willful use of the card to make personal purchases even if you intend to reimburse the college, will result in disciplinary action, up to and including termination of employment.

Cause to Suspend or Revoke Individual Card Privileges

- Willful misuse of card, or inappropriate expenditures
- Charges for non-approved travel
- Delinquent receipts
- Splitting transactions to circumvent transaction limits
- Exceeding appropriate funds available
- Noncompliance with state contracts
- Failure to comply with the Single Transaction Limit levels SHALL result in the immediate temporary/permanent suspension of the cardholder's purchasing card by Purchase and Contract for a minimum period of thirty (30) days.

Reinstatement of Cards

All delinquent reports must be turned into **P-Card Administrator** before consideration can be given to reinstate the account.

A memo from the department head needs to be submitted explaining the reason for the discrepancy; which caused the cancellation and steps to prevent it from happening in the future.

All accounts, regardless, will be required to wait at least one week from receipt of a completed reconciliation report and memo for the account to be reinstated.

10.21 Vehicle Safety Policy

10.21.1 Purpose

This policy has been developed to define standards of conduct and establish mandatory training for faculty, staff, students and volunteers who operate motor vehicles while conducting College business. The primary goal of this policy is to help prevent accidents and minimize the risk of personal injury associated with those incidents.

Scope

This policy applies to individuals who operate a motor vehicle, whether College-owned, leased, or personally owned, to conduct College business.

Definitions

For the purpose of this policy, "motor vehicle operator" refers to any approved; faculty, staff, student, or volunteer, 21 years of age or older, who operates a motor vehicle while conducting College business. Individuals who are under 21 year of age may not operate a motor vehicle to conduct College business until insurance is notified.

10.21.2 Policy

Motor Vehicle Report (MVR) History. MVRs will be checked annually for all motor vehicle operators who may be required to drive for college purposes. The MVR will be reviewed to ascertain whether the motor vehicle operator holds a valid license and whether his or her driving record is within the parameters set by the College.

**See attached Driver Qualification Criteria for further information.

Drivers will be disqualified from driving vehicles for College purposes for any of the following reasons:

1. A revocation or suspension of driver's license in any state.
2. A major violation such as reckless driving, negligent driving, vehicular homicide, leaving the scene of an accident, or driving under the influence of alcohol or other controlled substance.
3. Two or more moving violations and/or damage to vehicles in the previous three years.
4. Any other violation at the discretion of the College.

Driver's License. All College motor vehicle operators must be in possession of a valid driver's license from their state of residence. They must also sign the Vehicle Use Acknowledgment Form that allows the Business Office to obtain state driving records. In the event that an employee's job description requires him or her to drive a "commercial vehicle," the employee will be required to obtain and maintain a valid North Carolina commercial driver's license.

Vehicle Operator Responsibility. Motor vehicle operators must report all traffic citations received while on College business to the Business Office and their supervisor. They must also report the onset of any physical or mental condition that may impair their ability to drive.

Safety Rules. We value the safety and well-being of all employees. Due to the risk of motor vehicle accidents resulting from traffic congestion, unsafe driving habits, road conditions and distraction, Cape Fear Community College is instituting a Vehicle Safety Policy.

1. Inspect vehicles prior to use to ensure that they are in safe operating condition.
 - a. If a vehicle does not pass inspection, notify the Motor Pool Coordinator.
 - b. Vehicles are not to be operated unless in a safe operating condition.
2. Drivers must be physically and mentally able to drive safely. Fatigue, medications and physical injuries can affect an employee's ability to safely operate a vehicle. Travel after 12:00 a.m. is strongly discouraged. If distance prohibits return to the College by 12:00 a.m., the traveling group is required to seek overnight accommodations. The College requires mandatory rest stops every two hours to prevent fatigue or exhaustion.
3. Drivers must conform to all traffic laws and make allowances for adverse weather and traffic conditions. Speeding and aggressive behavior will not be tolerated.
4. Seat belts must be worn whenever a vehicle is in motion.

5. Cell phone usage, including texting, is prohibited while driving for College purposes.
6. Use of radar detectors is forbidden in all vehicles owned or used by the College.
7. Hitchhikers and passengers other than College employees are not permitted.
8. College vehicles shall be used for work-related duties only.
9. Cargo should be secured and all doors should be locked, both when the vehicle is en route and when it is parked.
10. Respect the rights of other drivers and pedestrians.
11. Drivers may not be under the influence of drugs or alcohol while operating a vehicle for College purposes.
12. All traffic violations, whether on College or personal time, must be reported to the employee supervisor within 24 hours or by the next business day.
13. Cape Fear Community College will review motor vehicle reports annually.
14. If an employee has a change in license status, including a renewal, he or she must give a copy of his or her new license to the supervisor and the Motor Pool Coordinator for the employee's file.
15. Employees are responsible for maintaining a valid driver's license. Limited Privileged License is not considered a valid driver's license.
16. In an extreme situation when there is an out-of-state trip and there is only one College employee accompanying a group (i.e., golf team) a potential alternate driver (student) may be authorized by the Vice President to drive a College vehicle. The student must be at least twenty-one years of age. Student will follow the same procedure as an employee of the College, prior to approval.
17. Smoking is not permitted in a Cape Fear Community College vehicle.
18. All trash and debris must be picked up and removed upon return of vehicle.
19. Vehicle should be returned with the same amount of fuel at check out.

Safety Rules Enforcement. Employees will be subject to disciplinary action up to and including termination for violating any of the above rules according to the Employee Handbook section 5.11.1.

Department Head Responsibility. Department heads are responsible for ensuring that College-owned or leased/rented vehicles are operated by **authorized** College motor vehicle operators only.

Department heads must also:

1. Immediately notify the Business Office and Human Resources if a vehicle operator's license has been suspended or revoked.
2. Schedule additional training as required to ensure the safe operation of special purpose vehicles, such as sweepers, riding mowers, etc.
3. Document all training and provide copies to Human Resources for inclusion in the employee's personnel record.
4. Department heads will send documentation of any disciplinary action associated with the enforcement of this policy to Human Resources and Business Office for inclusion in the employee's file.

Accident Reporting. It is the responsibility of all College motor vehicle operators to report all accidents, regardless of damage. Accidents that occur on College property must be reported immediately to the Director of Safety & Training Department. Accidents that occur off College property must be reported immediately to the appropriate law enforcement agency and to the Business Office within 24 hours.

Accident Review and Insurance. The Business Office will maintain a driving record on each employee driver. The Business Office will notify the appropriate supervisor in writing for any employee who has been denied driving privileges due to the following:

1. Has been involved in an accident and was cited by the investigating police officer or was determined to be at fault in the accident by the Business Office and Management.
2. Has received two tickets for moving violations within one calendar year.

College insurance.

1. Covers faculty, staff, students and volunteers while they are driving College-owned leased or rented vehicles. When employees operate their own vehicles while on College business, their insurance company will be considered as the primary insurer with the College's coverage being secondary.
2. A contracted chartered bus service must maintain liability limits of at least \$5 million and must name the College and its affiliates as additional insureds. They must also provide an acceptable certificate of insurance to the Business Office prior to service.

SECTION XI – Public Use of Campus Facilities

11.1 Public Use of Campus Facilities

It is the policy of the Trustees of Cape Fear Community College to allow citizens to use campus buildings and facilities for civic, cultural, educational, recreational, and other activities if the users preserve and properly care for the facilities, and the activities do not conflict with the use of these facilities or grounds for College purposes and activities or with local ordinances or laws of the State or Federal government and other policies adopted by the Trustees.

11.2 Emergency Evacuation Policy

The following procedures are to be followed in the event that an emergency evacuation becomes necessary in any building or classroom owned and/or operated by Cape Fear Community College (CFCC):

11.2.1 Purpose

The purpose of the Evacuation Policy is to ensure that faculty, staff and students are prepared and able to respond to an emergency by the evacuation of College buildings during emergency conditions. The goal of this plan is to emphasize personal safety during an efficient evacuation.

11.2.2 Definition

This plan identifies an emergency as “an unplanned event that can cause physical injury to the building occupants. Examples include but are not limited to fires, floods, and bomb threats.

11.2.3 Evacuation Procedures

The following procedures are to be followed in the event that an emergency evacuation becomes necessary in any building or classroom owned and/or operated by CFCC:

1. When an alarm sounds, the entire building will evacuate by designated routes.
2. Occupants will exit the building and congregate away from the doors, allowing clear access for Emergency Responders.
3. Occupants will wait until an “all clear” signal has been sounded/given.
4. During an evacuation, entry to the facility will not be permitted until an “all clear” signal has been sounded/given.
5. If an emergency evacuation is created, the Director of Safety & Training and the Campus Switchboard should be notified immediately. The Director of Safety & Training Dispatcher will contact the Fire Department and other necessary emergency services. The Switchboard will notify the Campus Disability Services Office.
6. Employees will leave their work area and assist students and guests in exiting the building(s).
7. Contracted security services will conduct a “sweep” of the building(s) and assist people in exiting. They will also assist the Director of Safety & Training in verifying that all occupants have left the building(s).
8. CFCC Maintenance Personnel will respond to the alarm panel to announce the location of the activation. Once the emergency has been resolved, the Fire Department will direct CFCC Maintenance Staff to give the “all clear” signal and occupants will be allowed to re-enter the building.

In the event that the evacuation emergency lasts for an extended period of time, occupants will be directed to pre-designated staging areas.

11.2.4 Evacuation Plan for the Disabled

At the time of evacuation, CFCC employees will take reasonable measures to assist persons with disabilities. This includes persons with mobility, visual, hearing, speech and cognitive impairments. Persons with disabilities should be escorted to the “Areas of Rescue;” otherwise, they should be escorted out of the building.

11.3 Other Safety Measures

11.3.1 Safety

All faculty and staff members are expected to evaluate the safety of areas they use. Safety glasses must be worn in areas where danger to the eyes exists; this is required by law.

Appropriate shoes must be worn at all times while on school premises. All shop and lab instructors are responsible for assuring that safe work habits are taught and followed at all times while shop or lab classes are in progress. Any unsafe situations should be brought to the attention of the immediate supervisor or the appropriate College authority. SAFETY IS EVERYBODY'S RESPONSIBILITY!

11.3.2 Adverse Weather

The decision to cancel any portion or all of Cape Fear Community College classes due to inclement weather or other emergencies is the responsibility of the President and/or her/his designated representative. Announcements will be made on CFCC alert systems, social media, local television and radio stations at the earliest possible time once a decision is made to cancel or close. Days missed due to cancellation and/or closing will be designated with pay for full-time staff and faculty, as well as adjunct faculty paid by the class. Part-time staff are considered hourly and only paid for actual hours worked. Efforts to make up classes will be made during the semester in which they are missed. In the event the schedule will not permit this, the Board of Trustees may choose to excuse those days when such is requested by the President. Employees who are on approved Family Medical Leave (FMLA) prior to a College closure will have leave charged in accordance with their FMLA timesheet, however the days the College was closed will not count against an employee's FMLA leave entitlement (which is inherently unpaid). Employees who had pre-approved leave requests for days off to occur during a College closure may withdraw those leave requests.

11.3.3 Security Guards

Security guards are on duty 24 hours per day, 7 days per week. Security Guards are responsible for controlling access to all campus buildings. Outside of normal business hours, all employees must follow special procedures for campus and building access as set by the Director of Safety & Training. Business hours are 7:00 am to 10:00 pm Monday through Friday, except holidays.

11.3.4 CPR Policy

All campus law enforcement officers and security personnel must be trained as American Heart Association providers.

Automated External Defibrillators (AED's) are strategically placed throughout all the CFCC campuses in highly populated areas. AED's are placed in alarm boxes in order that when the cabinet is opened, an alarm will sound to alert others in the area to respond.

SECTION XII – Auxiliary Services

12.1 Information Technology

12.1.1 Computer Use Policies

The State Auditor and the North Carolina Department of Community Colleges require a strong security system to protect the integrity of the information stored on our computing system.

Cape Fear Community College has adopted the following regulations to ensure the security and the integrity of the data stored on the computer network:

1. All computer users share responsibility for the security of the data on the network. Each user is issued a login password that allows the user access to the data necessary to perform his/her duties. The strongest link to data security is our system of passwords. Under no circumstances should a user share a login password with staff, faculty, students, or friends.
2. Users are not to login on multiple terminals/workstations concurrently unless all terminals/workstations are within sight of the user. During registration processes, concurrent logins are allowed only while under direct supervision of the department head.
3. It is the responsibility of the Human Resources Department to notify the Office of Information Technology Services concerning employees ending employment with Cape Fear Community College in good standing. After the last day of employment, employees must have all rights to the computing system removed based on the contract end date as provided by Human Resources.*
4. If Cape Fear Community College initiates the termination of an employee, all rights to the computing systems for that individual must be removed immediately. It is the responsibility of Human Resources to notify the Director of Information Technology Services immediately.*

*Note: In either case, if a former employee has taken a class at the College and is eligible for a student account, then their existing account will be modified to have student-only access.

5. An individual who is not a regular Cape Fear Community College employee should have no access to our administrative system or areas of institutional networks, which are reserved for administrative use unless prior written approval is obtained from the appropriate senior level administrator. Students and guests will be provided limited access to academic computing systems as required for instructional purposes. Student labor computing resource access may be given special consideration based on existing CFCC policy and functional procedures.
6. Security is maintained on all computing systems by the use of access control lists, monitoring of logins and system logs, the extensive use of passwords, and restricted physical access to critical areas.

12.1.2 Allocation and Use of Information Technology Resources Policy

The allocation and use of information technology resources is essential to fulfilling the College's instructional purposes, to providing technological programs and support services to help students succeed, and to enable faculty and staff to continue rendering quality education and service to the College and the community.

The CFCC Information Technology Committee provides oversight and guidance for all information technology initiatives. The committee's goals include:

- a. appropriate standardization, allocation, and cost-effective use of resources;
- b. assistance in long-range planning for the institution; and
- c. evaluation of the effectiveness of information technology systems, policies, and procedures within all academic and administrative areas.

The College conducts an annual planning cycle as part of its institutional effectiveness process. Information technology allocations are determined in conjunction with this process and are based on prioritized needs within CFCC as reflected in the College's institutional effectiveness plan.

Each department, in preparing annual equipment requests, shall develop a prioritized list of information technology needs for that department. The Information Technology Services department, in conjunction with the Information Technology Committee and the College Council, shall annually prepare a college-wide and prioritized list of information technology needs. The President shall apportion equipment and supply resources to support prioritized information technology needs across the College.

12.2 E-mail and Internet Policy

12.2.1 Purpose and Benefits

College-owned or operated computing resources are reserved for the educational, instructional, research, and administrative computing needs of the faculty, students, staff, and other individuals authorized by the College. The College's computing resources include but are not limited to all College computers and hardware, access to the Internet or access to any College intranet provided through College owned or operated computers, online and offline storage, and network and communications facilities. Access to these computing resources is a privilege and, therefore, it is essential that all users exercise responsible ethical behavior when using these resources. Users are expected to read, understand, and comply with the College's Acceptable Use Policy.

The College monitors access to the computing resources and reserves the right, without prior notice to users, to access the College's computing resources and to use any and all information retrieved from the computing resources. Users do not have an expectation of privacy regarding their use of the computing resources, and by accessing and using the College's computing resources, users expressly consent to such monitoring, access, and use by the College. Further, information contained on the College's computing resources and in College accounts, including but not limited to e-mail, may be subject to inspection under the Public Records Law of the State of North Carolina.

All students, faculty and staff are responsible for using these computing facilities in an effective, efficient, ethical, non-discriminatory and lawful manner. The College does not attempt to articulate all requirements or unacceptable behavior by its users. Therefore, each individual's judgment on appropriate conduct must be relied on. To assist in such judgment the following Acceptable Use Policy has been developed:

1. College computing resources are to be used only for educational, research, instructional purposes, or college business for which access is provided except for personal occasional, incidental, brief use when not conflicting with work performance. College computing resources are not to be used for any unauthorized purpose, including but not limited to commercial purposes, partisan political activities, unauthorized access to remote computers or non-College related activities.
2. An access account assigned to a user must not be used by any other individual. Users are responsible for the proper use of their accounts, including proper password protection and appropriate use of the College's computing resources. Obtaining another user's password, allowing friends, family, co-workers, or any other individual use of your or another user's account, or other unauthorized use of an access account, is a serious violation of this policy.
3. Users shall not create, display, transmit, or make accessible threatening, racist, sexist, obscene, offensive, annoying or harassing language, e-mail messages, and/or material, including broadcasting unsolicited messages, sending unwanted e-mail, or impersonating other users. College policies against discrimination and harassment apply to communications through the College's computing resources.
4. All computer software is protected by federal copyright law. In addition, most software is proprietary and protected by legal licensing agreements. Users are responsible for being aware of the licensing restrictions for any software used on the College's computing resources. Users will not download and install application software.
5. Users shall not download, reproduce and/or distribute copyrighted or licensed materials without proper authorization from the author or creator. Additionally, users shall not publish information, messages, graphics, or photographs on any web page, without the express permission of the author or creator including college Web page content or college logo. Users will state on home pages created and residing on CFCC systems the following disclaimer: "The views and opinions expressed in this page are strictly those of the page author and not necessarily those of Cape Fear Community College."
6. Users shall not engage in activities to damage or disrupt the hardware, software, or any communication associated with the College's computing resources, such as virus creation and propagation, wasting system resources, overloading networks with excessive data, or any attempt to circumvent data protection schemes or uncover security loopholes.
7. Users shall not waste, monopolize, interfere with, or misuse the College's computing resources by, for example, requesting an excessive number of copies from a printer, playing games, or participating in chain letters or Ponzi schemes.

8. Users shall not access without authorization or damage any portion of the College's computing resources or other College property, such as College records, applications or data. Users shall not use the College's computing resources for illegal activities.
9. Users learning of the misuse of the College's computing resources or violations of this Acceptable Use Policy must notify a faculty member of the College or other College official immediately.

12.2.2 Enforcement:

Failure to follow the Acceptable Use Policy and any misuse of the College's Computing resources may result in the loss of access (privilege may be suspended immediately upon discovery of violations), also law enforcement agencies may be involved (through court order). Failure to follow the regulations described here will result in disciplinary action taken in accordance with the "Disciplinary Action" section of the College's Faculty and Staff Handbook. Any conduct, which violates local, state, or federal laws, will result in the immediate loss of all access to the College computing resources and will be referred to appropriate College offices and/or law enforcement authorities.

Cape Fear Community College is not liable for actions of anyone connected to the Internet through the College's computing resources. All users will assume full liability: legal, financial, or otherwise for their actions.

12.3 Electronic Signature Policy

After May 28, 2015: Cape Fear Community College (CFCC) recognizes an electronic signature as a valid signature from employees and students subject to Conditions 1 and 2 and contracts with outside agencies subject to Conditions 1 and 3 below:

Condition 1: Campus Network Username and Password

- Institution provides student or employee with a unique username
- Student or employee sets his or her own password
- Student or employee logs into the campus network and secure site using both the username and password

Condition 2: Student/Employee Login ID and Personal Identification Number (PIN)

- Institution provides student or employee with a unique PIN
- Student or employee sets his or her own PIN
- Student or employee logs into a secure site using both the login ID and PIN

Condition 3: Contracts with Outside Agencies

- College contracts with outside agency to provide instruction via the Internet.
- Contracting agency transmits class information, progress reports, grade summaries, etc. via e-mail to the College from their e-mail address of record, or College downloads information from the agency's official secure website.
- Employee sets his or her own password with the contracting agency in order to access their secure website to retrieve College data.

An electronic signature is defined as any electronic process signifying an approval to terms, and/or ensuring the integrity of the document, presented in electronic format.

Students use electronic signatures to register, check financial aid awards, pay student bills, obtain unofficial transcripts, update contact information, log into campus computers, complete forms, submission of class work, tests, etc.

Employees use electronic signatures for submitting grades, viewing person payroll data, logging into campus computers, accessing protected data through the administrative computing system and custom web applications provided by the college, etc.

Contracts with outside agencies use electronic signatures for submitting grades, class information, and progress reports to the College.

It is the responsibility and obligation of each individual to keep their passwords and PIN private so others cannot use their credentials. This is further explained in Section 9.13.1 Computer Use Policies of the CFCC Faculty and Staff Handbook and the CFCC Student Catalog section on “Computer Acceptable Use Policy.”

Once logged in, the student or employee is responsible for any information they provide, update, or remove. CFCC will take steps to ensure both the passwords and PIN are protected and kept confidential. Furthermore, users are responsible for logging out of all systems and exercising the necessary precautions when using publicly accessible computers.

This policy is in addition to all applicable federal and state statutes, policies, guidelines, and standards.

12.3.1 Amendment to Electronic Signature Policy

1. Internal processes created and controlled by CFCC

CFCC accepts electronic signatures obtained under a premise, process, and method that complies with federal law, as well as North Carolina state law. While the greatest majority of documents may be legally signed electronically, some documents, such as the cancellation of a benefit, require a paper signature. Furthermore, CFCC accepts any electronic signature method set forth by the North Carolina Office of State Controller. Otherwise, CFCC accepts electronic signatures obtained through:

- (a) a process designed to avoid tampering with the documents and information transmitted to and from the signee
- (b) a process that guarantees the origin of the document to the signee
- (c) a process that protects the document being signed and transferred by the signee from unintended access during its transfer

(d) a process that forces the signee to uniquely identify him or herself through a secondary process of identity vetting (e.g., username/password combination, access to a document through a secured email address, biometric scanner, card scanner, etc.)

Any process through which electronic signatures are obtained must protect the document being transferred and signed, must guarantee that the person signing the document is the intended signee, must guarantee integrity of the document after it is signed, and that it is only valid if the intent of the signee to sign the documents is clear.

CFCC processes and employees accepting electronic signatures on behalf of CFCC, or creating a process to accept electronic signatures on behalf of CFCC, must follow the CFCC business rules and guidelines as stated in the document titled “CFCC Electronic Signature Business Rules and Guidelines.”

2. External processes controlled by a third party utilized by CFCC to provide a service or to handle a process

CFCC accepts electronic signatures received by a third party after process review and vetting by the Information Technology Committee. Such processes should comply with federal law, as well as North Carolina state law and CFCC requirements for control and digital security.

3. Effective Date

This policy affects all new processes started on or after May 28, 2015. All processes already in existence are hereby grandfathered in. Any changes to existing processes will trigger a process review, and place the scope of the process under the new rules as set forth by this policy.

12.4 Bring Your Own Device Policy

Employees of CFCC are subject to all existing CFCC Information Technology policies as stated in the CFCC Faculty & Staff Handbook (Section 12.1), as well as all other applicable CFCC policies, regardless of if they use a CFCC owned or a privately owned device, while conducting business of the college using college equipment, resources, or networks.

Employees may choose to use their own device in order to obtain access to business records that (1) they are authorized to access, and (2) that they need to access in order to perform their job responsibilities.

CFCC permits connection of personal devices to its network and resources based on the following rules:

1. **Procedures:** Non-CFCC owned devices must follow the specifications in the BYOD CFCC Procedures document.

2. **Lost or stolen personal device:** In the event a personal device that has been used at CFCC is lost or stolen, the employee is responsible for reporting it to the CFCC Office of Information Technology Services immediately.
3. **Network authentication, authorization, and accounting:** Connections and activity from a personal device used at CFCC may be tracked and monitored to the same extent as CFCC-owned devices, equipment, or systems.
4. **Password protection:** Any personal device used at CFCC must be secured by a username/password or an equivalent security system used to prevent unauthorized use of the device.
5. CFCC is not responsible for damages or loss caused to any personal device (not owned by CFCC) that falls under this policy. This includes physical damage to the device, as well as malfunctions of software.
6. As stated previously, all data and communication created in the course of conducting CFCC business is considered to be CFCC proprietary information and public record. Rules regulating proper procedures, security, and use of such systems and data are covered in Section 12.1 of the CFCC Faculty & Staff Handbook.

In case a problem related to a personally owned device and the CFCC network arises, the Information Technology Services office may ask the device owner to work with Information Technology Services to resolve that issue. In order to keep CFCC data and systems safe, Information Technology Services may remove or deny access to the device until the problem is resolved. At CFCC, digital safety is paramount and a shared responsibility. *CFCC owned devices are outside the scope of this policy. Policy approved by the CFCC Board of Trustees on 5/26/16.*

The Faculty Association is in the process of updating Constitution and Bylaws

APPENDIX A – Faculty Association Constitution

(Updated April 2020)

APPENDIX A
FACULTY ASSOCIATION
CAPE FEAR COMMUNITY COLLEGE

PREAMBLE

The Cape Fear Community College Faculty Association is a body of faculty that exists for the purpose of supporting and encouraging the faculty membership in their endeavor to achieve excellence in education through instruction, professional and personal growth, reflection, and discussion.

INTRODUCTION

The official rule of this organization shall be the Cape Fear Community College Faculty Association. For the purpose of this Constitution, Bylaws, and general usage, the name Faculty Association and/or FA Members may be used in this document. The Constitution will supersede any bylaw.

ARTICLE I: Membership

Section 1. This membership of Faculty Association shall consist of full-time faculty (voting) and Adjunct faculty (non-voting).

ARTICLE II: Purposes and Objectives

Section 1: To serve as an organization through which members may discuss and interpret matters concerning the Faculty, and to provide assistance and encouragement to fellow members.

Section 2: To involve the Faculty in the affairs of Cape Fear Community College in order to enhance the effectiveness and quality of the College.

Section 3: To participate in planning the educational programs and in developing educational policy.

Section 4: To maintain a close working relationship between the Administration and Faculty in contributing to the success of this College in accomplishing its goals and purposes.

ARTICLE III: Officers

Section 1: The officers of the Faculty Association shall consist of a Past-President, President, Vice President of Arts & Sciences Division, Vice President of Vocational/Technical Division, Vice President of Continuing Education Division, Secretary, and Treasurer.

Section 2: The officers will be elected by the Faculty Association to serve a period of two years.

Section 3: Vacancies in elected officers shall be filled by the President; those officers so appointed will serve until the next bi-annual election.

Section 4: Election of all officers shall be by simple majority of all members voting.

Section 5: If a vacancy occurs in the presidency, one of the Vice Presidents will assume the

presidency until the next scheduled election. The Vice Presidents will vote to determine who will serve as President; the Past-President will maintain the tie breaking vote.

ARTICLE IV: Meetings

Section 1: Meetings of the Faculty Association shall be held at least twice each semester during the Fall and Spring semesters. Meeting shall alternate between the Downtown and North campuses.

Section 2: Special meetings may be called by the President when desired by the membership or when a need arises.

Section 3: Notice of all meetings shall be delivered to the Members at least twenty-four (24) hours in advance.

Section 4: A quorum at all meetings shall consist of eligible persons in attendance.

ARTICLE V: Fiscal Management

Section 1: Any monies in the possession of the Faculty Association shall be placed on deposit in a checking account.

Section 2: All checks drawn on the account shall be signed by the Treasurer and countersigned by the President.

Section 3: An annual audit shall be made of the Faculty Association's account.

ARTICLE VI: Amendments

Section 1: Any member may propose an amendment to the Constitution by presentation in writing.

Section 2: The President will cause such proposed amendment to be published to the membership at least ten (10) days prior to a scheduled meeting.

Section 3: The amendment will be adopted at a scheduled meeting with two-thirds of the membership present voting in the affirmative.

ARTICLE VII: Bylaws

Section 1: Bylaws not in conflict with the Constitution may be adopted at any scheduled meeting by simple majority of all members voting.

ARTICLE IX: Ratification

Section 1: This constitution shall be in full force and effective by the affirmative vote of a simple majority of the members.

BYLAWS

ARTICLE I

Duties of the Officers

Section 1: The President shall:

- Preside at all meetings;
- Serve as Chairman of the Executive Committee;
- Appoint all ad hoc committees;
- Cast the deciding vote in event of tie votes;
- Execute or sign documents or reports in the name of the Faculty Association;
- Have custody of all official records and documents of the Faculty Association; Perform such other duties as may be deemed necessary as provided for in the Constitution and Bylaws.

Section 2: The Past-President shall:

- Serve in the absence of the President;
- Serve as a member of the Executive Committee;
- Perform such other duties as may be assigned by the President.

Section 3: The Vice President of Arts & Sciences Division shall:

- Represent the Faculty of the Arts & Sciences Division;
- Serve in the absence of the President;
- Serve as a member of the Executive Committee;
- Perform such other duties as may be assigned by the President.

Section 4: The Vice President of Continuing Education Division shall:

- Represent the Faculty of the Continuing Education Division;

- Serve in the absence of the President;
- Serve as a member of the Executive Committee;
- Perform such other duties as may be assigned by the President.

Section 5: The Vice President of Vocational/Technical Division shall:

- Represent the Faculty of the Vocational Technical Division;
- Serve in the absence of the President;
- Serve as a member of the Executive Committee;
- Perform such other duties as may be assigned by the President.

Section 6: The Secretary shall:

- Keep an accurate record of the meetings of the Faculty Association;
- Issue notice of all meetings of the Faculty Association to the members and prepare an agenda for those meetings;
- Maintain the Faculty Association website within the College website. The Secretary may obtain assistance with this duty from faculty possessing the requisite knowledge and skill;
- Perform such other duties as may be assigned by the President.

Section 7: The Treasurer shall

- Retain accounting responsibility for all funds in the possession of the Faculty Association;
- Write and sign checks drawn on the account of the Faculty Association and present such checks to the President for countersigning;
- Render financial reports, when requested, at meetings of the Faculty Association;
- Present account books for audit when required;
- Select and chair the Faculty Association Scholarship Selection Committee annually;
- Perform such other duties as may be assigned by the President.

ARTICLE II: Membership

Section 1: Members are expected to maintain a sincere and active interest in the affairs of the College.

Section 2: A membership fee may be required, the amount of such fee to be set by the membership.

ARTICLE III: Committees

Section 1: The President shall appoint all committees, as necessary, to perform specific functions; committees so appointed will be dissolved when their purpose has been accomplished.

Section 2: The President and Vice Presidents of the Faculty Association and at least two other members shall constitute the Executive Committee. During intervals between regular meetings, the Executive Committee shall have and exercise all powers, privileges, and prerogatives of the Faculty Association to act on emergency business or other matters delegated to it by proper authority. When deemed necessary or when requested by the membership, actions of this committee shall be subject to ratification at the next regular meeting of the Faculty Association. Minutes of all Executive Committee members shall be recorded and published.

Section 3: The President is an Ex Officio member of several standing committees of the College: College Council, Committee on Committees, Curriculum Committee, Information Technology Committee, Quality Enhancement Plan Committee, and Student Development Committee. The President may appoint other Faculty Association officers to serve in the President's stead to any committee as necessary, so long as that officer is not already a member of said committee.

The President may appoint another Faculty Association officer to serve in the President's stead represent the Faculty Association at meetings of the Board of Trustees as necessary.

ARTICLE IV: Elections

Section 1: The officers of the Faculty Association shall be elected bi-annually at the last regular meeting during the Spring Semester of even-numbered years to serve for the following two years. The term of the office begins at the start of the following Fall Semester.

Section 2: Election of all officers shall be by simple majority of all members voting.

Section 3: When a vacancy occurs, the office shall be filled by presidential appointment; such appointment to be effective only for the duration of the unexpired term.

ARTICLE V: Meetings

Section 1: Meetings shall be held at least twice each semester during the Fall and Spring semesters. Meetings shall alternate between the Downtown and North campuses.

Section 2: Special meetings may be called by the President when desired by the membership, or when special circumstances arise.

Section 3: Notice of all meetings shall be published at least twenty-four (24) hours in advance.

Section 4: An agenda shall be published which will indicate items of business to be considered at the scheduled meeting.

Section 5: Items to be included in the agenda shall be submitted in writing to the Secretary of the Faculty Association.

Section 6: Robert's Rules of Order shall govern in the conduct of all meetings of the Faculty Association and the Executive Committee.

ARTICLE VI: Amendments

Section 1: Any member may propose amendments to these Bylaws by presentation in writing.

Section 2: The President shall cause such proposed amendments to be published to the membership at least ten (10) days prior to a scheduled meeting.

Section 3: The proposed amendment may be adopted at a regularly scheduled meeting with two-thirds of the membership present voting for the amendment.

SGA REPORT

- I. General Assemblies
 - A. September 10 + October 1
 - B. Both presented average attendance numbers
 - C. Next meeting will be January 7, 2021
- II. Student Morale Candy Event
 - A. Distributed four hundred pre-packaged candy bags to students
 - B. October 26-29
 - C. Budgeted \$300.00 and spent \$225.00
- III. Student Drive-In Movie
 - A. Had eighty students express interest, sixty students reserved tickets, and forty students participated.
 - B. Budgeted \$2,500.00 and spent \$1,250.00
 - C. 12 student volunteers + help from live production technologies club
 - D. Big thank you to Shane, Zach, and the entire Wilson Center team
- IV. Ray's Tray Food Pantry
 - A. Distribution days November 19 + 20
 - B. Seeking Thanksgiving themed donations (Instant potatoes, cranberry sauce, etc.)
- V. Official Induction
 - A. September 30
 - B. Four executive officers and seven senators

FACULTY ASSOCIATION REPORT

The Faculty Association Officers continued the regularly scheduled meetings with the CFCC Executive Team (October 9th and November 13th) At the October 9th meeting, the discussion focused on faculty input concerning the retention of Career and College Promise students. I presented a proposal that contained a variety of ideas from faculty members, including using the CFCC TV Studio to make instructional videos for use in CFCC online courses.

The Faculty Association held its second regular meeting of the Fall semester on October 22nd. This was a virtual meeting. Approximately twenty-five faculty members were in attendance. Ms. Sonya Johnson, the CFCC Executive Director of Marketing and Community Relations, was a guest speaker, and she discussed the various ways that faculty members can become involved in promoting the college, including the promotion of their teaching, scholarly, artistic, and related activities at the college.

The Faculty Association completed the 2020 Faculty Climate Survey (the results were still being compiled as of the writing of this report on November 6th). The Faculty Association also sent out a survey on the CFCC Catalog and Student Handbook at the request of Dr. Jennifer McBride, Assistant Vice President, Instructional Operations. That survey's end date is November 13th.

FOUNDATION REPORT

Mr. Fernando presented the following report.

- This year's YTD revenue is 53% ahead of last year's YTD funds – with a cash balance of \$892,000 (FY 21) over \$408,596.91 (FY 20). We are \$42,000 away from surpassing last year's entire fundraising revenue. Additionally, this year's revenue does not yet include the cash for the capital gift to the Wilson Center or the major funds from the EMS gift. Even with this success, there is much more work to do to meet the growing needs of our students at this difficult time.
- Thank you to the trustees who have reached out to thank donors. I have heard from a number of folks who greatly appreciated you taking the time to recognize their support of our students.
- The new scholarship awards process is underway by the new review committees consisting of instructors, donors, industry partners and past scholarship recipients.
- We are underway with a space and program audit for large naming opportunities from all CFCC locations. This multi-month study will be presented to the trustees so that we will have a bank of naming opportunities ready for potential donors in the coming months.
- An anonymous gift of \$250,000 was received in October to support endowed scholarships.
- Daniel May sent a gift of \$50,000, 6 months in advance to expand the annual scholarship giving to 1-year diploma or certificate students.
- Two estate gifts have been recently received: Elizabeth Harriss Sprunt (\$10,000) and Margery Ray Burke Paylor (\$35,000).
- Holiday Helpers has so far raised over \$10,000. We have already more applications (with three weeks remaining to apply) than last year, over 100, so the Holiday Helpers program is more important than ever. Betsy Leonard has been involved every step of the way, and is incredibly proud of this program and what it does for our students.
- A new "full ride" annual scholarship from Joe King (\$4,000 split over two semesters) will be made available to a CFCC student who is a single mother.
- Targeted annual appeals will be going out soon for EOY. This is the first time we will be sending targeted mailings based on donor giving activity, which should yield higher response rate and giving.
- New Hanover County is starting their own scholarship for NHC employees. Starting with \$2,500 this year. The support will go to NHC employees in any area of study who are taking classes to increase his or her professional development in their continued public service with NHC. This scholarship will cover 75% of tuition cost of applicable courses. We are thrilled with this wonderful partnership.
- New annual scholarship from Cape Fear Electrical Contractors (\$6,000 annually) has been created to assist with books and supplies.

- In response to CFCC's tree-planting initiative, in which 100 bald cypress and 60 bee-friendly hardwoods were planted this year and 350 native pine and 120 oak and hickory seedlings will be planted next year on CFCC's campuses, the CFCC Foundation has developed a way for donors to be involved with and inspired by this effort. Donors have the opportunity to "Adopt a Tree" for \$5,000 to create a living tribute to someone's honor or memory, celebrate a life event, or simply give the gift of nature. The new "Legacy Park" at Union Station will house all honors and memorials. All donors and their families will be invited to a special Tribute event at this location (future date TBD). You may adopt your tree today at cfcc.edu/trees.
- The Foundation is proud to report that we have onboarded 7 new, exceptional members to support our fund/friend-raising mission; they completed an Orientation session in late October and have become already actively involved.
 - **Kyle Bullock** is Operations Manager for Mid-Atlantic Roofing Supply and a proud CFCC alumnus. During his time at Cape Fear Community College, Mr. Bullock represented his classmates by serving as Student Body President and as an active member of the Student Ambassador program. Upon graduating from CFCC, Mr. Bullock transferred to the University of North Carolina Chapel Hill, where he completed two degrees.
 - **Dr. Janie Canty-Mitchell** is the founder of LeadersCare, LLC. The company's mission is to partner with organizations to develop, coach, and strengthen business leaders that communicate with diverse groups. Before starting a business, Dr. Canty-Mitchell retired from a decades-long nursing career that encompassed leadership in public health, teaching, higher education administration, grant management, and research. She served as a founding board member of the National Healthcare Diversity Council and currently volunteers at the local, state, and national levels.
 - **Christopher Dunn** is a managing partner of ATD Building Group. ATD builds custom homes and commercial facilities and develops land, hotel, and commercial/retail property. Mr. Dunn has an extensive background in operations, strategic direction, and growth and has helped create over eighteen small startup companies with unparalleled track records.
 - **Jack Fuller** retired as Chairman of the Board of GE Hitachi Nuclear Energy in 2011 after 38 years with GE. Mr. Fuller previously served as President and CEO of the GEH Alliance, CEO of Global Nuclear Fuels, and as the CFO for GE Nuclear. Most recently, Mr. Fuller has been working with Ozz Clean Energy, Upwind Solutions, PAR Systems, and the Broadway for a Better World initiative.
 - **Teresa Huffmon** is the owner of VanBuren Properties, LLC. For over 20 years, Ms. Huffmon was employed by Atlantic Neurosurgical and Spine Specialists as a Practice Manager and currently serves on the board of the Girls Leadership Academy of Wilmington, the Cape Fear Literacy Council, and the advisory board of the UNCW Swain Center for Executive Education and Economic Development.
 - **James Mayew** graduated from UNCW with multiple undergraduate degrees and an MBA from the university's Cameron School of Business. Mr. Mayew began his professional career with the UNCW Athletic Department before accepting a position at Morgan Stanley, where he is currently Vice President of the FICC Trading Division.
 - **Margaret Weller-Stargell** is the founder and president of the Willie Stargell Foundation, a private non-profit organization that raises money to assist those struggling with kidney disease. Ms. Weller-Stargell has been employed at Coastal Horizons Center since 1985 and currently serves as the president and CEO of the corporation.

ANNOUNCEMENTS

President Morton stated that the faculty and staff have worked very hard to keep COVID at bay.

DATE OF NEXT MEETING – JANUARY 21, 2021

Meeting adjourned at 4:55pm.

James P. Morton President/Secretary

Michelle S. Lee, Recording Secretary

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