



Faculty and Staff Handbook

May, 2024

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SECTION I - General Information and Governance

1.1 Foreword

Cape Fear Community College (*the 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 Vice President of Human Resources.

In the belief that a well-informed faculty and staff 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 Cape Fear Community College 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 employees in the Library.

1.2 Mission 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.

1.3 Vision Statement

Cape Fear Community College: A world-class college serving diverse communities, promoting excellence through innovation, and empowering students for life-long success.

1.4 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.

1.5 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 Economic & Workforce Development 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.

Cape Fear Community College is one (1) of 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 Cape Fear Community College 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. Cape Fear Community College serves approximately 25,000 citizens in our service area (*New Hanover and Pender Counties*) in curriculum and Economic & Workforce Development courses.

1.6 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.

1.7 North Carolina Community College System Mission Statement

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 that improve the quality of life.

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.

1.8 Non-Discrimination

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 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, or any other applicable statutes or Cape Fear Community College policies.

This statement applies to all students and employees at Cape Fear Community College. The Dean of Student Affairs serves as Cape Fear Community College's Title IX Coordinator and has primary responsibility for coordinating the College's efforts to comply with and carry out 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.

1.9 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 administration that is multicultural and diverse. 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.

1.10 Current School Calendar

The School Calendar governs students and teaching faculty. All other personnel are governed by College leave and holiday policies. The Academic Calendar is posted here: [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
Mr. James P. Morton	Cape Fear Community College

1.13 State Board of Community Colleges

All Members of the State Board of Community Colleges are posted here: [NC State Board of Community Colleges](#)

1.14 Local Board of Trustees

All Members of the Cape Fear Community College Board of Trustees are posted here: [CFCC Board of Trustees](#)

Major Powers and Duties

The Board of Trustees shall:

- 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.
- Apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges.
- 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 115-D and the regulations of the State Board of Community Colleges.
- 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.
- 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.
- Establish and discontinue programs of instruction within the College when necessary.
- 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.
- Adopt and recommend current expense and capital outlay budgets.

- Review the performance of the President annually and report to the State Board of Community Colleges.
- 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 policy.

1.15 Conflict of Interest

An employee/Trustee shall not invest or maintain a financial, business, or professional interest that creates a conflict with the proper discharge of assigned duties and responsibilities or otherwise that may create a conflict with the College's best interest.

Employees/Trustees must disclose any potential conflict of interest related to purchasing equipment, materials, goods, or services. Except in very unusual circumstances, the college will not purchase from an employee/Trustee, an employee's/Trustee's immediate family, or a business in which an employee/Trustee or an employee's/Trustee's family has an ownership interest. If an exception is necessary, the appropriate office must submit a written transaction disclosure along with the purchase requisition.

An interested employee/Trustee shall not participate in any discussion or debate of the board of trustees, or of any committee thereof, in which the subject of discussion is a contract, transaction, or situation in which there may be a conflict of interest.

Existence of any of the above-listed conditions shall render a contract or a transaction voidable unless full disclosure of personal interest is made in writing to the board of trustees and such transaction was approved by the board in full knowledge of such interest.

Employees/Trustees who do not comply with this policy will be subject to disciplinary action.

Revision History:

March, 2024

1.16 Board Travel

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.

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:

- 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.
- Please observe the following allowances:
 - Transportation - Includes air, mileage (*at approved state rate*), automobile rental, and taxi. (*Must be the most economical mode by the usually-traveled route*).
 - Lodging - Actual amount for single occupancy.
 - 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.**
- A Travel Advance 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.
- Receipts are required for all expenses to be reimbursed, with the exception of meals reimbursed at the State rate.

Upon return from the meeting/seminar, submit receipts within two (2) 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 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

Academic Calendar Committee - The purpose of the Academic Calendar Committee is to put forth an Academic Calendar proposal annually to be presented to College Council for approval.

Committee on Committees - The purpose of the Committee on Committees is to review the purpose, structure, composition, and annual report of all standing committees, and make recommendations regarding committees to the President.

Curriculum Committee - The purpose of the Curriculum Committee is 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, Equity, and Inclusion (DEI) Committee - The purpose of the Diversity, Equity, and Inclusion Committee is to promote awareness, understanding, and success of the College's diverse student body. The goal is to actively seek to make students, faculty, and staff feel welcomed and accepted at Cape Fear Community College, and to address the needs of under-represented groups in an equitable manner

Enrollment Management Steering Committee - The purpose of the Enrollment Management Steering Committee (*EMSC*) is to design a comprehensive approach to enrollment management that supports the College's academic mission, student success, and encompasses and engages all areas of the institution.

Global Education Committee - The purpose of the Global Education Committee is to increase cultural awareness and sensitivity; to develop programs and activities that build knowledge, skills and understanding of world events, cultures, history and social institutions in order for students, staff, and faculty to become better informed global citizens; and to provide opportunities that will increase global fluency in future professionals entering the workforce.

Health and Wellness Committee - The purpose of the Health and Wellness Committee is to bring college administrators, staff, and faculty together to focus on and promote health and wellness activities and initiatives to enhance employees' physical, mental, and emotional well-being.

Information Technology Committee - The purpose of the Information Technology Committee is

to provide a means for Cape Fear Community College 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 - The Institutional Effectiveness and Planning Committee develops, implements, 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 Cape Fear Community College 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 (*SACSCOC*).

Judicial Board - Cape Fear Community College supports students' constitutional right to due process. The Judicial Board is the vehicle to ensure the right of appeal to all students at Cape Fear Community College. The right of appeal is granted to any student who has a grievance concerning final grades, academic integrity (*cheating/plagiarism*), financial aid suspension, conduct suspension or expulsion, or feels they have been discriminated against or denied service on the basis of race, color, national origin, religion, sex, age, or disability.

Safety Committee - The purpose of the Cape Fear Community College Safety Committee is 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 Cape Fear Community College authority having jurisdiction over campus safety.

Social Committee - The purpose of the Social Committee is to (1) coordinate and plan approved social and recreational events for Cape Fear Community College employees and boards; (2) recognize significant events in the lives of Cape Fear Community College employees and board members; and (3) recommend a faculty and staff member to receive the President's Award for Outstanding Service to the College.

Sustainability Committee - The purpose of the Sustainability Committee is to promote and facilitate the development of sustainable practices and policies through the collaborative efforts of faculty, students, and staff.

Veterans Coordinating Committee - The Purpose of the Veterans Coordinating Committee is 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

Cape Fear Community College 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 Cape Fear Community College’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 Vice President of Institutional Effectiveness and Planning and Compliance 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 Vice President of Institutional Effectiveness, and Planning, and Compliance has been assigned administrative responsibility for institutional research and performs a coordinating function. The primary objectives of the Institutional Effectiveness and Research Office are to:

1. 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;
2. 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
3. Respond to requests from faculty and staff for assistance with research projects that support the Mission of Cape Fear Community College; and
4. Respond to external agencies, such as SACS and NCCCS, when requesting information for accountability purposes.

3.4 Patent and Copyrights

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.

3.5 Substantive Change for Regional Accreditation

In accordance with North Carolina State Board of Community College (*SBCC*) code, Cape Fear Community College 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, Cape Fear Community College is eligible to provide federal funding for qualifying students and preserve the transferability of Cape Fear Community College 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 [Substantive Change for Regional](#)

Accreditation.

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

Definitions

Substantive Change - 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 (1) 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.

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 Compliance are the responsibility of the SACSCOC Liaison.

3.6 Online Learning

The Online Learning unit is dedicated to supporting the design, development, and implementation of high-quality online education (*internet, hybrid, and blended*). Services provided by the unit staff ensure the quality of online courses offered by Cape Fear Community College 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 environments;
- Working with faculty, in small groups or one-on-one, for the purpose of designing courses and implementing new technologies that improve student success in online learning environments;
- 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.

3.7 Instructional Technology

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

- For promoting an effective learning environment which ensures student course success, persistence, and completion;
- For establishing and promoting a college environment which encourages independent, collaborative, and creative use of multiple instructional technology;
- That serves as a faculty and staff resource for training all college employees in the support of effective instruction;
- To provide research analysis, implementation, and evaluation of college and learning environments, the strength of educational technologies, and their continual application and use throughout the College.

SECTION IV - Institutional Advancement

4.1 Cape Fear Community College 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 Cape Fear Community College. 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 Cape Fear Community College Foundation. Faculty and staff are encouraged to identify potential donors. The Executive Director, CFCC Foundation should be notified before any gifts are accepted to ensure appropriate procedures are followed and all necessary paperwork is completed.

4.2 Fund Raising

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 Vice President (*or designee*).

Only by permission of the Vice President (*or 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.

4.3 Gifts to the College

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.

4.4 Externally Funded Grants and Contracts

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 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.

4.5 Participant Support

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.

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, Cape Fear Community College employees are not eligible for participant support.

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

Participant Support Costs

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.

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.

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.

Processing 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.

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.

<u>Description</u>	<u>GL Code</u>
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

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.

SECTION V - Human Resources

5.1 Equal Employment Opportunity and Non-Discrimination

Cape Fear Community College is committed to equality in employment 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.

5.2 Veteran's Preference

Cape Fear Community College supports Veteran's 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:

It shall be the policy of 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, veterans and eligible members of the National Guard shall be granted preference in employment with Cape Fear Community College when the qualifications and experience of the final candidates for a position are generally equal.

Definitions

Period of War - 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.

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

Eligible Veteran - Any of the following:

- A veteran who served during a period of war; or
- The spouse of a disabled veteran; or
- 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
- A veteran who suffered a disabling injury for service-related reasons during peacetime; or
- The spouse of a veteran described in subdivision d. of this subsection; or
- 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.

Eligible Member of the National Guard - Any of the following:

- A resident of North Carolina who is a current member in good standing of either the North Carolina Army National Guard or the North Carolina Air National Guard.
- A resident of North Carolina who is the former member of either the North Carolina Army National Guard or the North Carolina Air National Guard, whose discharge is under honorable conditions with a minimum of six (6) years of creditable service.
- The surviving spouse or dependent of a member of the North Carolina Army National Guard or the North Carolina Air National Guard who died on State active duty either directly or indirectly as a result of that service.
- The surviving spouse or depending of a member of the North Carolina Army National Guard or the North Carolina Air National Guard who died for service-related reasons during peacetime.

Hereafter, in all evaluations of applicants for positions with the College or any of its departments, institutions, or agencies, a preference shall be awarded to all eligible veterans and eligible members of the National guard who are citizens of the State who served the State or the United States honorably in the military forces of this State or of the United States during a period of war. This preference applies to initial employment with the College and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

The provisions of this policy shall be subject to the provisions of Article 1 or Chapter 165 of the General Statutes, G.S. 126-83, and Parts 13 and 19 of Article 9 of Chapter 143B of the General Statutes. (1939, c. 8; 1953, c. 1332; 1967, c. 536; 1987 (Reg. Sess., 1988), c. 1064, s. 2; 2007-286, s. 1; 2011-183, s. 96; 2021-180, s. 19E.4(c).)

The President or the Board will take into consideration veteran status in accordance with NC state law if two (2) or more candidates are generally equally qualified for the position based upon qualifications and experience.

5.3 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 Teaching Loads for Full-Time Faculty (*Section 8.3*). Positions in this category earn all benefits offered by Cape Fear Community College, including membership in the NC State Employees Retirement System.

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 temporary category earn all benefits offered by Cape Fear Community College, including membership in the NC State Employees Retirement System.

Temporary Part-Time

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 twenty-five (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.

5.4 Dress Code and Appearance

Employees must maintain an appropriate standard of dress and personal appearance while in the workplace and when representing Cape Fear Community College.

Employees are expected to dress in a professional/casual business attire such as dress pants, button down shirts, dresses/skirts of appropriate length, and dress shoes. The following are examples of clothing not permitted; jeans, leggings, sweatpants, flip flops, and tennis shoes. Please contact Human Resources with any questions regarding appropriate attire.

Uniforms

Employees who are required to wear a uniform must abide by departmental standards.

Protective Clothing and Equipment

Employees who occupy roles that require protective safety clothing or footwear are obliged to wear this clothing while carrying out their duties as required by law or by the College's guidelines.

Policy Enforcement

Supervisors are expected to maintain this level of professionalism within their departments. Unprofessional dress or appearance will be addressed with the employee by their immediate supervisor on an individual basis. If a supervisor determines that an employee's dress or appearance is not appropriate as outlined above, they may take corrective action and require the employee to leave work to change clothing. Employees will not be compensated for any time missed due to failure to comply with dress code and appearance standards. Employees who repeatedly do not meet the standards of the dress code and appearance policy may face disciplinary action.

5.5 Pay

All employees receive their regular paycheck on the last workday of the month, including

employees whose employment is terminated during the month.

5.6 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*):

- The College shall not employ two (2) or more persons concurrently who are closely related by blood or marriage in positions which would result in one (1) 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.
- “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.
- 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.

5.7 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 is necessary to fulfill the terms of their contract. All secondary positions within Cape Fear Community College or outside employment must not conflict nor interfere with their full time College duties, responsibilities, or schedules.

Employees must submit a current schedule with request and staff may not have outside employment of any kind within normal business hours. No institutional personnel, supplies, facilities or equipment are to be utilized in conjunction with secondary employment. Failure to adhere to Secondary Employment requirements stated within this section may result in disciplinary action, up to and including termination of employment.

Revision History:
May, 2024

5.8 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 Bylaws (*Appendix A*).

5.9 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.

5.10 Voluntary Termination

An employee who wishes to terminate employment must submit a written notification of resignation to the President, direct supervisor, and 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 an academic term. Under extenuating circumstances, the President may waive this requirement. An in-person exit interview is available by request with Human Resources. The employee is responsible for clearing all outstanding items before the effective date of termination. Employees leaving the College are expected to return all Cape Fear Community College property. Failure to return Cape Fear Community College property may result in invoicing of unreturned items (*including software installed on computers*). Contact HR for further guidance.

5.11 Employee Evaluations

Employee evaluations are conducted annually for all regular full-time faculty/staff. Blank copies of the Evaluation Forms are available on the Intranet, Human Resources Department page.

5.12 Employee Personnel Files

Employee records are maintained in hard copy and electronic formats, and secured in a location within the Human Resources office and HRIS in accordance with NC G.S. 115D-28. The following information is maintained for each employee and is available by formal request during regular business hours from Human Resources:

1. Name;
2. Age;
3. Date of Original Employment or Appointment;
4. The terms of any contract by which the employee is employed whether written, verbal, past and current, to the extent that the board has the written contract or a record of the verbal contract in its possession;
5. Current Position;
6. Title;
7. Current Salary;
8. Date and amount of most recent increase or decrease in salary;
9. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification;
10. Date and general description of the reasons for each promotion;
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board of trustees setting forth the specific acts or omissions that are the basis of the dismissal; and,

12. The office or station to which the employee is currently assigned.

For the purpose of this policy, the term “salary” includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the College.

Subject only to rules and regulations for the safekeeping of records adopted by the Board of Trustees, every person having custody of the records shall permit them to be inspected and examined and copies made by any person during regular business hours. Any person who is denied access to any record for the purpose of inspecting, examining, or copying the record shall have a right to compel compliance with the provisions of this policy by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief. (1991, c. 84, s. 3; 2007-508, s. 2; 2010-169, s. 18(c)).

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 Vice President 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. Cape Fear Community College must comply with requests within the context of these rules.

5.13 Participation in Community Activities

Employees must secure prior approval of the President (*or 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.

5.14 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 they are speaking for themselves and not the College in situations where there is any possibility that statements made might be interpreted as College positions.

5.15 Contracts

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. Annual reappointment contracts are sent via the College’s electronic form and signature system.

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 of the College's Contracts Policy (*Section 5.15*). 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.

Non-Reappointment Procedure

Regular, Full-Time Employees - 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. The need for temporary employees varies from semester to semester and temporary positions are not established in the budget as regularly recurring positions, therefore, 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.

Part-Time Employees - A contract may be canceled at any time for any reason as deemed necessary by the College.

5.16 Employee Work Schedules

Exempt 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.

Staff

Staff are expected to work the number of hours necessary to fulfill the requirements of their

position and no less than 40 hours per week. The normal work schedule for staff is 8 hours a day, 5 days a week (*typically 8 am until 5 pm, Monday through Friday*). Operational needs of the College may necessitate variations in starting and ending times, but all full-time employees must work five (5) days per week. Exceptions may be made for weeks at sea for Marine Technology.

Faculty

Faculty work schedules are based on instructors being on campus a minimum of four (4) 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 work week. 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.

Instructors are required to schedule five (5) office/student hours each week. These hours are to be performed at the campus location where the Instructor's classes are predominately held.

Full-Time, Regular Economic & Workforce Development faculty members work the class schedule as set in accordance with the needs of the college. Economic & Workforce Development 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.

Lunch Period: The typical employee lunch period for office operations at Cape Fear Community College should be observed for one (1) hour. However, supervisors may approve alternative lunch periods depending upon employee needs and when the normal daily-required number of work hours are met, and operational needs are met.

Exempt employees may not forego a lunch period and/or break for purposes of a later arrival or earlier departure in order to shorten the workday.

Non-Exempt Positions

Non-exempt positions are subject to the overtime requirement of the Fair Labor Standards Act (*FLSA*). 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, Cape Fear Community College's workweek begins at 6:00 a.m. on Monday and runs to 6:00 a.m. the following Monday. Non-Exempt employees are required to clock in and out utilizing the College's timekeeping system to reflect actual hours worked in real time.

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 Cape Fear Community College should be observed for one (1) hour. However, supervisors may approve alternative lunch periods depending upon employee needs and when the normal daily-required number of work

hours are met, and operational needs are met. Lunch periods are unpaid.

Hourly employees may not forego a lunch period and/or break for purposes of a later arrival or earlier departure in order to shorten the workday.

Revision History:

November, 2023

May, 2024

5.17 Employment Process

5.18 New Hire Conditional Offer and Acceptance Letter

A new hire conditional offer is extended by Human Resources. 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 prior to the conclusion of the probationary period as to either continued employment or separation from employment. Recommendations for separation and/or continuation of probationary period must be approved by the President. 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 Discipline Procedure (*Section 5.63*), Non-Reappointment (*Section 5.15*), and Grievance Procedure (*Section 5.65*).

5.19 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.

5.20 Job Postings

Regular Full-Time Positions

Regular full-time positions are generally (*at the College's discretion*) posted internally for three (3) business days prior to being posted externally for seven (7) 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, temporary full-time, and temporary part-time employees currently on the Cape Fear Community

College payroll at the time the job posting is approved.

Eligibility requirements for all current employees must meet the following conditions to apply as an internal applicant:

- Employed at Cape Fear Community College for at least six (6) months,
- In good job performance standing in the areas of customer service, productivity, quality of work, attendance, and punctuality,
- Any exceptions must be approved by the President,
- Must have satisfactorily completed probationary period of employment. See Probationary Period (*Section 5.17*).

All regular full-time positions may be advertised locally, statewide and nationally through our recruitment and advertising solution partner(s) if the position has not been filled internally within three (3) business days. 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 follow 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. Applicants for part-time positions apply using the online applicant tracking system.

Application

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 by the date listed in the posting, and must contain unofficial transcripts. 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.

Exceptions

The President may make changes in a regular full-time employee's job status through reorganization or reassignment without a search.

5.21 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 applicant's qualifications, appropriate personal interviews and, as needed, consultation with other College employees. **Reference checks are required for all final candidates for a position. Reference checks are completed by Human Resources.**

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 canceled.

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 their 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 applied 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.

5.22 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 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 (6) 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 nine (9) months or more. See Employment Categories - Temporary, Full-Time (*Section 5.3*). When a full search is conducted to fill the position, a temporary part-time employee may be eligible to apply for the position.

5.23 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 email.

5.24 New Employees

Regular and Temporary Full-Time

All new regular and temporary full-time employees report to Human Resources on or before the

first day of employment for the purpose of orientation to Cape Fear Community College and completing required forms for new hire paperwork including but not limited to: payroll, employment eligibility, benefits, state and federal tax withholding, NC Employees State Retirement System, and other required forms. All new full-time employees are responsible for reading the Faculty and Staff Handbook, adhering to all policies and procedures, and signing an acknowledgement form to this effect during their onboarding process.

Temporary Part-Time

All new temporary part-time employees must complete Human Resources onboarding and new hire orientation prior to their first day of work, for the purpose of orientation to Cape Fear Community College and completing required forms for new hire paperwork including: payroll, employment eligibility, state and federal tax withholding and other required forms.

5.25 Employee Changes

Senior level administrators are responsible for reporting changes in an employee's status and must be reported promptly to Human Resources. 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 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 prior to the conclusion of the probationary period as to either continued employment or separation from employment. Recommendations for separation and/or continuation of probationary period must be approved by the President. Employees shall be notified of the decision by the conclusion of the probationary period.

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.

5.26 Background Checks

Cape Fear Community College is committed to providing a safe and welcoming environment for students, employees and all visitors to the College. Therefore, the College shall conduct background checks on all prospective new employees, volunteers, contractors and current employees as set forth in this policy.

A background check shall be required of all potential College new hires after a conditional job offer has been made. Current employees, both part-time and full-time, contractors and volunteers may be subject to background checks and ongoing monitoring as required to meet business needs of the College. This may require annual re-checks.

The Human Resources Office, under direction of the Vice President of Human Resources, will be responsible for working with a third-party provider to conduct background checks. The Human Resources Office shall secure and store the information obtained separate from the main personnel file and shall consider only information pertinent for decision-making that ensures protection of College students, employees, other visitors, and College assets. Background information will be kept on file for five (5) years.

Previous convictions shall not automatically disqualify an individual from consideration of employment or continued employment with the College. The President and the Vice President of Human Resources will evaluate the following factors in determining whether to hire an applicant with a criminal history and, when necessary, in determining the continued employment or contractual relationship of an employee, contractor or volunteer with a criminal record: the nature of the crime and its relationship to the position; the amount of time since the conviction; the number of convictions; whether hiring the applicant would pose a risk to the College, students, employees or other campus visitors; the actions and activities of the individual since the conviction; explanations or other information provided by the individual; and whether the individual has demonstrated that they have the integrity or honesty to fulfill the duties of the position.

The discovery of either a conviction(s) or falsified conviction(s) information may result in denial of employment or continued employment. If an applicant, contractor, volunteer or an employee fails to reveal previous convictions, then they may be disqualified from employment at Cape Fear Community College for falsification of an application, regardless of when discovered. The applicant, contractor, volunteer or employee will be provided a copy of the criminal record and given an opportunity to review the results of the background check. The applicant, contractor, volunteer or employee will be allowed a reasonable opportunity to dispute the accuracy or completeness of any information contained in the report by contacting the third-party provider that conducted the background check. The College will consider information derived from such opportunity promptly.

The President shall have final authority in determining the employability of the applicant or the continued employment or contractual relationship of an employee, contractor or volunteer. The President shall also be responsible for determining the appropriate background checks required for each position based on specific program agreements, applicable laws or other such position or business requirements.

Definitions

New Employees - All individuals with conditional offers for any position with the College including part-time, full-time, or temporary employment; both instructional and non- instructional. This also includes former employees being rehired who have not been employed by the College in the past twelve (12) months.

Background Checks - Includes information necessary to comply with the business needs of the College. This may include, but not be limited to information from any of the following:

- Nationwide or State Sex Offender Registries
- Department of Corrections Databases
- Residency History Checks
- Federal Records
- Multi-State Criminal Indexes
- Social Security Number Verifications
- Credit Reports
- Any other records, as required

Revision History:
November, 2022

5.27 Campus Sex Crimes Prevention Act

Persons who have been convicted of an offense against a minor, or a sexually violent offense, are required by law to register with the Sheriff's Department in the County and/or State where they reside. The law also requires that registered sex offenders must provide notice to an institution of higher education (*post-secondary*) that they have intentions to enroll as a student, if conditions allow. Registered sex offenders who are attending in person, or located on college owned property and/or premises, without prior notification, and/or situational approval, will be in violation of NC G.S.14-208.18 and may be criminally charged.

The Campus Sex Crimes Prevention Act enacted on October 28, 2000, is a federal law that requires all colleges to issue a statement advising the campus community where information on registered sex offenders who are enrolled, employed or volunteering at Cape Fear Community College can be obtained.

Notifications of registered sex offenders are public knowledge and may be found online at:

- North Carolina Sex Offender and Public Protection Registry - [NC Sex Offender Registry](#)
- U.S. Department of Justice, National Sex Offender Public Website - [National Sex Offender Registry](#)

Revision History:
November, 2022

5.28 Salaries

The salaries of College employees 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 full-time teaching experience, educational preparation, and business or industry experience. Beginning salaries for non-teaching staff are based on the pay range assigned to each position.

5.29 Salary Increases

The President approves salary increases for all College employees. 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 temporary 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 non-instructional percentage. Part-time employees may 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.

5.30 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 their aggregate service as shown in the table below:

<u>Years of Aggregate Service</u>	<u>Longevity Rate</u>
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%

5.31 Benefits

5.32 Health Insurance

Regular full-time 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 who do not return to work after the summer break shall repay the college any insurance premiums (*both employer and employee portions*) that have been paid on their behalf.

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

5.33 Dental/Vision Insurance

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

5.34 Unemployment Insurance

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

5.35 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.

5.36 Flexible Spending Account/Dependent Care Account

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

5.37 Supplemental Retirement Insurance

Full-time employees may also choose to enroll in supplemental retirement plans offered by Empower Retirement during the year and/or at specified enrollment times.

Employees will be provided detailed information on this benefit at the time of hire. Information can be accessed on our website: [CFCC Benefits](#) at any time. Supplemental Retirement options include the NC 401(k) and NC 457 plans.

5.38 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.

5.39 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 online at: [NC State Retirement Plan](#). The Retirement System website allows employees to view their retirement accounts online through the ORBIT System.

5.40 Workers' Compensation

All employees are covered by Workers' Compensation. If an employee is injured because of, or in the course of their employment, or contracts an occupational related medical condition, the employee may be eligible 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. It is imperative for the employee to report the accident or occupationally related medical condition to their supervisor and Human Resources. Please contact Human Resources for further information.

5.41 Employee Break Rooms

Employee Break rooms have been provided for College employees. Each person using these break rooms shares the responsibility for the maintenance and cleanliness.

5.42 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 their 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 Cape Fear Community College 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 (3) 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.

5.43 Leave Policies

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

5.44 Sick Leave

Sick Leave Credits

Sick leave credits are provided for regular full-time and temporary full-time 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 eight (8) hours per month for regular full-time employees. Nine and ten-month employees do not earn sick leave credit outside of their contract period.

Vacation leave in excess of 240 hours on December 31 of each year is converted to sick leave.

Advancement

For unpaid leave (*leave without pay*) and/or leave advancement, such requests must be approved by the President prior to the leave occurring. All requests for unpaid leave (*leave without pay*) and/or leave advancement must be submitted via the College's electronic approval system.

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. Any sick leave used in excess of what the employee actually earned will be deducted from their paycheck.

Note:

An employee's need for sick leave is foreseeable, the employee must provide their 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 the absence as early as possible. If leave is not foreseeable, notification should be made no later than thirty (30) minutes before the beginning of the scheduled shift/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 provider/physician 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 their health care provider or the health care provider of their 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. See FMLA (*Section 5.52*) for additional information.

Return to Work Certification

The College may require a return-to-work certification from an employee's health care provider before being allowed to return to work following an absence for a medical condition for which sick leave (*or other leave*) is taken. If a return-to-work certification is required, it must be provided to Human Resources prior to returning to work. The return-to-work certification is 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; or
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*); or
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*). Three (3) days of sick leave can be taken in the event of the death of an employee's immediate family member (*as listed previously*). If more than 3 days are required, additional sick leave may be requested by contacting Human Resources. Additional sick leave requests will be assessed on a case-by-case basis.

Transfer of Sick Leave

Full-time Cape Fear Community College employees who were previously employed by another North Carolina agency covered under the provisions of North Carolina General Statute 135 may transfer to Cape Fear Community College any unused sick leave earned at the other agency. Employees terminating employment at Cape Fear Community College may transfer unused sick leave to the new employing agency in accordance with the agency's policies and procedures.

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. Employees and supervisors are responsible for ensuring proper sick leave hours are reported in accordance with this policy in the College's timekeeping system.

Reinstatement of Sick Leave

Sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five (5) years from any type of separation. Sick leave may be reinstated when an employee accepts employment at the College within five (5) years after separating from an eligible state agency.

Retirement Credits

Unused sick leave is considered creditable service in the NC Retirement System.

One (1) month of creditable service credit is allowed for each 20 days of sick leave, or any portion thereof. For more information and limitations to creditable service from sick leave, please contact Human Resources. The unused sick leave balance is a component of the calculation for an employees' final retirement benefit.

Exhaustion of Sick Leave

Once sick leave has been exhausted, an employee must use earned vacation leave for any absence due to a 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. See FMLA (*Section 5.53*) and/or Sections 5.42 and 5.43 for information on leave without pay and/or leave advancement.

Leave Records

The College will maintain annual records for sick leave for each employee. Records may be viewed by employees on the College's time and leave tracking system.

5.45 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 employee’s preferences and accommodate their schedules, bearing in mind both individual and College needs.

Leave Credits

Vacation leave credits are provided under the terms and conditions of this policy for a regular full-time and temporary full-time 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 the length of total eligible state service.

<u>Total Years of State Service</u>	<u>Hours Granted Each Month</u>	<u>Days Granted Each Year</u>
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 Cape Fear Community College. 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.

Advancement

For unpaid leave (*leave without pay*) and/or leave advancement, such requests must be approved by the President prior to the leave occurring. All requests for unpaid leave (*leave without pay*) and/or leave advancement must be submitted via the College's electronic form and signature system.

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 their 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 (1) 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 (1) hour. See Sections 5.42 and 5.43 regarding leave advancement and/or leave without the pay request process.

Transfer of Leave

Unused leave may be transferred when an employee transfers to another eligible state agency if accepted by that employing agency. The College does not accept annual leave from any other jurisdiction.

The employee leaving College service will be paid in a lump sum for accumulated leave not to exceed 240 hours. If the receiving eligible state agency accepts a part of the leave, the combination of the amount transferred and paid shall not exceed 240 hours.

Leave Without Pay (LWOP)

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:

1. If an employee has accumulated vacation leave, all leave must be exhausted before going on leave without pay for vacation purposes; or,
2. If an employee submits a request for leave for other personal reasons for a period not to exceed ten (10) workdays, vacation leave must be used if available; however, if the leave is for a period longer than ten (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 31st 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 when separated from Cape Fear Community College 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.

5.46 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. Under no circumstances, should a non-exempt employee schedule overtime work for themselves.

Amount Earned

Compensatory leave is earned only after a non-exempt employee has worked 40 hours during the workweek from 6 am Monday through 6 am 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 the 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 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 their 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 (3) years immediately preceding their separation or the regular rate received by the employee at the time of their separation, whichever is greater.

Ship Personnel - Sea Time

The College awards Sea Time to all exempt ship personnel in the Marine Technology Department. Exempt ship personnel earn Sea Time at the rate of one (1) hour for each hour worked beyond regularly assigned 40 hours per week. Sea Time is only accrued for hours worked over 40 hours

while at sea.

Ship Personnel - Amount Earned

Sea Time earned at sea, is accrued after exempt ship personnel have worked 40 hours during the workweek from 6 am Monday through 6 am the following Monday. Use of vacation, bonus, sick leave, furloughs, Sea Time, 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 Sea Time.

The following provisions apply to Sea Time:

- A maximum of 100 hours of Sea Time can carry over into the next calendar year beginning January 1st. An exemption may be approved at the discretion of the President for work completed at a port or shipyard.
- Sea Time should be scheduled through immediate supervisor so not to disrupt college operations.
- Sea Time shall be taken before any vacation or bonus leave.
- Sea Time does not have any monetary value and does not pay out at the end of the calendar year or the end of employment.
- Sea Time cannot be used as creditable service toward retirement.
- Current exempt ship personnel with accrued Compensatory Time must use this time prior to any other vacation, bonus, sick leave or Sea Time.

Scheduling Sea Time

To schedule Sea Time, 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. The decision to approve requested Sea Time will be governed by whether the employee's absence does 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 Sea Time will be based on customary work practices of the College and the facts and circumstances surrounding the employee's request for Sea 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 coincides with the College's anticipated peak workloads based on past experience;
3. Whether the employee's requested absence 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 their requested absence.

Payment in Lieu of Sea Time

Employees subject to this policy will NOT be entitled to cash payment in lieu of Sea Time. An employee who has any accrued, unused Sea Time when he or she separates from employment with the College will not be paid for such time as this leave has no monetary value.

Non-Exempt Ship Personnel: 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 from 6 am Monday through 6 am the following Monday. If overtime occurs on weekends or holidays; the ratio moves to two to one for weekend/holiday hours only. Supervisors should make every effort to avoid situations that require a non-exempt employee to exceed the 40-hour workweek. Under no circumstance, should a non-exempt employee schedule overtime work for themselves.

5.47 Personal Leave for Faculty

Full-time Faculty members are allowed to take three (3) 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.

Full-time Faculty also receive one (1) Personal Observance Day per fiscal year (*July 1st - June 30th*). See Personal Observance Leave (*Section 5.48*) for additional information.

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 temporary 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 made via the College's Time and Leave tracking system. The 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 via the College's Time and Leave tracking system to the supervisor for formal approval upon return to work.

5.48 School Leave

Parent involvement is an essential component of school success and positive student outcomes. Therefore, Cape Fear Community College will grant four (4) 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.

Any leave under this policy 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 (1) week prior, and at least 48 hours in advance of 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 policy, "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). Cape Fear Community College will not discharge, demote, or otherwise take an adverse employment action against an employee who requests or takes leave under this policy.

Nothing in this policy shall require Cape Fear Community College to pay an employee for leave taken under this policy. 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.

5.49 Personal Observance Leave

Executive Order No. 262 (*the "Executive Order"*) provides up to eight (8) hours of fully paid leave to eligible employees for a day of personal observance to utilize on a day of significance, including days of cultural, religious, or personal observation. The Executive Order applies to a state agency that voluntarily adopts the Executive Order's measures. Cape Fear Community College seeks to ensure that employees have an opportunity to observe these days of personal, cultural, or religious importance.

Eligibility

Personal Observance Leave is available only to employees who are permanent, full-time or temporary, full-time. Part-time employees are not eligible for the leave.

Amount of Leave

Full-time employees will receive eight (8) hours of Personal Observance Leave each fiscal year.

Use of Leave

Personal Observance Leave may be used for any single day of personal significance. This includes, but is not limited to, days of cultural or religious importance. The day used for Personal Observance Leave does not have to be a day from the employee's own religious or cultural background. The total amount of Personal Observance Leave awarded to an employee must be utilized in one (1) work shift. Employees may use Personal Observance Leave prior to exhausting any accumulated compensatory time (*comp time*). Employees may use their allotment of Personal Observance Leave beginning September 1, 2022.

Arranging to Take the Day of Leave

Employees should request Personal Observance Leave at least two (2) weeks before the leave is needed, unless such notice is impractical. Any day that the employee identifies as significant for cultural, religious, or personal reasons qualifies under the Policy. Supervisors should not question

whether an employee's identification of a particular day for Personal Observance Leave is sincere and legitimate. The College, to the greatest extent possible, should allow employees to use the leave at the requested time. However, supervisors may require that the Personal Observance Leave be taken at a time other than the one requested, based on the needs of the College. Supervisors are encouraged to accommodate employees who may want to recognize the same day for Personal Observance Leave. When necessary to avoid service and workplace disruptions, supervisors may ask employees to take their leave on different days.

How the Leave is Credited during Hire and Transfer

At the time this Policy goes into effect, eligible employees will be credited with leave. Newly hired employees shall be credited with leave immediately upon their employment. Separated employees that are re-employed will receive the same amount of leave as a newly hired employee, unless they previously utilized the leave within the same fiscal year. If an employee moves from one participating agency to another participating agency, unused Personal Observance Leave will transfer to the employee's new agency. If an employee moves from a participating agency to a non-participating agency, unused Personal Observance leave will not transfer to the non-participating agency, nor is it paid out. If an employee moves from a non-participating agency to a participating agency, the employee will receive leave as a newly hired employee.

Limitations

Personal Observance Leave not taken by the end of the fiscal year is forfeited and shall not be carried into the next fiscal year. Personal Observance Leave has no cash value and cannot be converted into retirement credit. Employees shall not be paid for unused Personal Observance Leave at separation. This leave shall not be payable upon death of an employee during state service. Personal Observance Leave shall not be applied to existing negative leave balances. This leave shall not be donated under the Voluntary Shared Leave policy. This leave may not be used for the same purposes as sick leave.

5.50 Educational Leave

A 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 employees while on educational leave provided all of the following conditions are met:

- 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.
- 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. Generally, the employee must have completed five (5) 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 (5) additional years of employment to be eligible for subsequent educational leave.

- Educational leave is contingent upon availability of other staff to cover the employee's duties.
- The educational leave with pay will not exceed a period of one (1) semester per calendar year.
- The studies engaged in during such educational leave are directly related to improving the competence of the employee.
- 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 prorated amount if the employee fulfills a portion of the contract.
- Administrative employees 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 (1) semester.
- Professional development funds to cover tuition or books will not be granted for use while an employee is on educational leave.

5.51 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 Human Resources.

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:

- Members shall receive up to thirty (30) calendar days of pay based on the employee's current annual State salary.
- After the thirty-day (30) 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.
- 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.

5.52 Civil Leave

Definitions

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. The employee must report back to work the day following completion of the duty. If jury duty occurs on a scheduled day off, they are not entitled to additional time off.

Court Attendance

- 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.*)
- 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 work time.*)

Supporting documentation must be submitted to Human Resources prior to the occurrence.

5.53 Family and Medical Leave

Eligibility

Leave provided under the Family and Medical Leave Act (*FMLA*) is available to all eligible employees at Cape Fear Community College. To be eligible for FMLA leave under this policy, an employee must:

1. Have worked for the College for at least 12 months, which may not need to be consecutive months.
2. Have been employed for at least 1,250 hours of service during the 12-month period prior to the commencement of FMLA leave; and,
3. 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 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 and/or

480 hours 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 (1) 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 their 26 workweeks of leave entitlement to care for a covered service member during this "single 12-month period," the remaining part of their 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 (1) 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 the Reasons for Taking Leave Section of this policy. Nothing in this policy shall be construed to limit the availability of leave during any other 12-month period.

Serious Health Condition

A serious health condition is an event which qualifies an employee for FMLA leave defined as 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 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.

Definitions

Covered Active Duty - Any deployment of an Armed Service member to a foreign country under a call or order to active duty.

Covered Service Member - 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 (5) 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.

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.

Next of Kin of Covered Service Member - 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 their 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.

Parent of a Covered Service Member - 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".

Son or Daughter - 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.

Son or Daughter of a Covered Service Member - 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.

Son or Daughter of Covered Active duty or Call to Covered Active-Duty Status - 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.

Covered Family Member - 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.

Covered Military Member - 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 employee and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

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 the “*Reasons for Taking Leave*” section of this policy.

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 their 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. Intermittent FMLA may not be taken for more than three (3) consecutive business/working days. Additional documentation may be required.

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 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 consider 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 Human Resources 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 their 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 (2) 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. HR will make a determination of the employee's FMLA eligibility and the conditions of the employee's leave. If received by a supervisor, 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 to not 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 check in periodically with Human Resources 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 their FMLA absence. 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 continue paying its share of an employee's group health insurance premiums while the employee is out on FMLA leave (*whether paid or unpaid*). Coverage conditions are subject to any changes in the plan (*State Health Plan*) that take place during the leave. During FMLA leave, the employee is responsible for their share of the group health insurance premium. This amount will be deducted from the employee's paycheck during paid leave.

If the employee is on leave without pay, the employee's premium share must be paid 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 their 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 their 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 the employee's health care provider, 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 their 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 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 due to an employee's own serious health

condition, the College requires the employee to present a complete and sufficient return to work certification from the employee's health care provider. The return-to-work certification must indicate that the employee is capable of returning to work and performing the essential functions of their 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, Cape Fear Community College 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, Human Resources 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 their request and submission of complete and sufficient medical certification when required under this policy.

5.54 Paid Parental Leave

Definitions

Child - A newborn biological child or a newly-placed adopted, foster, or otherwise legally placed child under the age of 18, whose parent is an eligible employee.

Parent - The mother or father of a child through birth or legal adoption; or an individual who cares for a child through foster or other legal placement under the direction of a government authority.

Public Safety Concern - A significant impairment to the College's ability to conduct its operations in a manner that protects the health and safety of North Carolinians.

Qualifying Event - When an employee becomes a parent to a child.

Relationship to Other Sections and Policies

This policy states the terms and conditions only for Paid Parental Leave that is provided under G.S. 126-8.6 and for colleges who are required to adopt policies that are substantially equivalent to those promulgated by the NC Offices of State Human Resources.

The Paid Parental Leave provided under this Policy is in addition to any other leave authorized by State or Federal law. Nothing in this policy shall prohibit a college, if authorized, from providing Paid Parental Leave in amounts greater than as required by this policy.

Eligibility

Employees who become parents via childbirth, adoption, foster care, or another legal placement are eligible for Paid Parental Leave if:

- Employee is in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for Paid Parental Leave under this policy.
- At the time of the qualifying event, the employee meets each of the following conditions:
- For the immediate 12 preceding months, the employee has been employed without a break in service defined by 25 NCAC 01D .0114, by the State of North Carolina in a permanent, time-

limited, or probationary appointment.

- Periods of Workers' Compensation or short-term disability months preceding the qualifying events do not make the employee ineligible for Paid Parental Leave.
- Periods of leave without pay, as defined in 25 NCAC 01E .1100, shall not constitute a break in service.
- The employee has been in a pay status with the State of North Carolina for at least 1,040 hours during the previous 12-month period becoming eligible for Family Medical Leave.
- Exhaustion of Family Medical Leave does not affect eligibility for Paid Parental Leave.

Leave Available to Full-Time Employees

- Full-time employees eligible for Paid Parental Leave under this policy may take, in their discretion, up to the following amounts of leave:
 - Eight (8) weeks of paid leave after a parent gives birth to a child.
 - Four (4) weeks of paid leave after any other qualifying event.
- Each week of Paid Parental Leave under this policy shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differential, premium pay, or overtime.

Leave Available to Part-Time Employees

- Part-time employees (*regardless whether they work half-time or more*) shall receive Paid Parental Leave under this policy if the employee meets all other requirements for eligibility.
- Part-time employees eligible for Paid Parental Leave under the policy may take, at their discretion, a prorated leave amount of:
 - Four (4) weeks of paid leave after a parent gives birth to a child.
 - Two (2) weeks of paid leave after any other qualifying event.
- Each week of Paid Parental Leave under this policy shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differential, premium pay, or overtime.

Use of Other Leave

The Paid Parental Leave provided under this policy shall not be counted against or deducted from the employee's sick, vacation, or other accrued leave. The Paid Parental Leave provided under this policy is in addition to any other leave authorized by law, section, or policy. Whether an employee has exhausted Family Medical Leave does not affect the eligibility for Paid Parental Leave under this policy.

Requesting Use

- Eligible employees may take Paid Parental Leave in one (1) continuous period or may take intermittent use of Paid Parental Leave. Request for intermittent use of Paid Parental Leave is subject to the College's approval.
- Whenever possible, eligible employees shall notify the College at least ten (10) weeks in advance of their intention to use Paid Parental Leave. Employees may withdraw their request for Paid Parental Leave at any time.
- Absent unusual circumstances, the employee shall be required to comply with College leave request procedures.
- The College shall not deny, delay, or require intermittent use of Paid Parental Leave to

- employees who gave birth and seek to use Paid Parental Leave in one (1) continuous period.
- For all other employees, the College may delay providing Paid Parental Leave or may provide Paid Parental Leave intermittently if it determines that providing the leave calls a public safety concern. For example, the extension of Paid Parental Leave to an eligible employee who did not give birth may constitute a public safety concern if:
 1. Providing the Paid Parental Leave would result in College staffing levels below what is required by Federal or State law to maintain operational safety; or
 2. Providing the Paid Parental Leave may impact the health or safety of staff, patients, residents, offenders, or other individuals the College is required by law to protect; and
 3. The College has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
 - If the College determines that it must delay Paid Parental Leave or make Paid Parental Leave intermittent, because of a safety concern, the College shall provide Paid Parental Leave as soon as practical following the qualifying event.
 - If both parents are eligible employees, each may receive Paid Parental Leave both parents may take their leave simultaneously or at different times, pending no public safety concern.

Leave Usage

- Paid Parental Leave may be used only once for a qualifying event within a 12-month period. The fact that a multiple birth, adoption, or other legal placement occurs (*e.g.; the birth of twins or adoption of siblings*) does not increase the total amount of Paid Parental Leave granted for that event.
- Unused Paid Parental Leave is forfeited 12-months from the date of the qualifying event.
- Paid Parental Leave shall not accrue or be donated to another employee.
- Employees shall not be paid for the leave provided by this policy upon separation from the employer. The leave provided by this policy shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.
- Leave taken must be recorded in the same required increments as all other time.
- If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available leave balances shall be utilized in accordance with the College's leave policies. Paid Parental Leave shall not be used prior to the qualifying event.

Expiration

This temporary rule expires on the effective date of the permanent rule adopted to replace this temporary rule.

Revision History:

September, 2023

5.55 Lactation Support

Purpose

As part of our family-friendly policies and benefits, the College supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. The purpose of this policy is to assist nursing mothers with the

transition back to work following the birth of a child by providing lactation support. The provisions of this policy meet the requirements of the Fair Labor Standards (*FLSA*) and the Patient Protection and Affordable Care Act (*ACA*) as it relates to breaks for nursing mothers.

Scope

This policy applies to all temporary and permanent employees who are nursing mothers. For up to one (1) year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for the employee's newborn child.

Request for Time Off to Express Milk

Nursing employees should provide reasonable notice to their supervisor of the intent to take lactation breaks. Supervisors should attempt to provide as much schedule flexibility and break time as reasonably possible to accommodate the employee's needs. Employees must give notice of breaks to supervisors and are required to provide notice to their supervisor when time for expressing breast milk is no longer required.

Reasonable Break Times

Any employee who is breastfeeding her child will be provided reasonable break times to express milk for her newborn up to one (1) year after the child's birth. The number of breaks needed to express milk may depend on numerous factors such as the number of feedings and age of the child. A nursing mother will typically need two (2) to three (3) breaks during an eight-hour period; however, more break times may be necessary.

Non-exempt employees may take lactation breaks during existing break periods as designated by the employee's department. Lunch breaks may be shortened to account for a morning and an afternoon lactation break (*i.e., lunch break can be shortened to 25 minutes or less*). If the employee uses time other than a regularly scheduled break time or if the employee's department does not have designated break times, then the employee will be required to either: (1) make up that time during the same work day; (2) use vacation leave; or (3) take leave without pay for that period of time. Non-exempt employees may also arrive at work earlier than the regular starting time or leave later than the regular departure time to account for lactation breaks.

Lactation Locations

Lactation locations will be private, shielded from view, and not located in a restroom or common area. If an employee has a private office, it may be used for this purpose.

For a current list of designated lactation locations, employees may contact Human Resources.

Storage of Breast Milk

The College is not responsible for the integrity or security of breast milk storage in any refrigerator on campus. Nursing mothers may use campus refrigerators or may bring personal coolers to store breast milk. Any breast milk stored in a campus refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any non-conforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Employees must provide their own containers for storage of expressed milk while on campus. Employees should check with supervisors to determine if there is a refrigerator available near their work area where breast milk may be stored. If there is no refrigerator available, employees must provide their own means to store and keep the milk cool, such as a cooler bag or insulated food container.

Revision History:
November, 2022

5.56 Voluntary Shared Leave Program

Purpose

An employee may donate leave to another employee who has been approved to receive voluntary shared leave due to a medical condition or to a member of the employee's immediate family that will require the employee's prolonged absence. All shared leave donation requests must go through the appropriate approval process. Contact Human Resources or visit [Voluntary Shared Leave](#) for additional information.

Administration

Human Resources will administer the voluntary shared leave program. All shared leave donation requests must go through the appropriate approval process. 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

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 temporary appointment.
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

For further information on donor guidelines, please visit the Office of State Human Resources webpage: [Voluntary Shared Leave](#).

Accounting Procedures

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

1. The 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 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.
 - 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.
 4. 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 other state employees. **Leave shall not be allowed to be banked for future use.** All Shared Leave must be assigned to an individual qualifying for Shared Leave at the time of the donation.

For further information on this policy, please visit the Office of State Human Resources webpage: [Voluntary Shared Leave](#).

5.57 Professional Development

5.58 Professional Growth and Development

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 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 their supervisors and to Human Resources, 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.

5.59 College Courses

Regular full-time employees will be allowed to attend college on a part-time basis to upgrade or improve their abilities as 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 (1) course at a time during working hours, provided it is approved by their supervisor with definite consideration being given to increases in workloads to other employees.

5.60 Tuition-Free Courses

As funds are available, full-time Cape Fear Community College faculty or staff members employed for a term of nine (9) or more months may *request* to take one (1) course per semester to upgrade or improve the employee's abilities as it relates to their job duties.

For the course to be paid for by the college, it must be approved by the employee's supervisor, Human Resources, and the President. This course can be either a curriculum course or an occupational extension course and is limited to only one (1) per fall and spring semester. The employee is responsible for all other course related fees except College access parking and security. The Tuition Request form can be found on the College's Intranet and electronic approval and signature program.

5.61 Prohibited Conduct

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 be initiated as noted in Cape Fear Community College's 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. 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 Cape Fear Community College employees are expected to conduct themselves in a professional manner at all times.

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, by reviewing Sexual and Other Unlawful Harassment (*Section 5.61*).
- **Sexual Conduct:** Behavior of a sexual nature that is not sexual harassment may, nonetheless, be unprofessional in the workplace, disruptive in the classroom, 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 their 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

Prohibited Conduct and Unlawful Harassment

Other unlawful harassment may occur when a Cape Fear Community College 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 up to and including termination of employment.

1. Misconduct related to the use or possession of alcohol, illegal drugs, or controlled substances:
See Drug and Alcohol-Free Workplace Policy (*Section 5.67*).
 - 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
2. Noncompliance with safety rules and regulations:
See Safety Policy (*Section 11.5*).
- Failing to immediately report all accidents and/or injuries
 - Failing to comply with safety rules and regulations established by unit supervisors, 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
3. Improper behavior relating to attendance:
- Excessive absenteeism or tardiness
 - Three (3) consecutive work days of No Call/No Show
 - 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
 - Failure to notify immediate supervisor for all absences
 - Failure to notify immediate supervisor for each individual tardiness
 - All absences/tardies must be submitted in the leave tracking system for approval by immediate supervisor
4. 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 Computer Use Policies (*Section 12.1*).
 - 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.
5. 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 Cape Fear Community College's time and leave keeping system 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
6. 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
7. 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 the Tobacco-Free Policy (*Section 5.67*)
- 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 during days and times which conflict with regularly scheduled work hours at Cape Fear Community College (*Section 5.7 Secondary Employment*)
- Working for pay at other employment without an approved Secondary Employment Request Form on file with the College (*Section 5.7 Secondary Employment*)
- 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 licenses 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 their 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 termination of employment for just cause and would be administered in accordance with the Discipline Procedure (*Section 5.63*), Non-Reappointment Procedure (*Section 5.15*), and Disciplinary Process (*Section 5.64*).

Procedure

All disciplinary actions will be administered in accordance with the Discipline Procedure (*Section 5.63*), Non-Reappointment Procedure (*Section 5.15*), and Disciplinary Process (*Section 5.64*).

Right to Appeal

Employees who wish to appeal a disciplinary action taken against them should refer to the Grievance Procedure (*Section 5.65*). Review of the disciplinary action may be requested in accordance with the Grievance Procedure (*Section 5.65*), from the level where the decision to administer discipline was made.

Revision History:

November, 2023

May, 2024

5.62 Personal Relationships at Work

The intent of this policy is to ensure that all employees of Cape Fear Community College are able to work in an environment where they can be objectively supervised or evaluated.

Employees involved in personal relationships may not work directly for, or directly or indirectly supervise and evaluate the employee with whom they are involved.

Personal relationships between employees where one party has a real or perceived influence or authority over the other are inappropriate in the workplace and strictly prohibited. This authority includes, but is not limited to, influence over employment, salary adjustments, performance evaluations, or disciplinary actions.

Family, romantic, amorous, and sexual relationships are examples of personal relationships; this is by no means a comprehensive list. Employees who cohabit within the same household dwelling or are otherwise so closely identified with each other resulting in difficulties developing in their employment relationship are also considered personal relationships.

Employees must self-report personal relationships and/or cohabitation to the Human Resources Department. Self-reporting by employees is mandatory in order to avoid potential difficulties in employment relationships and reduce the probability of existing or perceived conflicts. Human Resources will participate in managing or eliminating existing or perceived conflicts arising from disclosed personal relationships.

Employees engaging in personal relationships who fail to disclose the relationship to Human Resources are subject to disciplinary action up to and including termination of employment.

For further details please contact Human Resources.

Revision History:

March, 2024

5.63 Sexual and Other Unlawful Harassment

Cape Fear Community 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 their 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 their 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 their 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 Vice President 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 their immediate supervisor or department head, he or she should report it to the Vice President of Human Resources. If uncomfortable with initially reporting such harassment to the Vice President 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 Students 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 Students will take immediate action, following the internal student complaint procedures under Title IX. In addition, the Dean of Students will also inform the appropriate Vice President of the complaint. If a student is uncomfortable with reporting such harassment to the Dean of Students, the student should talk to another senior level administrator or go directly to the appropriate Vice President. If uncomfortable with initially reporting such harassment to a Vice President, 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 Students, 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 their supervisor or department head or to the President of the College, any review of the decision rendered must follow the Grievance Procedure (*Section 5.63*) 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 Academic Affairs 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 Cape Fear Community College 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 Cape Fear Community College Policy with regard to employees of the College.

5.64 Addendum to Sexual and Other Unlawful Harassment: 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 We Can 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:

1. **Faculty or Staff:** Contact the Vice President, Human Resources, your supervisor, or the Director of Safety & Training/Safety;
2. **Students:** Contact the Dean of Students/Title IX Coordinator, any Student Services Director, Counseling Staff, Athletic Director, or the Director of Safety & Training/Safety;
3. **Applicants for employment:** Contact the Vice President, Human Resources or the Director of Safety & Training/Safety; or
4. **Visitors:** Contact the Director of Safety & Training/Safety

Sexual/Gender Misconduct Plan & Plan Expectations

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 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 consider the totality of all evidence available, from all relevant sources.

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 (1) 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.

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:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- 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.
- 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 (*anal, oral, 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 their 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 for their 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:

- Promising, directly or indirectly, a reward to an individual if the person complies with a sexually oriented request.
- Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an individual employment or education related opportunity, if the individual refuses to comply with a sexually oriented request.
- Engaging in sexually suggestive conversation or physical contact or touching another individual.
- Displaying pornographic or sexually oriented materials.
- Engaging in indecent exposure.
- Making sexual or romantic advances toward an individual and persisting despite the individual's rejection of the advances.
- Physical conduct such as assault, touching, or blocking normal movement.

- 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 (1) 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.

- Consent is informed, freely and actively given, and requires clear communication between all persons involved in the sexual encounter.
- 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.
- 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.
- Consent to one (1) form of sexual activity does not imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- 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.
- 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.
- Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.
- 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.
- 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.
 - 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:

- 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.
- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand that consent to some forms of sexual behavior does not necessarily imply the consent to other forms of sexual behavior.
- 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.
- Do not take advantage of someone’s drunkenness, impaired or drugged state, even if they did it to themselves.
- 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 their safety or the safety of others; or suffer substantial emotional distress.

5.65 Discipline Procedure

The objective of Cape Fear Community College’s Discipline Procedure is to establish an equitable and consistent framework for infractions including but not limited to: general misconduct, performance related concerns, or violations of the College’s Faculty and Staff Handbook. The College's Discipline Procedure ensures due process when issuing disciplinary actions to employees. No attorney shall represent either the employee or the College during the disciplinary process.

The College strictly prohibits retaliation against any person for reporting, testifying, assisting with, or participating in any manner, in any investigation or proceeding involving disciplinary procedures. Employees who retaliate will be subject to disciplinary action, up to and including termination of employment. Retaliation is any action that is perceived as intimidating, hostile, harassing, a form of retribution, or violence that occurs in connection to the disciplinary process.

The discipline procedure may include any of the following disciplinary actions listed below.

Definitions

Counseling - An informal, documented meeting between a supervisor and their employee prior to disciplinary action being taken.

Verbal Warning - A Verbal Warning may be issued as a first attempt to address and/or correct employee misconduct or improve performance. Verbal warnings are documented.

Written Warning - Written documentation of a violation either covered in a previous verbal warning or to document the first occurrence of a more serious infraction.

Performance Improvement Plan (PIP) - A Performance Improvement Plan (*PIP*) is a document to assist employees who are not meeting performance expectations. A PIP may be issued in conjunction with a written warning or as a stand-alone tool to improve employee performance.

Probation - An employee may be placed on probation throughout the duration of a specified time frame during the disciplinary process.

Suspension - An employee may be suspended with pay during the disciplinary process while an investigation is active. In the event of an employee's suspension, the employee is required to leave College premises and cease communications with other College employees, except for those involved in the investigation.

Transfer - An employee may be transferred to a different location, department, or work shift.

Pre-Disciplinary Conference - Meeting held between the employee, supervisor, and Human Resources in advance of administering a proposed disciplinary action. This conference allows the supervisor and Human Resources to gather additional information from the employee and allows the employee an opportunity to respond to alleged infraction(s) in advance of a formal disciplinary action.

Appeals Hearing - An appeals hearing may be requested by the employee if their complaint or grievance is not resolved through the Informal Complaint & Formal Grievance Resolution Procedure. The appeals hearing is scheduled before an Appeals Committee appointed by the President of the College.

Separation - An employee may be terminated from employment. A recommendation for dismissal could be the result of an accumulation of minor violations or for a single serious violation.

Disciplinary actions are not necessarily intended to be sequential.

Revision History:

November, 2023

5.66 Disciplinary Process

Supervisors have an obligation to not only review and encourage satisfactory performance and professional conduct of employees they supervise, but also to identify, address, and resolve employee misconduct and performance related issues as they are identified. Supervisors are required to consult with Human Resources for guidance on the disciplinary process prior to initiating and/or administering a disciplinary action, with the exception of counseling sessions or verbal warnings. Supervisors who are unable to render an impartial decision in connection with the disciplinary action process are required to excuse themselves from decision-making.

Employees will be notified in writing of the decision regarding disciplinary action, generally within ten (10) work days of the pre-disciplinary conference or when the employee was first notified of the disciplinary action.

Documentation of disciplinary actions and outcomes are placed in the employee's personnel file. Although personnel files of community college employees are not generally subject to inspection under Chapter 132 of the North Carolina Statutes, certain personnel records (*including dates and types of suspension or separation, for disciplinary reasons*) are open to inspection under Chapter 115-D, Article 2A of the North Carolina General Statutes.

Revision History:

November, 2023

5.67 Grievance Procedure

A grievance is a formal process whereby an employee alleges a violation, inequitable application, or misinterpretation of a specific College rule, regulation, policy, or procedure pertaining to the employment relationship between the employee and the College that cannot be resolved through

the conflict resolution avenues. These procedures shall apply to concerns by employees alleging that a work-related problem or condition is unfair, inequitable, or a hindrance to the effective performance of the employee's job.

Prior to submitting a formal complaint or grievance, employees are encouraged to openly and directly communicate with their immediate supervisor in an attempt to address and resolve issues concerns, or complaints related to their employment as they arise. The College strives to identify and resolve issues at the supervisory level and keep the resolution process as informal and confidential as possible. Supervisors are given the courtesy of being informed of reported employee issues, concerns, or complaints in order to work towards a mutually agreeable resolution decision. Employees utilizing the Informal Complaint and Formal Grievance Resolution Procedures can do so without fear of reprisal or retaliation affecting the terms and/or conditions of their employment.

Step 1: Informal Complaint Resolution Procedure

The Informal Complaint Resolution Procedure provides an opportunity for employees to resolve a complaint through their immediate supervisor with optional Human Resources involvement. This procedure has been determined to be the most effective and common avenue for resolving employee complaints. Employees are encouraged to make every effort possible to utilize this informal approach to resolve complaints through communication with their immediate supervisor. If the employee complaint involves the employee's immediate supervisor, the employee may begin with Step 2: Formal Complaint Resolution Procedure.

The Informal Complaint Resolution Procedures are as follows:

- Employees may report a complaint for resolution by scheduling a meeting with their supervisor.
- Supervisors will make every effort to resolve employee complaints fairly and promptly, generally within five (5) work days of when the employee complaint is presented by the employee.
- Human Resources involvement can be requested by the employee or the supervisor in order to provide mediation and assist in the facilitation of the resolution decision.
- If the resolution determination at Step 1 is mutually amicable, the employee's complaint will be considered settled.
- In the event the employee complaint is not resolved, the employee may escalate their reported complaint by utilizing the Formal Complaint Resolution Procedure (*Step 2*).

Step 2: Formal Complaint Resolution Procedure

In the event the Informal Complaint Resolution Procedure does not resolve the complaint, an employee may utilize the Formal Complaint Resolution Procedure. The Formal Complaint Resolution Procedure provides an opportunity for employees to resolve their complaint through a next-level Supervisor (*their supervisor's manager*). Employees may also begin at the Formal Complaint Resolution Procedure if they are not comfortable sharing the complaint with their immediate supervisor. The Formal Complaint Resolution Procedure requires mandatory Human Resources involvement. Human Resources will determine whom to include based on departmental and supervisory structure. The Formal Complaint Resolution Procedures are as follows:

- Employees may report a complaint for resolution by submitting a written complaint to their

supervisor's manager or by contacting Human Resources.

- The employee's written complaint must be submitted within five (5) work days following the Informal Complaint Resolution decision is made known to the employee. If the employee fails to submit a written complaint within the specified timeframe, the matter will be considered settled.
- The employee's written and signed statement can be either hand-delivered or sent via College email to the next-level supervisor and must cite the specific policy, procedure, or practice alleged to have been violated, misinterpreted, or inequitably applied.
- After considering the nature of the complaint and reviewing documentation, Human Resources will serve as a mediator to work towards a resolution decision by conducting a thorough investigation of details and facts. This investigation may include discussions with the employee, supervision, and witnesses.
- Supervisors, in conjunction with Human Resources, will make every effort to resolve employee complaints fairly and promptly, generally within two (2) weeks from when the employee's written complaint is presented.
- If the resolution determination at Step 2 is mutually amicable, the employee's complaint will be considered settled.
- In the event the employee complaint is not resolved, the employee may escalate their reported complaint by utilizing the Formal Grievance Resolution Procedure (*Step 3*).

Step 3: Formal Grievance Resolution Procedure

The Formal Grievance Resolution Procedure is conducted by the Program Director, Department Chair, Dean, Associate Dean, Executive Director, Chief of Staff, Associate Vice President, or Vice President of the employee's department, with mandatory Human Resources involvement. Human Resources will determine whom to include based on departmental and supervisory structure. The Formal Grievance Resolution Procedures are as follows:

- Employees dissatisfied with the outcome of the Formal Complaint Resolution decision may submit a written grievance for review by the Program Director, Department Chair, Dean, Associate Dean, Executive Director, Chief of Staff, Associate Vice President, or Vice President of their assigned department.
- If the resolution determination at Step 3 is mutually amicable, the employee's complaint will be considered settled.

Final Grievance Resolution and Appellate Procedure

In rare instances, when an employee's complaint or grievance is not resolved, an appeals hearing may be requested. The appeals hearing is scheduled before an Appeals Committee appointed by the President of the College. The President's resolution decision following the appeals hearing is binding and final. The Final Grievance Resolution and Appellate Procedure shall not apply to concerns arising out of a termination as a result of a reduction in force, non-reappointments, or dismissal. Employees should contact Human Resources for written guidance and step-by-step instructions on how to initiate the Final Grievance Resolution and Appellate Procedure.

- The employee must submit a written request (*either hand delivered or sent via College email*) to the President of the College (*or designee*) to request an appeals hearing. This written grievance resolution request must be received within five (5) work days following receipt of a prior resolution decision or disciplinary action. If a written grievance resolution request is not submitted within the specified timeframe, the matter of the grievance will be considered

settled.

- The President will appoint an Appeals Committee, which will have authority to conduct the appeals hearing and recommend a resolution to the President. The Appeals Committee will be comprised of five (5) panel members designated by the President. Only full-time employees of the College can be appointed as panel members. A written list of the chosen panel members will be provided to the employee requesting the appeals hearing, generally within ten (10) work days following the President's receipt of the employee's written grievance resolution request.
- The employee may object to any one (1) Appeals Committee panel member by providing the President with a written request for the panel member's removal within three (3) work days of receiving the list of panel members. If such an objection is made within the allotted timeframe, one (1) replacement panel member will be designated by the President.
- The appeals hearing will be conducted within thirty (30) days from the final list of Appeals Committee panel members being provided to the employee. All parties involved may present supporting evidence. The employee is entitled to invite one (1) witness that is not an attorney to the hearing. The appeals hearing is closed to the public. Any request for postponement of an appeals hearing must be submitted in writing to the President at least five (5) work days prior to the scheduled hearing.
- Following the appeals hearing, the Appeals Committee will consider the evidence presented, and by majority vote, will identify resolution recommendations. A written report containing the Appeals Committee resolution recommendations will be submitted to the President, generally within ten (10) work days following the appeals hearing. The Appeals Committee report is advisory in nature and will not bind the President's final decision.
- Upon receipt of the Appeals Committee written report, the President will review the Appeals Committee recommendations and make a final and binding decision on the matter. The President will inform the employee in writing of the final resolution determination, generally within ten (10) work days following receipt of the Appeals Committee's written report.
- The resolution decision of the President is binding and final and the employee grievance is considered settled.

Revision History:

November, 2023

5.68 Drug and Alcohol-Free Workplace

Drug and alcohol abuse in the workplace are subjects of immediate concern to the College and in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, users of drugs or alcohol may impact the wellbeing of College employees, students, the public at large, and result in damage to College property. Therefore, it is policy of the College that the unlawful manufacture, distribution, dispensation, possession, or use of any illegal or controlled substance in the workplace is strictly prohibited.

The College reserves the right to require an employee to submit to drug or alcohol testing when there is reasonable cause or suspicion that the employee may be under the influence or impaired. The basis for reasonable cause or suspicion can include, but is not limited to:

- Observations by college employees, students, or representatives of a college vendor/partner of apparent workplace possession, use, or perceived influence or impairment

- Following a work-related accident, safety-related incident, or work-related injury
- Upon reinstatement from suspension

College employees who personally observe or are made aware of suspected drug or alcohol abuse have a responsibility to immediately report such suspicions to a college official, next-level supervisor, or Human Resources.

To ensure a safe and productive work environment, employees are prohibited from:

- Having detectable levels of drugs or alcohol in their system during work hours, including lunch or break periods, while operating a College-owned vehicle, or while on College premises.
- Using or being under the influence of drugs or alcohol while acting in the course and scope of employment outside of regular work hours.
- Being mentally or physically impaired by the use of prescription or nonprescription drugs or alcohol.
- Unlawfully manufacturing, selling, distributing, delivering, dispensing, possessing, or using any illegal drug or controlled substance as defined by the North Carolina Controlled Substances Act.
- Violating any Federal or State statutes or laws relating to drugs or alcohol.

For purposes of this policy, the term "drugs" includes any "controlled substances" as defined at 21 U.S.C. § 802 and listed on Schedules I through V of 21 U.S.C. § 812 and in the North Carolina Controlled Substance Examination Regulations, as revised from time to time, and as defined by other federal and state statutes and regulations. Generally, these are drugs which have a high potential for abuse and include, but are not limited to, opiates, 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 physician, 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.

Testing Procedures

- Human Resources will make testing arrangements for the employee.
- Drug or alcohol testing shall be conducted in an approved laboratory chosen by the College and in accordance with all provisions of the North Carolina Controlled Substance Examination Regulation Act.
- For drug testing, an initial screening test will be conducted. If the initial screening test is positive, the same sample or specimen will be retested using a confirmation test that complies with applicable law. All confirmation tests will be performed by a laboratory approved under the North Carolina Controlled Substance Examination Act. The results of the confirmation test will take precedence over the results of the initial screening test, meaning that the results of the confirmation test must be positive before the test will be considered positive.
- An employee whose drug test confirms positive may request a retest of the original specimen sample by the same or another approved laboratory at their expense. The individual must request release of the specimen in writing to the original laboratory within 90 days of the laboratory's notification to the College of a confirmed positive test result, specifying the approved laboratory to which the sample is to be sent. Any employee requesting a retest will

be responsible for all reasonable expenses for chain of custody procedures, shipping, and retesting of confirmed positive specimens related to their request.

- An employee who undergoes a drug or alcohol test conducted pursuant to this policy will be notified by the College of the results of any such test if the results are confirmed positive. The College will treat all information relating to an individual's testing as a confidential medical record accessible only to management with a need to know.
- Transportation to and from the testing facility will be provided by the College and arranged by Human Resources.

Violations

Any employee who violates this Drug Testing policy or refuses to submit to testing, adulterates or dilutes the specimen, substitutes the specimen with that from another individual, sends an imposter, does not sign the required consent forms, or refuses to cooperate in the testing process in such a way that intervenes or prevents the completion of the testing, will be subject to disciplinary action, up to and including termination of employment.

Corrective action taken against College employees may include disciplinary action, satisfactorily participating in a drug or alcohol abuse assistance or rehabilitation program, or termination of employment. The College encourages employees struggling with drug or alcohol abuse to seek assistance through the drug or alcohol prevention and/or counseling services offered throughout the community.

Revision History:

November, 2023

5.69 Tobacco-Free Campus

Cape Fear Community College is committed to a Tobacco-Free Campus to ensure the health and safety of its students, employees and visitors of the College. Cape Fear Community College recognizes the use of tobacco products on college premises is detrimental to the health and safety of its students, employees and visitors and exercises the legal authority to prohibit tobacco use pursuant to G.S. 143-599.

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.

Use of tobacco is prohibited by students, employees, and visitors:

- In all campus buildings, facilities or property owned, maintained, 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;
- In personal vehicles while on property owned or leased by Cape Fear Community College;
- At lectures, conferences, meetings, athletic, social, and cultural events held on college property;
- Except at a specific location(s) on the North Campus, Surf City and Burgaw Centers as approved by the College President due to unsafe conditions going off-campus.

The sale or free distribution of tobacco products, including merchandise, on campus or at College sponsored events is prohibited.

Student organizations are prohibited from accepting money or gifts from tobacco companies, including, but not limited to:

- Events sponsored by tobacco companies and allowing them to distribute free, reduced-price, or fully priced tobacco products (*T-shirts, hats, etc.*) on campus;
- All tobacco advertising, such as billboards and signs in all campus buildings, facilities or property owned or leased and operated by Cape Fear Community College.
- Tobacco advertisements are prohibited in college-run publications and on grounds or facilities, including athletic facilities, owned or operated by Cape Fear Community College.
- Cape Fear Community College will provide access to tobacco cessation programs on campus. These tobacco treatment programs shall be publicized regularly in student, and employee publications, by Student Services and/or Human Resources respectively.

Implementation and Compliance

To assist with compliance of this policy, the college provides appropriate signage and other physical indicators. Violators of the policy shall be issued a verbal reminder. Employees who repeatedly violate the policy shall be referred to their supervisor, and if warranted, Human Resources. Repeated violations by employees can result in further personnel action such as verbal or written reprimand. In accordance with the Cape Fear Community College Student Code of Conduct, students who violate this policy shall be referred to the Dean of Students for disciplinary action. Visitors who repeatedly violate the policy shall be asked to leave campus, and if warranted, referred to Campus Safety.

Revision History:

May, 2023

5.70 Weapons Prohibition

Cape Fear Community College is concerned about the safety, welfare, and protection of all individuals on College premises. Students, faculty, staff, contractors, consultants, vendors, visitors, members of the public, and all other individuals who are on College premises or attending functions sponsored by the College are strictly prohibited from having weapons in their possession. Individuals on College premises must abide by the provisions set forth in North Carolina General Statute §14-269.2. Federal statute does not supersede the North Carolina General Statute.

Definitions

College Premises - Any property in use by the College, including property that is leased, owned, used for College functions, or under the control of the College to conduct any of its courses of instruction, administrative operations, or events and activities sponsored by the College.

Weapons - Any object, visible or concealed, that is or could be used to threaten, intimidate, inflict serious bodily injury, or kill another individual. This includes, but is not limited to, guns, rifles, pistols, air guns, stun guns, other types of firearms, explosives, metallic knuckles, clubs, batons, knives or other blades, dangerous chemicals, or biological agents. Weapons also include any

dynamite cartridge, bomb, grenade, mines, or powerful device as defined in North Carolina General Statute §14-284.1.

Exceptions

An individual cannot knowingly possess “whether openly or concealed” any weapon of any kind on Cape Fear Community College property, with the following exceptions:

- A weapon or assimilated weapon used solely for instructional or ceremonial purposes in a curriculum (*i.e.*; *Cosmetology, Marine, Culinary, etc.*), entertainment purposes (*i.e.*, *Wilson Center performances*), continuing education course, or course delivered or sponsored by the College, or an event officially sponsored and sanctioned by the College.
- Items or toolkits possessed by college employees and/or contractors for the purpose of performing regular job functions; including but not limited to, facilities maintenance and/or repair of equipment. An individual exempted by North Carolina General Statutes §14-269.2, §14-415.10, §14-415.24-26.
- North Carolina General Statute §14-269.2(k) allows for the following exception for individuals with a valid concealed handgun permit. The exception is limited and all of the following conditions must be met:
 - The permit holder has a handgun in a closed compartment within their locked vehicle, or within a locked container securely affixed to the permit holder’s vehicle, and only unlocks the vehicle to enter and/or exit while the handgun remains securely locked within;
 - The permit holder is carrying a concealed handgun on their person while remaining in their locked vehicle;
 - The permit holder remains within their locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to move the handgun from concealment on the person to a locked container within the vehicle or reverse the previous action.
- An individual registered under North Carolina General Statute Chapter 74C as an armed armored car service guard or armed courier, or armed security guard, when performing their duties.

Violations

- Individuals who possess weapons in violation of this policy may be subject to criminal penalties, as established in North Carolina General Statute §14-269.2.
- Individuals who reasonably suspect this policy is being or has been violated must immediately report the violation to campus Security.
- Individuals who violate this policy will be subject to disciplinary action, up to and including termination of employment.
- Students who violate this policy may be subject to disciplinary action up to and including suspension or expulsion.
- Guests, visitors, and/or contractors found in violation of this policy may be permanently trespassed, or prohibited from returning to campus.

Revision History:

November, 2023

5.71 Reduction in Force

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 their immediate supervisor and will be informed in writing by the President. Maximum notice will be given to 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 their separation from employment resulting from reduction in force may do so beginning at Step 3 of the Grievance Procedure (*Section 5.63*) of the College's Discipline (*Section 5.61*), Non-Reappointment (*Section 5.15*), and Grievance Procedure (*Section 5.63*). 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 (12) months assuming they meet 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 (12) 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.

5.72 Communicable Diseases

As required by the State Board of Community Colleges, 1C SBCCC 200.94, Cape Fear Community College is committed to providing a safe and healthy learning environment. The purpose of this policy is to prevent and protect all students, faculty, staff and visitors from the spread of a communicable disease, while also prohibiting discrimination against persons with a reportable communicable disease.

A communicable disease is any condition that may be transmitted directly, or indirectly, to a person from an infected person whether via airborne or by physical contact. As defined, a communicable disease is an illness due to a specific infectious agent or its toxic products that

arises through transmission of that agent or its products from an infected person, animal or reservoir, to a susceptible host, through an intermediate plant or animal host, vector, or the inanimate environment (*Dictionary of Epidemiology, 2001*). By definition and determination by the Centers for Disease Control and Prevention, and the NC Department of Health and Human Services - Epidemiology (*NCDHSS*), any reportable communicable disease or condition must be evaluated and assessed by a medical physician to protect the health and safety of the College.

Students who suspect, or have reason to believe, that they have 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. Students who know that they are infected with a communicable disease are encouraged to contact the Dean of Student Affairs, so that the College can assist in the appropriate response to their health and/or educational needs and can make any reasonable accommodations, if necessary. As a general rule, individuals that have been diagnosed with a reportable communicable disease and have been cleared by a physician, and provide appropriate documentation, will be permitted to attend classes, access facilities, services, programs or activities provided by the College. Additionally, all inquiries will be handled on a case-by-case basis to ensure the appropriate measures have been executed.

Students of the College who may be infected with a reportable communicable disease, as defined by the NCDHHS, shall not be excluded from enrollment or restricted in their access to College facilities, services, programs, or activities, unless it has been determined by a healthcare professional and/or the NCDHHS that exclusion or restriction is reasonably necessary 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 through other reasonable accommodations.

Specific health conditions and medical information will remain confidential, unless authorized by the individual in writing to be released, except when appropriate health care providers and/or College officials on a need-to-know basis and required by local, state and federal law to prevent and/or protect the surrounding community.

Please refer to the [Excused Absences Due to Public Health Emergencies](#) policy in the student handbook for further guidance regarding these procedures.

Use of Personal Protective Equipment (PPE)

Cape Fear Community College is committed to the safety of our students, faculty and staff. Accordingly, the use of personal protective equipment (*PPE*) may be required for students and visitors to campus in certain areas or within classroom or laboratory spaces as directed by instructors and/or external requirements such as those set by the American National Standards Institute (*ANSI*), the Occupational Safety and Health Administration (*OSHA*), and/or the Centers for Disease Control (*CDC*). Notification will be provided on our website and other media when PPE is required in Cape Fear Community College buildings and public spaces due to a public health emergency. PPE requirements for specific classes and instructional spaces will be listed on class syllabi.

Revision History:
May, 2023

5.73 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 their 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 them 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 (3) years longevity with Cape Fear Community College will not be granted a leave of absence to take a full-time elected or appointed public office; and,
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.

5.74 Solicitation

Cape Fear Community College upholds the freedoms of speech and expression guarantee by the First Amendment of the U.S. Constitution for all members of the college community. Cape Fear Community College is a place where all ideas and opinions may be expressed freely. The right to free speech and expression does not include unlawful activity that endangers the safety or well-being of any member of the college community. Furthermore, it does not include any activity that interferes with the educational pursuit of its students or the mission of the College.

To provide a safe learning and work environment and protect all students, employees, and visitors of the College, solicitation is prohibited and includes, but is not limited to; third-party unsolicited verbal or written communications by mail or e-mail, circulars and/or petitions, handbills, leaflets, pamphlets, posters, flyers, or any literature and printed materials. Salespersons, solicitors, and/or external agencies will not be allowed to solicit or distribute these materials or items on College owned property, or premises, to students or employees unless it is a recognized non-profit/charitable organization or has prior approval from the President of the College. In addition, salespersons, solicitors, and/or external agencies may not erect a fixed or temporary structure on Cape Fear Community College campus property or premises unless approved by the Cape Fear Community College President (*or designee*). Solicitation for personal or financial benefit is prohibited by Cape Fear Community College employees during designated working hours.

Employees and students wishing to solicit or fundraise on campus, must obtain prior approval from the Institutional Advancement office, or the President of the College. It is suggested that no employee or student accept monetary gifts.

Cape Fear Community College reserves the right to remove any individual or organization engaging in solicitation activities on campus without prior approval.

Revision History:

July, 2023

5.75 Children on Campus

Children should not be brought into the workplace nor can they be left unattended on campus in any area including administrative offices, waiting areas, the library, employee lounge areas, or parking lots. College employees are expected to be responsible adults and contact the Director of Safety and Training when noticing unattended or disruptive children.

5.76 Social Media

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 website, social networking or affinity website, 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 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

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

- Do not create a link from your blog, website or other social networking site to the College's website without identifying yourself as an employee of the College.
- Express only your personal opinions. Never represent yourself as a spokesperson for the College. If the College is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the College, fellow employees, students, or people working on behalf of the College. If you do publish a blog or post online related to the work you do or subjects associated with the College, make it clear that you are speaking for yourself and not on behalf of the College (e.g., “*The views expressed on this post are mine personally and do not necessarily reflect the views of the College as I am not authorized to reflect the views of the College*”).
- Harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between employees and students or co-workers online, even if it is done after hours, from home and on home computers.
- Use your best judgment and exercise personal responsibility. Take your responsibility as stewards of personal information to heart. Integrity, Accountability, and Respect are core values of the College. Remember that there can be consequences to your actions in the social media world—both internally, if your comments violate the College’s policies, and with outside individuals and/or entities. If you are about to publish, respond to, or engage in something that makes you even the slightest bit uncomfortable, don’t do it.

Using Social Media at Work

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

Reporting

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

Retaliation is Prohibited

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

Violation of Policy

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

Questions 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 Cape Fear Community College, 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 they are 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, should include an official College logo, and should also be duplicated clearly. More details on standards are available on the College's website at: [Graphic Identity and Style Guide](#). 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 digital assets 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.edu. 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. Failure to give adequate notice may result in printing delays. 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 scheduled for production or distribution.

6.5 TV Studio

The Cape Fear Community College multimedia studio exists to provide a controlled space for filmed interviews and instructional and promotional video production. The studio also provides students with a laboratory setting for various media or acting assignments. The studio produces instructional videos and visual content that highlights Cape Fear Community College students and programs. Proposals for video services should be submitted via the Video Services Proposal Form located at: [Video Services Proposal Form](#) at least three (3) weeks prior to the proposed “shooting” date and are subject to studio and staff availability. The supervision of the studio and the use of studio resources is the responsibility of the Video/Visual Marketing Coordinator.

SECTION VII - Student Services

7.1 Children on Campus

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

The following information contains 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:

- Posted information shall not contain obscene or libelous information or other information that is not protected by law.
- Information will not be placed over existing notices. Outdated material will be removed to make room for timely information.
- All event items must be removed by the sponsoring organization immediately following the event.
- All notices to be posted require approval by the Vice President for Student Services and Enrollment Management (*or designee*).
- 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 (2) weeks and must be no larger than 8.5" x 11".

- Items not approved in the prescribed manner will be removed and discarded.
- Placement of information on vehicles of others on campus is prohibited.
- 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.
- Failure by any organization or individual to abide by Cape Fear Community College 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 is available from the 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 Economic & Workforce Development programs
- Promoting awareness of the College's curriculum and Economic & Workforce Development 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

Revision History:

September, 2023

8.2 Faculty Assignments

Department/program chairs and their instructional deans will create faculty schedules 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.

All full-time faculty instructional loads must include in-person classroom instruction each semester as determined by the college.

8.3 Teaching Loads

8.4 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 based on a 16-week academic semester. The College President may authorize increases and/or decreases to full-time instructional loads as needed to address programming requirements. Such increases and/or decreases 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 based on a 16-week academic semester or as established by the College President. For further information on work hours, please visit Employee Work Schedules (*Section 5.16*).

Revision History:
September, 2023

8.5 Course Overload/Reductions for Faculty

To ensure that course quality and integrity remain high and that other required duties and responsibilities are met, the College has an interest in ensuring that an instructor does not take on an excessive amount of work. Overload in moderation for capable and willing full-time faculty can offer an advantage for students including continuity in course content and full-time faculty availability to students.

Because of the great diversity of teaching methods, credit hour values per course, and duration of courses, overloads will be measured in contact hours per semester, fall and spring semesters for 9-month faculty and fall, spring and summer semesters for 12-month faculty and staff. The total overload shall be no more than two (2) courses, per semester. Any exceptions will require the written approval of the appropriate senior level administrators.

Any exceptions that exceed the amount of overload referenced above will need to be submitted via the Full-Time Workload Exception Form via the College's electronic form and approval system. The Full-Time Workload Exception Form must be approved prior to the beginning of class. Instructors may not apply the instructional hours for which they receive additional compensation to the calculation of their required service* and office/student 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 appropriate senior level administrator(s) to include Program Director and/or Department Chair, Divisional Dean, and the appropriate Vice President/Provost. Program Directors may be eligible for course load reductions as required by accrediting agencies and/or external review boards. Course Reductions may be requested via the Course Reduction Request form in the electronic form and approval system.

Instructors who receive a reduced institutional load may not receive an overload contract. Exceptions may be made to certain faculty positions at the College with built-in reductions. All exceptions will require the request be submitted to the appropriate senior level administrator(s) through the College's electronic form and approval system.

Note*:

Service hours and college needs are defined as, but are not limited to: supplemental instructions and academic tutoring, new course and program development, student clubs and activities, program accreditation requirements, academic assessment activities, committee assignments, and cultural and educational events.

Revision History:
January, 2024

September, 2023

8.6 Full-Time Staff Teaching Load

Full-time staff will be allowed to teach 2 courses per semester outside of their current position. Full-time staff teaching during regular work hours will not be permitted and could be grounds for dismissal.

Any exceptions that exceed the amount of overload referenced above will need to be submitted via the Full-Time Workload Exception Form via the College's electronic form and approval system and approved prior to the beginning of class.

Revision History:

May, 2023

8.7 Absences

Staff

Absences from the campus during the staff member's regularly scheduled hours must be approved by the employee's supervisor. Staff members are expected to make arrangements in advance with their supervisor for any absences from regularly assigned schedule and/or duties. In case of emergencies, or unavoidable absences, staff are responsible for contacting their immediate supervisor by phone call, text, voice mail message, and/or email to notify them of absences. If the supervisor is unavailable, the employee should communicate with the next-level supervisor (*their supervisor's manager*).

Faculty

Absences from the campus during the faculty member's scheduled hours must be approved by 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 contact their department chair/director (*or designee*) by phone call, text, voice mail message, and/or email to notify them of absences. If the department chair/director (*or designee*) is unavailable, the instructor should contact their appropriate Dean.

Faculty must follow the guidelines set forth in the Leave Policies (*Section 5.42*), Sick Leave (*Section 5.43*), and Vacation Leave (*Section 5.44*) to document any time missed. Any class time that is missed due to an absence must also be documented in the attendance recording system and make-up documentation must be provided to the department chair/director. Instructors are responsible for communicating with students regarding their absence.

All Faculty and Staff who fail to report for work for a period of three (3) consecutive work days without notifying their supervisor (*or designee*) will be considered to have abandoned the job and may be disciplined up to and including termination of employment.

Revision History:
November, 2023

8.8 Conducting Classes

All instructors are expected to be ready to begin their classes at the published start time, take attendance, and conduct their classes until the published end time. Instructors will shift course delivery methods/modalities only if directed by the College due to unforeseen circumstances that interrupt the normal class schedule.

8.9 Office Areas

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

8.10 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 qualifications required by their programs and accrediting bodies.

8.11 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.

8.12 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. Most University Transfer students will continue to receive advising through the Academic Advising Center throughout their enrollment at the College. The assignment and reassignment of a student to an advisor will be made by the Registrar's office in cooperation with the appropriate department chair or dean.

8.13 Classroom Expectations

All faculty are expected to inform students of classroom expectations as delineated in the Cape Fear Community College Catalog, Student Handbook Code of Conduct, and syllabus 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 Students with Disabilities (*Section 8.19*) for additional information. It is at the discretion of the instructor/chair/director on the allowance of food and beverages in classroom locations. No food or beverages are permitted in any computer classrooms or labs at any time.

Revision History:
May, 2023

8.14 Evaluation of the Faculty

8.15 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.

8.16 Student Evaluations

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

Revision History:
May, 2023

8.17 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.

8.18 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 student accessibility services unit (*Section 8.19*). 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.

Revision History:

May, 2023

8.19 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 (1) or more major life activities.

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 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 Cape Fear Community College, 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.

Cape Fear Community College supports faculty who, in cooperation with Student Accessibility 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 Student Accessibility Services. However, when requesting specific accommodations, they are required to submit supporting documentation and register with Cape Fear Community College

Student Accessibility 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 Student Accessibility Services Office. Faculty should always require students to submit a current Accommodations Letter from Student Accessibility 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.

Revision History:

May, 2023

8.20 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 Student Accessibility Services, please instruct the student to contact Student Accessibility 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 Student Accessibility Services. Instructors will refer to the guidelines provided by for such statements at: [Student Accessibility Services](#).

8.21 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 Student Accessibility Services for assistance with accessibility issues.

8.22 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 (2) 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.

8.23 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.

8.24 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.

8.25 Class Documentation

Instructors will take attendance during each class or laboratory session and enter their classes' attendance records into the attendance recording system 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.

Revision History:
May, 2023

8.26 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 field trip form should be given to the following: The Director of Safety and Training/Safety department/program chair, appropriate dean, the Vice President 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.

8.27 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.

8.28 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:

1. Serve as an organization through which members may discuss and interpret matters concerning the Faculty, and to provide assistance and encouragement to fellow members;
2. Involve the Faculty in the affairs of Cape Fear Community College in order to enhance the effectiveness and quality of the College;
3. Participate in educational program planning and in developing educational policy; and
4. 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 the Faculty Association's Constitution and Bylaws*).

Revision History:

May, 2023

8.29 Online Learning and Instruction

In order to fulfill its mission of providing students with high quality, dynamic, and innovative educational opportunities, Cape Fear Community College offers many courses through a variety of synchronous and asynchronous modes utilizing online learning management systems (*LMS*). To serve all students equally, Cape Fear Community College 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 Cape Fear Community College classes are 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.

Revision History:

May, 2023

8.30 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 Academic Affairs

9.2 The Libraries

The Libraries contain more than 48,000 books supporting the curricular and 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 Cape Fear Community College community. Faculty and staff members are encouraged to participate in the selection of new materials and suggestions from students are also welcomed. The Cape Fear Community College 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.

9.3 Materials Selection

Librarians, in consultation with faculty, select materials in designated subject/program areas. All materials acquired reflect the resource needs of the 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 (1) 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 Cape Fear Community College librarian for consideration. Ultimate responsibility for selection of materials rests with the Dean of the LRC and the professional librarians of the College.

9.4 Weeding

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*).

9.5 Gifts

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.

9.6 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

1. 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).
2. Exceptions. Library records may be disclosed in the following instances:
 - a. When necessary for the reasonable operation of the library;
 - b. Upon written consent of the user; or
 - c. Pursuant to subpoena, court order, or where otherwise required by law.

9.7 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 Cape Fear Community College Acceptable Use Policy (*Section 12.3*)
- 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

9.8 Learning Labs

The Cape Fear Community College 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.

9.9 International Center

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

9.10 RISE Transition Math and English Program

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

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.

10.2 Electronic Direct Deposit

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 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, (*U-277*). 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 (1) 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 contacting payroll. The Vice President for Business Services has exclusive authority to grant an exemption from the direct deposit requirement.

Note:

It is the employee's responsibility to review their pay advice(s) for accuracy of personal and payment information. Employees must notify the Payroll Department immediately if there has been an overpayment of wages. 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 (2) 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 Manager at (910) 362-7609.

10.3 Inventory Control

Equipment Inventory is responsible for implementing procedures for maintaining control over and the safeguarding of fixed assets. Employees leaving the College are expected to return all Cape Fear Community College property. Failure to return Cape Fear Community College property may result in invoicing of unreturned items (*including software installed on computers*).

10.4 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 (1) 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 (1) year, if the asset is not found, it is retired as a lost asset. The form is routed through proper management levels for signatures.

10.5 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 (3) 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.

10.6 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 Services will be contacted since they are authorized to dispose of equipment properly and according to law.

10.7 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 (3) 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 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.

10.8 Credit Card Use: Procurement Card (*P-Card*)

Introduction

Cape Fear Community College has joined the North Carolina State Contract 946A VISA Procurement Card (*P-Card*) Program: [Procurement Card Program](#)

The P-Card is a payment tool, which offers an expansion of the existing Cape Fear Community College 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 P-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.

Cape Fear Community College expects you to exercise the same good judgement in your purchases of supplies and services with Cape Fear Community College's P-Card as you would with your own card. Cape Fear Community College expects you to offer the same level of care and protection for the college P-Card as you would with your own credit card.

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.

Historically Underutilized Business (HUB) Vendor - A "preferred supplier" that Cape Fear Community College 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 Cape Fear Community College 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 Cape Fear Community College 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.

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 (*P-Card*) Program is designed to streamline these processes. This program is designed to reduce paperwork and handling costs. By using this program, the traditional requisition - pricing inquiry - order placement - delivery of goods - invoice - voucher review and payment cycle is greatly reduced.

Potential benefits to Cape Fear Community College 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 as they receive payment within 3 days.
- Provides Cape Fear Community College 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.

Requesting a Card

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

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 their credit card number and any personal information that was included on the P-Card application form.
- It is good business practice Cardholders to sign the back of your P-Card.
- Lost or Stolen Cards: Cardholders should immediately notify Bank of America 24-hr Customer Service Line: (888) 449-2273 and the Purchasing Department/P-Card Administrator.

Training

All cardholders are required to attend a training session on the use of the card. Additional training sessions may be required by the Cape Fear Community College P-Card Administrator if an audit reveals that unauthorized purchases have been made and/or updates deemed necessary.

Separation from Cape Fear Community College

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

Spending Limits (Credit & Single Transaction)

The current single transaction limit (*STL*) for all Cape Fear Community College cardholders is \$5,000. Monthly credit limits are determined by a cardholder's supervisor and budget needs. Cardholders may request permanent monthly spending/credit limit increases with supervisor approval via email to the P-Card Administrator. In addition, cardholders may request temporary single transaction limit (*STL*) increases by submitting a request to the P-Card Administrator via email. The Cape Fear Community College Business Office is approved for a \$25,000 single transaction limit by State Purchase & Contract. If a cardholder requires a *STL* that exceeds \$5k, they can contact the P-Card Administrator for review & a temporary *STL* increase or the P-Card Administrator may purchase on their behalf if necessary. State Purchase and Contract must approve all single transaction increases that exceed \$25k, so please allow 48- hour notice for *STL* requests.

HUB Reporting

Bank of America will furnish Cape Fear Community College 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.

Authorized Use

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

- The North Carolina Administrative Code 01 NCAC 05B. 1523 governs the P-Card Rules. As per memorandum from Division of Purchase and Contract dated June 17, 2022, the per-transaction limit shall be \$25,000 for general purchases and for all travel related purchases (*including airfare, hotel/lodging, and transportation/rental cars*) including current NC sales tax and applicable freight.
- 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. **Cape Fear Community College is not Tax-Exempt.**
- The cardholder strives to obtain the best value for the College by using “preferred suppliers” as identified by Cape Fear Community College Purchasing.
- The cardholder will comply with all State Purchase and Contract guidelines set forth in the Cape Fear Community College Purchasing Procedures Manual.
- The cardholder will seek and use HUB vendors in accordance with the Cape Fear Community College HUB Plan which is available for review.
- 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.
- Emergency situations (*as defined by 01 NCAC 05B. 1601 or Governor’s declaration*), shall be approved by the P-Card Administrator or Director of Purchasing and Inventory.
- 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.
- Institutional memberships may be paid using the P-Card. Memberships are for Cape Fear Community College and must be transferable if the employee leaves the College. Individual memberships **may not** be paid using the P-Card.
- Meals associated with meetings and/or visitors.
- Payment of seminar, conference registration, airline tickets, shuttle, taxi services, hotel, and parking fees. A Cape Fear Community College Travel Request must have been completed and approved prior to these charges being made.

Note:

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

Unauthorized Use

- Splitting purchases into multiple transactions so that previously mentioned limits or state purchasing guidelines are avoided.
- Backorders are not allowed.
- Cash advances, controlled substances, personal purchases, telephone calls, or monthly telephone service fees.
- Alcoholic beverages unless it is for classroom instruction, culinary events, or the Wilson Center.
- 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*). Gift cards

for students purchased by the Foundation are an exception.

- Laptops or tablets of any dollar value.
- Furniture purchases of any dollar value.
- Equipment purchases of any dollar value.
- Adobe (*software or related*) purchases. These requests are to be made through the E-Procurement system.
- Meals (*travel related*) are not allowed since the State provide 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.
- Gasoline for personally owned vehicles. Gasoline for college-owned, leased and/or rented vehicles are exceptions.
- Contractual services (*PSA or Performance Agreements*) should not be paid with the Cape Fear Community College VISA P-Card since Cape Fear Community College is legally responsible for reporting this income to the federal and state government.
- No merchandise shall be shipped to the cardholder's residence (*Ship to Downtown or North Campus only*).

Note:

When uncertain if a purchase should be made with a P-Card, contact the Procurement Office. Expedited purchases shall be made by the Equipment Inventory Coordinator only.

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 notification of administration, disciplinary action/card withdrawal, 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 (1) week from receipt of a completed reconciliation report and memo for the account to be reinstated.

Resources

- Historically Underutilized Business Report (*Quarterly*): [Historically Underutilized Businesses](#)
- Historically Underutilized Business (*HUB*) Vendor Search: [HUB Vendor Search](#)
- Purchasing Flexibility Report (*Annually - Due Feb 1*)
- EO50 Reports (*As required*): [Flexibility Report](#)
- EO143 (*Monthly on the 1st*): [Executive Order Number 143](#)
- NC Community College System: [NC Community College System](#)
- NCCCS Purchasing Manual: [Purchasing Procedures Manual](#)
- NCCCS Agency Specific Term Contracts: [Specific Term Contracts](#)
- NC Department of Administration: [Dept. of Administration](#)
- NC Purchase & Contract: [Purchase & Contract](#)
- NC Procurement Rules & Manuals: [Procurement Rules & Manuals](#)
- NC DIT Procurement: [IT Procurement](#)
- Cape Fear Community College Purchasing Manual: [Purchasing Manual](#)

10.9 Payment Card Industry Data Security Standards

The purpose of this policy is to help assure that Cape Fear Community College 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 cardholder's information.

Payment Card Industry Data Security Standards (*PCI DSS*) compliance is of the utmost importance to Cape Fear Community College.

The following statements comprise Cape Fear Community College payment card policy:

- Compliance with the PCI DSS is required of all Cape Fear Community College employees and departments that accept, process, transmit, or store payment cardholder information.
- Only Cape Fear Community College 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 Cape Fear Community College 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

Cape Fear Community College Payment Card Industry Procedure and investigated in accordance with the Cape Fear Community College 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 Cape Fear Community College and who will function within the Cape Fear Community College 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 Cape Fear Community College PCI officer to obtain permission.

Revision History:

March, 2023

10.10 Petty Cash

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 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.

10.11 Mail

The Shipping and Receiving Department is responsible for pick-up and delivery of mail to employees located at every Cape Fear Community College 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.

10.12 Key Control

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 Cape Fear Community College secured assets, as well as the use of keys by employees of the College, and those designated to use secured assets by agreement.

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 “*Cape Fear Community College 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 “*Cape Fear Community College 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 Cape Fear Community College. 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 “*Cape Fear Community College Key Control Procedures*” for detailed information on this topic.

Lost Keys

Lost keys should be reported immediately to the Campus Locksmith and the supervisor of the employee. See “*Cape Fear Community College 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 the College’s Discipline Procedure (*Section 5.63*) and Disciplinary Process (*Section 5.64*).

Damaged Keys

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

Office Changes

If an individual moves their office location, it is the responsibility of the individual to return the old keys to the Campus Locksmith within 3 days.

General Purpose Classrooms

General purpose classroom 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 “*Cape Fear Community College 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 Cape Fear Community College property and any tampering with the device will result in disciplinary action as defined in the College’s Discipline Procedure (*Section 5.63*) and Disciplinary Process (*Section 5.64*). If there are issues with the Tile, contact the Campus Locksmith.

10.13 Electronic Access Control

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”.

10.14 Swipe Cards

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

Access to any Cape Fear Community College 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 Cape Fear Community College 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 (1) 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 Campus Locksmith. See “*Cape Fear Community College Key Control Procedures*” for more details.

Card Swipe data is confidential.

10.15 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. All full-time employees must park in designated full-time employee parking locations.

Part-time, temporary employees (*including adjunct faculty*) may elect to use the Hanover Parking deck or surface 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.

10.16 Traffic Plan and Towing

The following rules, regulations, and ordinances constitute the Traffic Plan and Towing Policy of Cape Fear Community College:

Definitions

Motor Vehicle - includes any machine designed or intended to travel over land by self-propulsion or while attached to a self-propelled vehicle.

Abandoned Motor Vehicle - is a vehicle that is left unattended in violation of any rule, regulation or ordinance regulating parking. Or is left for longer than three (3) days on property owned, operated, managed or regulated by Cape Fear Community College.

Junked Motor Vehicle - Is an abandoned vehicle that also is partially dismantled or wrecked; or, cannot be self-propelled or moved in the manner in which it originally was intended to move; or, is more than five (5) years old and appears to be worth less than \$100; or, IV. Does not display a current license plate.

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

Tower - means the person who towed the vehicle.

Towing Fee - means the fee charged for towing and storing.

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 Cape Fear Community College. The following information shall be required of the registrant at the time of registration:

- The name and Cape Fear Community College I.D. number.
- The license plate number of the vehicle, including the name of the State that issued the license plate.
- The make, model, year, and color of the vehicle.

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. North Campus and Burgaw/Surf City Center employees will be assigned surface lot

parking spaces designated for Full-time employee use only. Employees visiting or working at any other location shall park in any unassigned surface lot parking space (*student parking*) with the exception of the Wilmington Campus. Any employee visiting or working at the Wilmington Campus shall park in the Nutt Street Parking Deck. Any employee found violating Cape Fear Community College parking policy will be subject to ticketing, towing and/or referral to Human Resources.

Parking

- No vehicle without a valid decal may be parked in any parking lot, deck or parking area designated for either employee or student parking.
- In all parking lots, decks or parking areas with marked parking spaces, parking is not permitted outside the marked spaces.
- 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.
- 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.
- 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.
- Motorcycles, mopeds, scooters, vehicles with trailers, and bicycles are not allowed in the Nutt Street or Hanover Street Parking Decks.

Violations

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.

Repeat Violators

Any person receiving more than three (3) citations for any violations within any one (1) 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.

Removal of Vehicles

Cape Fear Community College 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 Cape Fear Community College. The Parking and/or Security Guard shall notify the Director of Safety & Training of any vehicle in violation of any ordinance of Cape Fear Community College, and the Director of Safety & Training (*or 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.

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 description of the vehicle;
- The place where the vehicle is stored;
- The violation with which the registered driver is charged, if any;
- The procedure the registered driver must follow to have the vehicle returned to the driver (*to*

contact the tower and satisfy the tower's requirements for release of the vehicle).

Notice shall be given to the Cape Fear Community College registered driver of the vehicle within 24 hours. If feasible, actual notice shall be given either in person or by telecommunication.

When a vehicle with neither a valid registration plate nor registration is towed, the Director of Safety & Training of Cape Fear Community College shall make reasonable efforts, including utilizing the V.I.N., to determine the last known registered owner of the vehicle, and to notify them of the information listed.

Parking Rules and Regulations

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

10.17 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 Cape Fear Community College Purchase Order. The procedures to follow in requesting items or services to be purchased are in the Cape Fear Community College Purchasing Manual.

10.18 Equipment

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

10.19 Travel

Cape Fear Community College 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 138.5-7. These travel regulations apply to Cape Fear Community College Board of Trustees members and all employees of the College. In as much as travel policies, procedures, and prevailing rates are subject to change, Cape Fear Community College 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" located at: [Accounting Procedures Manual](#)

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 designee*). In addition, written authorization must be secured in advance from the President (*or 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 (2) weeks prior to their travel date.

10.20 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 Cape Fear Community College 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:

1. Name of the person traveling;
2. College I.D Number;
3. Destination(s) and purpose for the travel as defined by the college (*Ex: various site visits to monitor classes, commuting between classes, etc.*);
4. Dates of the travel (*Ex: July 1 20xx – June 30, 20xx*);
5. Source of funding (*Ex: State, County, Institutional, Special funds*); and,
6. 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.

10.21 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. Cape Fear Community College 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 their 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 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 their duty station; except, temporary or part-time faculty "may" be paid mileage expenses when authorized by the Vice President Academic Affairs and approved by the President (*or designee*). Nothing in this policy shall be interpreted to mean that Cape Fear Community College 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 their 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:

1. Private vehicle - *IRS* business standard mileage rate for one (1) round trip and airport parking with a valid receipt;
2. Airport limousine - one (1) round trip fare supported by a valid receipt; or
3. Taxi - actual cost supported by a valid receipt.

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

1. Airport limousine - one (1) round trip fare supported by a valid receipt;
2. Bus - one (1) 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;
3. Taxi - when shuttle service is available, one (1) round trip shuttle fare supported by a valid

receipt; or,

4. Taxi - when shuttle service is not available, one (1) 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.

10.22 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.

10.23 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.

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: [Accounting Procedures Manual](#)

Written Authorization

Must be secured in advance from the college President (*or designee*) for estimated travel costs in excess for lodging, meals, and registration fees established by the OSBM or SBCC.

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*

designee) in advance of the travel.

Meals

Reimbursement for meals shall not exceed the established rates for a maximum of three (3) 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.

Daily Travel

- 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:
 - Breakfast – depart duty station prior to 6:00 a.m.
 - Lunch – depart duty station prior to noon (*day of departure*) or return to the duty station after 2:00 p.m. (*day of return*).
 - 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*).
 - The time of departure and/or arrival must be stated on the travel reimbursement request.
- Not Overnight - Allowances shall not be paid to employees for meals if travel does not involve an overnight stay.

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 designee*). Convention or conference registration fees must be included on the travel authorization prior to departure.

Registration fees for webinars or other online training that does not involve travel should not be requested on a Travel Request Form, but instead should be requested through Cape Fear Community College'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.

Other Subsistence Expenses

The following items are not counted toward the authorized subsistence, but are eligible for reimbursement:

1. Tipping for handling baggage at common carrier terminals;
2. Tipping for the handling of baggage when arriving at or departing from the place of lodging;
3. Office phone/official business calls, up to a maximum of \$5.00, from non-state funds; and,
4. Personal calls, only for travel of two (2) or more days, and only once every two (2) days, to a maximum of \$3.00.

The following items are not reimbursable:

1. Refreshments or other personal expenses;
2. Tipping for room service, valet and other hotel services; and
3. Costs of laundry, entertainment, alcoholic beverages, set-ups, between meals snacks, or other personal expenses not previously defined as permissible.

10.24 Travel Advances

At the discretion of the College President (*or 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 Business Services a minimum of two (2) weeks before the advance is required.

If the estimated cost is less than \$200, the employee is responsible for paying their travel costs, and requesting reimbursement unless an exception is granted by the President (*or 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.

10.25 Timely Filing and Reimbursement

Each employee is responsible for their 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 Business Services within thirty (30) days after the travel period has ended.

10.26 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 Cape Fear Community College faculty or staff; except that such calls will be permitted from the R/V Hatteras when the ship is away from port.

10.27 Institutional Funds

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

Institutional Funds are funds 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/contracts that are not processed through the System Office.

Approving Authority

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

10.28 Sound Fiscal and Management Practices

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:

- Expending funds prudently and consistently with the approved budget.
- 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 (5%) or five (5) times the system-wide percentage, whichever is higher.
- 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.
- 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.
- Providing financial reports to the Board of Trustees at intervals determined by the Board of Trustees.
- Maintaining a system of internal controls as prescribed by G.S. 143D-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.
- Submitting complete and accurate financial statements to the North Carolina Office of the State Controller by the prescribed deadline.
- Ensuring that audits are conducted consistent with G.S. 115D-20(9) and G.S. 115D58.16.
- Addressing any findings identified in audits, compliance reviews, SACSCOC reviews, or other monitoring reviews.
- Ensuring that the college is actively seeking to fill leadership and other supervisory positions in a timely manner with individuals of high competence.
- Monitoring staff turnover by providing an employee vacancy report for information to the Board of Trustees at least biannually.

10.29 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 (1) month for records with this disposition instruction.

10.30 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.

10.31 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.

10.32 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.

10.33 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.

10.34 Cash Receipts

The board of Community Colleges in accordance with NCGS 147-77 requires that all state and local funds collected be deposited on a daily basis. Any employee collecting money on behalf of Cape Fear Community College must deposit those funds daily with a cashier in the Business Office.

10.35 Student Tuition and Fees: Time Due, Deferred Payment, and Failure to Pay

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 (1) or more of the following four (4) methods:

1. Directly paying the College;
2. Demonstrating to the College's satisfaction that the student is eligible for financial aid or other third-party payment;
3. Entering into a deferred payment plan authorized by 1E SBCCC 200.2(b); or,
4. 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, the College shall begin collecting curriculum tuition payments for the Fall academic term on or after July 1st of that year.

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 policy, "short term" is defined as a period that does not extend beyond the last day of the academic term.

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.

10.36 Vehicle Safety

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

Motor Vehicle Operator - 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 years of age may not operate a motor vehicle to conduct College business until insurance is notified.

Motor Vehicle Report (MVR) History

MVR's 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 their driving record is within the parameters set by the College.

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

- A revocation or suspension of driver's license in any state.
- 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.
- Two (2) or more moving violations and/or damage to vehicles in the previous three (3) years.
- 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 the following guidelines:

- Inspect vehicles prior to use to ensure that they are in safe operating condition.
- If a vehicle does not pass inspection, notify the Motor Pool Coordinator.
- Vehicles are not to be operated unless in a safe operating condition.
- 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 (2) hours to prevent fatigue or exhaustion.
- Drivers must conform to all traffic laws and make allowances for adverse weather and traffic conditions. Speeding and aggressive behavior will not be tolerated.
- Seat belts must be worn whenever a vehicle is in motion.
- Cell phone usage, including texting, is prohibited while driving for College purposes.
- Use of radar detectors is forbidden in all vehicles owned or used by the College.
- Hitchhikers and passengers other than College employees are not permitted.
- College vehicles shall be used for work-related duties only.
- Cargo should be secured and all doors should be locked, both when the vehicle is in route and when it is parked.
- Respect the rights of other drivers and pedestrians.
- Drivers may not be under the influence of drugs or alcohol while operating a vehicle for College purposes.
- 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.
- Cape Fear Community College will review motor vehicle reports annually.
- If an employee has a change in license status, including a renewal, he or she must give a copy of their new license to the supervisor and the Motor Pool Coordinator for the employee's file.
- Employees are responsible for maintaining a valid driver's license. Limited Privileged License is not considered a valid driver's license.
- In an extreme situation when there is an out-of-state trip and there is only one (1) 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 (1) year of age. Students will follow the same procedure as an employee of the College, prior to approval.
- Smoking is not permitted in a Cape Fear Community College vehicle.
- All trash and debris must be picked up and removed upon return of vehicle.
- Vehicle should be returned with the same amount of fuel at check out.

10.37 Safety Rules Enforcement

Employees will be subject to disciplinary action up to and including termination for violating any of the above rules as defined in the College's Discipline Procedure (*Section 5.63*) and Disciplinary Process (*Section 5.64*).

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:

- Immediately notify the Business Office and Human Resources if a vehicle operator's license has been suspended or revoked.
- Schedule additional training as required to ensure the safe operation of special purpose vehicles, such as sweepers, riding mowers, etc.
- Document all training and provide copies to Human Resources for inclusion in the employee's personnel record.
- Department heads will send documentation of any disciplinary action associated with the enforcement of this policy to the 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 and Human Resources. Accidents that occur off College property must be reported immediately to the appropriate law enforcement agency, to Human Resources, and 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:

- 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.
- Has received two (2) tickets for moving violations within one (1) calendar year.

College Insurance

- 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.
- 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

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:

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.

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.

11.3 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 Cape Fear Community College:

- When a fire alarm sounds and/or when instructed by Cape Fear Community College emergency alerts (*i.e.*: *email, text, campus security or sheriff deputies*) the entire building will evacuate by designated routes.
- Occupants will exit the building and congregate away from the doors, allowing clear access for Emergency Responders.
- Occupants will wait until an “all clear” signal has been sounded/given.
- During an evacuation, entry to the facility will not be permitted until an “all clear” signal has been sounded/given.
- 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.
- Employees will leave their work area and assist students and guests in exiting the building(s).
- 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).
- Cape Fear Community College 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 Cape Fear Community College 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.

11.4 Evacuation Plan for the Disabled

At the time of evacuation, Cape Fear Community College 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.

11.5 Other Safety Measures

11.6 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 ensuring 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 everyone’s responsibility!**

11.7 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 (*or designee*). Announcements will be made on Cape Fear Community College 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.

11.8 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.

11.9 Cardiopulmonary Resuscitation (CPR)

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 Cape Fear Community College 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 Information Technology

12.1 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:

- 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 their 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.
- 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.
- 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. *
- 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:*

When an employee leaves the College and is enrolled in course(s), a new student email address will be assigned.

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 Cape Fear Community College policy and functional procedures.

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.

12.2 Allocation and Use of Information Technology Resources

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 Cape Fear Community College Information Technology Committee provides oversight and guidance for all information technology initiatives. The committee's goals include:

1. Appropriate standardization, allocation, and cost-effective use of resources;
2. Assistance in long-range planning for the institution; and
3. 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 Cape Fear Community College 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.

12.3 E-mail and Internet

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 (*Section 12.3*).

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 email, 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:

- 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.

- 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.
- 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 messages, or impersonating other users. College policies against discrimination and harassment apply to communications through the College's computing resources.
- 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.
- 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 Cape Fear Community College 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".
- 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.
- 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.
- 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.
- 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.

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 College's Discipline Procedure (*Section 5.63*) and Disciplinary Process (*Section 5.64*). 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.

12.4 Information Security Incident Response

Purpose

Incident response includes planning for and actively managing information security incidents that can affect the institution from utilizing its Information Technology assets to meet its goals. Most commonly this takes the form of unauthorized access into a computer system, physical security intrusions, or if a natural disaster occurs. The Information Security Incident Response Policy provides the process and procedures for ensuring incidents are properly handled in an effective and consistent manner, with as little impact to the institution as possible. This policy applies to all departments and all assets connected to the institution's network.

Responsibility

- The IT Services business unit is responsible for managing all incident response functions.
- While all IT staff are required to follow the written incident response plan, real world deviations are expected and must be handled gracefully. Third-party organizations involved in the incident response process must be managed by the incident manager.
- Users are responsible for reporting incidents that they are aware of to the appropriate business unit or personnel as specified in the incident reporting process. Users are responsible for attending training for recognizing and reporting incidents within the institution.

Policy

- IT must develop and maintain a written incident response plan.
 - This process must be documented and approved.
 - This plan must include a process for responding to incidents.
 - At a minimum, the incident response process must be reviewed on an annual basis or following significant changes within the institution.
 - This review may also occur following an incident or tabletop exercise.
 - An incident manager and backup incident manager must be specifically identified by name within the plan.
 - If an external party is the incident manager, then one (1) internal individual must be specified to oversee the response process.
 - Contact information must be recorded in the incident response plan.
 - Any parties that need to be made aware of a security incident must be documented.
 - The plan must address any regulatory or other compliance requirements.
 - The plan must address communications.
- IT must develop and maintain a written process for users to report incidents.
 - This process must include approved methods for reporting incidents including:
 - Primary and secondary methods for reporting.

- Specific recipients to receive incident reports.
- Any minimum information needed.
- Timeframes for reporting incidents.
- At a minimum, the incident reporting process must be reviewed on an annual basis or following significant changes within the institution.

Each time this document is updated, the table below should be updated.

<u>Version</u>	<u>Revision Date</u>	<u>Revision Description</u>	<u>Name</u>
1.0	9.6.23	Created initial draft based on sample documents from other institutions.	Jakim Friant

Revision History:

November, 2023

September, 2023

12.5 Electronic Signatures

After May 28, 2015, Cape Fear Community College 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 their 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 their 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 an 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 email address of record, or College downloads information from the agency's official secure website.
- Employee sets their 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 personal payroll data, logging in to 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 the College's Computer Use Policy (*Section 12.1*) and the Cape Fear Community College 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. Cape Fear Community College 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.

12.6 Amendment to Electronic Signatures

Internal Processes

Internal processes are created and controlled by Cape Fear Community College. Cape Fear Community College 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, Cape Fear Community College accepts any electronic signature method set forth by the North Carolina Office of State Controller.

Otherwise, Cape Fear Community College accepts electronic signatures obtained through:

- A process designed to avoid tampering with the documents and information transmitted to and from the signee
- A process that guarantees the origin of the document to the signee
- A process that protects the document being signed and transferred by the signee from unintended access during its transfer
- 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.

Cape Fear Community College processes and employees accepting electronic signatures on behalf of Cape Fear Community College, or creating a process to accept electronic signatures on behalf of Cape Fear Community College, must follow the Cape Fear Community College business rules and guidelines as stated in the document titled “Cape Fear Community College Electronic Signature Business Rules and Guidelines”.

External Processes

External processes are controlled by a third party utilized by Cape Fear Community College to provide a service or to handle a process. Cape Fear Community College 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 Cape Fear Community College requirements for control and digital security.

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.

12.7 Bring Your Own Device (BYOD)

Employees of Cape Fear Community College are subject to all existing Information Technology policies (*Section 12*), as well as all other applicable College policies, regardless of if they use a College-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.

Cape Fear Community College permits connection of personal devices to its network and resources based on the following rules:

- **Procedures:** Non-Cape Fear Community College owned devices must follow the specifications in the BYOD Cape Fear Community College Procedures document.
- **Lost or stolen personal device:** In the event a personal device that has been used at Cape Fear Community College is lost or stolen, the employee is responsible for reporting it to the Cape Fear Community College Office of Information Technology Services immediately.
- **Network authentication, authorization, and accounting:** Connections and activity from a personal device used at Cape Fear Community College may be tracked and monitored to the same extent as Cape Fear Community College-owned devices, equipment, or systems.
- **Password protection:** Any personal device used at Cape Fear Community College must be secured by a username/password or an equivalent security system used to prevent unauthorized use of the device.
- Cape Fear Community College is not responsible for damages or loss caused to any personal device (*not owned by Cape Fear Community College*) that falls under this policy. This includes

physical damage to the device, as well as malfunctions of software.

- As stated previously, all data and communication created in the course of conducting Cape Fear Community College business is considered to be Cape Fear Community College proprietary information and public record. Rules regulating proper procedures, security, and use of such systems and data are covered in the Computer Use Policy (*Section 12.1*).

In case a problem related to a personally owned device and the Cape Fear Community College 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 Cape Fear Community College data and systems safe, Information Technology Services may remove or deny access to the device until the problem is resolved. At Cape Fear Community College, digital safety is paramount and a shared responsibility.

Cape Fear Community College owned devices are outside the scope of this policy.

**The Faculty Association is in the process of updating Constitution and Bylaws APPENDIX
A - Faculty Association Constitution**

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 Duties of the Officers

Section 1: The President

The President Shall:

- Preside at all meetings and call meetings to order
- Assume responsibility to make all announcements to faculty regarding faculty association or college business related to the association to include meeting notices, agendas, minutes, changes to association, and any other pertinent information
- Serve as Chairman of the Executive Committee
- Call for revote in event of a tie, if continues, President shall cast the deciding vote
- Execute or sign documents or reports in the name of the Faculty Association
- Public comments on behalf of faculty require a unanimous vote by executive committee to comment and approval of Cape Fear Community College Administration Marketing Department
- Attend monthly meetings with Administration including but not limited to the Cape Fear Community College Executive Team
- Provide a written report to be included in the Board of Trustees meeting packet and Report at the Board of Trustees meetings throughout the calendar year
- Attend all graduation ceremonies
- Attend College Council meetings throughout the calendar year
- Serve on College Standing Committees as deemed necessary by the College or appoint another Faculty Association officer in their place if they are not already a member of said committee
- Communicate accurate voting results provided by the Secretary
- Holds responsibility for Faculty Blackboard, announcements for Faculty. Can assign another faculty member to add content to maintain the page
- Appoints Chairperson for standing committees and adhoc committees
- Perform such other duties as may be deemed necessary as provided for in the Constitution and

Bylaws

- If temporarily unable to fulfill duty or assignment, President may appoint another officer in their place

Section 2: The Past-President

The Past-President shall:

- Serve as a member of the Executive Committee
- Perform such other duties as may be assigned by the President
- Perform such other duties as may be deemed necessary as provided for in the Constitution and Bylaws

Section 3: The Vice President

The Vice President shall:

- Serve in the absence of the President and shall call scheduled meetings to order if the President is not in attendance
- Serve as a member of the Executive Committee
- Perform such other duties as may be assigned by the President
- Serve as Chairperson of the adjunct faculty committee and the staff committee and perform and communicate duties and actional items to the President of the association
- Fiscal Management when applicable
- Solicit input from division representatives prior to faculty association meetings or meetings with the executive team. In the event that a division representative vacancy, they shall solicit input from department chairs of divisions not represented
- Perform such other duties as may be deemed necessary as provided for in the Constitution and Bylaws

Section 4. The Secretary

The Secretary shall:

- Ensure transparency by keeping and disseminating an accurate record of the meetings of the Faculty Association, Executive Committee, and any meetings between Faculty Association officers and the Executive Team. Secretary will make these minutes readily available to faculty members via blackboard within 10 business days.
- Maintain custody of all official records and documents of the Faculty Association electronically
- Issue notice of all meetings of the Faculty Association to be announced by the President and prepare an agenda for those meetings. Provide the President the information to publish for meeting dates at the beginning of each semester and any meeting cancellation with 24-hour notice by vote of the executive committee.
- Ensure the Faculty Association website, within the College website, is up to date with all documents, information, and minutes by communicating and providing documents to the assigned Cape Fear Community College personnel
- Provide and execute voting portals and auditable results to the President in response for Officer and Representative Positions in the Faculty Association, Surveys, and any other voting deemed necessary
- Perform such other duties as may be assigned by the President
- Perform such other duties as may be deemed necessary as provided for in the Constitution

and Bylaws

Section 5. Conflict of Interest

Officers should avoid conflicts of interest when performing duties on behalf of the faculty association.

Section 6. Representation

Officers should be diverse and ready to represent all areas of the college and divisions. To aid in this goal, a faculty climate survey must be conducted at least every odd year. The survey will be designed and administered by the adhoc Survey Committee.

Section 7. Media Statements

Officers shall be prohibited from responding to requests from media outlets for the purpose of making a statement on behalf of faculty.

ARTICLE II Duties of Representatives

- Full Time Faculty Member. Represents only the division they are employed
- Meets with chairs of division when necessary to obtain information about division with the guidance from the faculty president or vice president.
- Reports to Vice President to communicate information pertinent to their divisional concerns or questions and obtains requested information from the Vice President to report back to division faculty when necessary.
- Representatives will stay cognizant of faculty climate within their divisions through personal interaction, conversation, and departmental meetings.
- Representatives will attend FA meetings and express the needs and opinions of their divisions at FA meetings. If unable to attend meeting, they will communicate any concerns to Vice President.

ARTICLE III Membership

- Members are expected to maintain a sincere and active interest in the concerns of the College and the Faculty Association.
- It is highly encouraged to attend faculty association meetings whenever possible when not in conflict with course schedules
- Members are expected to actively support the Faculty Association Constitution and Bylaws when interacting on behalf of the Faculty Association
- Members are considered to have Academic Freedom and Responsibility ARTICLE IV Committees

ARTICLE IV Committees

Section 1. Standing Committees

- Executive Committee will meet a minimum of once a semester and other times upon request or necessity. Minutes and agendas will be published for all meetings. This committee will perform other duties as may be deemed necessary as provided for in the Constitution and

Bylaws

- The Constitution and Bylaws Committee will review the constitution and bylaws annually to ensure no changes necessary based on necessity or college reorganization or changes. This committee will perform other duties as may be deemed necessary and as provided for in the Constitution and Bylaws. The chairperson will report directly to the President. A member must excuse themselves if conflict of interest. Division representatives and Officers of the association cannot serve on this committee. The committee will be responsible to be the body that polices the actions of all elected bodies and all members.

ARTICLE V Meetings

Section 1. Agenda

Items to be included in the agenda shall be submitted in writing by voting or nonvoting members to the Secretary of the Faculty Association within 72 business hours ahead of meetings.

Section 2. Parliament

- Robert's Rules of Order shall be followed in the conduct of all meetings of the Faculty Association and the Executive Committee
- The Secretary will act as parliamentarian and provided necessary guidance from the President
- Behavior of members in meetings will be directed by Robert's Rules of Order. Members will be called upon for comment, stating your name and department before speaking. Speaking time will be limited.

Section 3. Meetings can be in person or virtually

Section 4. Removal during a meeting

- Any member can call for a closed meeting, at which time, all non-members must leave the meeting.
- Presiding officers, representatives, committee members, or association members may be removed from association or executive meetings for failing to follow proper order or disrupting business.
- If any member fails to follow proper order, another member may make a *point of order*. If the presiding officer's decision is not satisfactory, then any member may call for an *appeal*. The appeal allows for the majority of the members attending to ensure enforcement of proper procedure by presiding officers. If a majority votes to appeal the presiding officer's decision, and the officer fails to abide by that appeal, they can be temporarily removed from their position during said meeting. If another officer is not in attendance, the meeting will be rescheduled to be announced within ten (10) days.
- If a member is disruptive, then the presiding officer must declare that the member is *out of order*. If the member fails to follow proper procedure, then the presiding officer shall name the offender and may call for an assembly vote to have the member removed by a majority vote of members in attendance or suspend the meeting to be rescheduled. Such removal only applies to the meeting in which the vote has been held. In a repeated offense, the member is suspended for the remainder of the semester during future association interactions both in physical meetings and discussions. Reference Section VII for further actions necessary.

ARTICLE VI Amendments

Section 1. Controls and Procedures

- Any voting member, officer, or the executive committee may propose amendments or revisions to these By-Laws by presenting in writing using Constitution and Bylaws as guidance for cause and purpose of proposal.
- The proposed must be submitted to the Faculty Association secretary. A copy of the proposed amendment will be maintained by the secretary for the record.
- The Faculty Association Secretary will forward the proposal to the Standing Constitution and Bylaws Committee within 10 business days.
- The Constitution and Bylaws Committee will have 30 business days to meet and make a recommendation to the Executive Committee. The Constitution and Bylaws Committee will provide summary of proposals and recommendations on Faculty Blackboard along with the final decision and outcomes.
- If the recommendation to the Executive Committee is supportive of the proposal, the Executive Committee will then bring the proposal forward to the general membership for discussion and a 2/3 majority of the voting membership will decide.
- If the recommendation to the Executive Committee is non-supportive of the proposal, the amendment will die in committee.
- The originator of the proposal may ask for an appeal of decision whereas the process will start over.

Section 2. Recommended Updates or Changes

- Any recommended changes, updates, or amendments to the Constitution or Bylaws recommended by the Constitution and Bylaws committee will be discussed by membership and then a 2/3 majority vote of voting membership will decide.

Article VII Disciplinary Actions

- Any officer, representative, or member may be found guilty of conduct tending to injure the good name of the organization, disturb its well-being, or hamper it in its work. Depending on the official role of the individual and the circumstances and severity of the conduct, that individual may be subject to formal disciplinary procedures, including the following:
 - Censure – found guilty but not deemed serious enough for removal or suspension
 - Removal from a committee or position
 - Suspension from association for stated period of timeDisciplinary actions involving censure or removal or suspension, shall be tried by the Standing Committee on Constitution and Bylaws and set as law on that decision by full committee agreement using guidance from Roberts Rules of Order and other pertinent sources.
- Any Member can propose due process for censure, suspension, or removal of representative or officer position with written documentation, cause, and proof.
- Officers or representatives may be removed for gross negligence or neglect of duty. Officers duties are set forth in the association bylaws. Abuse of authority or any misconduct calling into question their fitness for their position can be also be cause for consideration. They may only be subject to removal if their behavior is intentionally injurious to the association or intentionally neglectful of their duties as defined in the constitution and bylaws.

- Standing Committee for Constitution and Bylaws will review removal submissions and submit their decision and recommendations to the membership to remove, suspend, or no action to be taken.
- When recommended, officer or representative will be removed or suspended, for specified period of time, by 2/3 Majority Vote of voting Membership meeting all other conditions. If vote confirms removal or suspension, a special nomination and election will occur within ten (10) business days for said position to replace or substitute.

Revision History:

April, 2020

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