

1.6 BYLAWS AND POLICIES OF THE MOUNTAIN EMPIRE COMMUNITY COLLEGE BOARD

The Mountain Empire Community College Board was established by the State Board for Community Colleges as required by Title 23, Chapter 16, Section 23-220 of the *Code of Virginia*.

1.6.1 BYLAWS OF THE MOUNTAIN EMPIRE COMMUNITY BOARD

The Board has established the following Bylaws to govern its operation in conformance with the policies and procedures of the State Board for Community Colleges and the laws of the Commonwealth of Virginia. The Bylaws were originally adopted on October 10, 1974, and revised on December 11, 1975; June 13, 1980; February 18, 1992; May 14, 1999; and January 29, 2002.

Article I The Board

Section 1.1. General Powers

- A. The Mountain Empire Community College Board shall act in an advisory capacity to the State Board for Community Colleges and shall perform such duties with respect to the operation of Mountain Empire Community College as may be delegated to it by the State Board. It may be called the College Board.**
- B. The College Board shall be governed by all the rules, procedures, and regulations provided and set up by law and the State Board for Community Colleges as if fully set out herein, whether now promulgated and in effect and as hereafter may be amended, enlarged, or otherwise promulgated.**

Section 1.2. Number, Terms and Eligibility of Members of the Board

- A. The Mountain Empire Community College Board shall consist of fifteen (15) members appointed as follows:**
 - 1. The City Council of the City of Norton, VA, shall appoint one (1) member with term expiring as follows: One on June 30, 1972, and each four years thereafter.**
 - 2. The Board of Supervisors of Dickenson County, VA, shall appoint one (1) member with term expiring as follows: One on June 30, 1973, and each four years thereafter.**
 - 3. The Board of Supervisors of Lee County, VA, shall appoint four (4) members with terms expiring as follows: One on June 30, 1972, and each four years thereafter. Three on June 30, 1974, and each four years thereafter.**
 - 4. The Board of Supervisors of Scott County, VA, shall appoint four (4) members with terms expiring as follows: Two on June 30, 1972, and each four years thereafter. One on June 30, 1973, and each four years thereafter. One on June 30, 1974, and each four years thereafter.**
 - 5. The Board of Supervisors of Wise County, VA, shall appoint five (5) members with terms expiring as follows: One on June 30, 1972, and each four years thereafter. Three on June 30, 1973, and each four years thereafter. One on June 30, 1974, and each four years thereafter. The first appointments shall be for five members for two years, five members for three years, and five members for four years, as provided above; thereafter, all appointments shall be for terms of four years each, except that appointments to fill vacancies shall be for the unexpired terms. No person having served on the College Board for two successive four-year terms shall be eligible for reappointment to the College Board for two years thereafter; however, a person appointed to fill a vacancy may serve two additional successive terms.**
- B. The members of the College Board shall be residents of the region served by the College and shall include persons from various businesses, industries, and professions in the region served by the College. The State Board has established a list of employment categories to assist and guide the College Board Chair and local government jurisdictions in the selection**

and appointment process. The President and College Board Chair shall work closely with the local jurisdictions in order to maintain a membership distribution representative of the college service area. No elected members of either the General Assembly or of a local governing body shall be eligible to serve on the College Board; however, elected town officials shall not be prohibited from serving on the College Board so long as such town is not a participating political subdivision sponsoring the College. All members of the College Board shall be deemed members-at-large charged with the responsibility of serving the best interests of the whole region being served by the College.

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- C. If any College Board member substantially fails to perform the duties of his or her office, including failure to attend meetings, without sufficient excuse shown to the Board, the College Board shall, at its next regularly scheduled meeting, cause the fact of such failure to be recorded in the minutes of their proceedings and certify the same by way of a recommendation to local governing body for removal and replacement.**

However, said vote of the College Board must be by a two-thirds majority of those present and taken only after written notice has been given to the College Board Member of the alleged failure in duties and after allowing said Board Member the opportunity to present evidence in mitigation.

The Chair of the College Board shall be able to excuse a Member's attendance or performance of specific duties before or after the fact and such excuse shall be prima facie evidence that the Board Member in that instance has not violated the requirements of these paragraphs.

Section 1.3. Reappointments and Vacancies

- A. When the term of office of a College Board member expires, the appropriate local political subdivision shall either reappoint the member or appoint a new member. If the member whose term of office has expired is eligible for reappointment, the member shall continue in office until reappointed or until a successor is named. A member who is not eligible for reappointment shall discontinue service on the College Board at the expiration of his term.
- B. Whenever a vacancy occurs on the College Board, the appropriate political subdivision shall appoint a person to fill the unexpired term of the member creating the vacancy.

Section 1.4. Reallocation of College Board Membership

In the event any political subdivision wishes to reallocate the positions of the College Board because of changing conditions, it shall notify the College Board and the State Board in writing of its desires and reasons for change. An ad hoc committee consisting of one member of the governing body of each political subdivision in the region being served by the College shall be appointed by the respective governing bodies. The ad hoc committee shall determine the following items for recommendation to the governing bodies of the participating subdivisions:

- A. The number of members (between nine and fifteen) on the College Board after reallocation.
- B. The allocation of these members among the local political subdivisions.

Implementation of the recommendations shall be contingent upon the approval by the governing bodies of the participating political subdivisions.

Section 1.5. Duties and Responsibilities

The College Board shall perform such duties with respect to the operation of the Mountain Empire Community College as may be delegated to it by the State Board. In general, the College Board is responsible for assuring that the college is responsive to the needs existing within its service region

within the statewide policies, procedures, and regulations of the State Board. The specific duties of the College Board include the following:

- A. The College Board shall elect a chair and other such officers from its membership as it deems necessary and shall adopt such rules and regulations as are considered necessary to conduct its business in an orderly manner.
- B. The College Board and the members thereof shall serve as channels of communication between the State Board and the Governing bodies of the local political subdivisions.
- C. The College Board shall submit its recommendations to the State Board for a name for the community college and each campus of a multi-campus college. In the name of each community college shall be included the phrase "Community College." The College Board shall be authorized to provide names for any facilities on the college campus.
- D. The College Board shall provide recommendations to the State Board on the development of the site plan and on the design, and construction of facilities for the community college.
- E. The College Board shall participate with the Chancellor and the State Board in the selection, evaluation, and removal of the President of the community college in accordance with procedures adopted by the State Board.
- F. The College Board shall participate, with the college President, the Chancellor, and the State Board, in the development and evaluation of a program of community college education of high quality in accordance with procedures adopted by the State Board.
- G. The College Board shall be responsible for eliciting community participation in program planning and development, approving the establishment of local citizens' advisory committees for specialized programs and curricula, and appointing all members of these committees.
- H. The College Board shall review all new curricular proposals for the community college, approve career studies certificate programs and shall recommend those certificate, diploma, or degree program proposals that it supports to the State Board. It shall also review proposals for the discontinuation of programs and shall communicate its recommendations on such proposals to the State Board.
- I. The College Board shall oversee the development and evaluation of the community service program for the community college, and may authorize the President to grant an "award of completion" to a person successfully completing an approved non-credit program.
- J. The College Board shall be kept informed of the fiscal status of the college by the college President and shall receive summaries of the biennial financial plan and the annual spending plans.
- K. The College Board shall review and approve a detailed local funds budget for the community college as prepared by the college President. In addition, the College Board shall submit a financial statement showing detailed expenditures of such local funds to the local political subdivisions at the end of the fiscal year.
- L. The College Board shall be responsible for reviewing and approving local regulations on student conduct developed by the college President within the guidelines of the State Board.
- M. The College Board shall be responsible for the review and approval of a budget prepared by the college President for the expenditure of revenues from vending commissions and auxiliary enterprises, including the student activity fund within the guidelines established by the State Board. The College Board shall be responsible for reviewing and approving periodic reports of revenues and expenditures within these funds.
- N. The College Board shall be responsible both for reviewing reports of audits and for reviewing the college President's response to those reports of audit.
- O. The College Board shall be informed of personnel matters by the college President.

Section 1.6. Contact With the State Board

The College Board or its authorized representatives may appear before the State Board for Community Colleges simply by notifying the secretary of the State Board of its request no later than fifteen days prior to the next regularly scheduled meeting of the State Board so that this matter may be put on the agenda.

Section 1.7. Regular Meetings

The regular meetings of the College Board are scheduled for the third Tuesday of the months of January, March, May, July, September, and November at 4:30 p.m. at the College. The regular meetings may be rescheduled by the chair with prior notice to all members.

Section 1.8. Special Meetings

Special meetings of the College Board may be called by or at the request of the chair or any two members upon notice to each member of the Board.

Section 1.9. Quorum

Eight members of the College Board shall constitute a quorum for all purposes.

Section 1.10. Manner of Acting

The act of majority of the members present at a meeting at which a quorum is present shall be the act of the Board.

Section 1.11. Freedom of Information

All meetings of the College Board and its committees are open to the public except as provided by Section 2.1-344 of the Virginia Freedom of Information Act. All meetings are convened and adjourned in open session in the manner prescribed by this Act.

Section 1.12. Chair and Vice-Chair

The College Board shall elect a chair and vice-chair from its membership, and assign them such duties as it deems appropriate. The chair and vice-chair shall be elected at the first regularly scheduled Board meeting after May 1, shall take office at the Board meeting, and shall serve for a term of one year. The vice-chair shall perform the duties of the chair in the absence of the duly elected chair.

The President of the College is the ex officio secretary of the Board as provided in State Board regulations.

Section 1.14. Minutes of Meetings

The President will forward a draft copy of all local college board minutes to the Chancellor within fourteen (14) working days following the meeting. Approved copies of local college board minutes will be forwarded to the Chancellor upon approval by the local college board. Any additions or corrections to the draft minutes reflected in the approved minutes will be noted.

Section 1.15. Committees of the Board

There shall be an Executive Committee, Curriculum and Student Affairs Committee, and Finance and Facilities Committee. The Board may by resolution designate other committees with authority limited to that prescribed in the resolution appointing them.

A. Executive Committee

Number and Appointment of Members

The Executive Committee shall consist of the chair of the College Board and five other members appointed by the chair such that there shall be not fewer than one member from each of the sponsoring political subdivisions.

General Powers

The Executive Committee shall advise and aid the President of the College in all matters concerning its interest in the management of the College, and, when the Board is not in session, the Executive Committee shall have and exercise all the power of the Board with reference to the conduct of the business of the College. All actions of the Executive Committee must have the unanimous vote of all those members present. In addition, the Executive Committee shall be responsible for the following Board responsibilities:

- i. review all reports of audits and the college President's response to such reports,
- ii. review and approve the college annual report prepared by the College President, and
- iii. other matters referred to the Committee by the chair of the Board.

Meetings

Meetings of the Executive Committee shall be called upon notice by the chair or any two members of the Executive Committee. In the event the Executive Committee acts in the name of the Board, it shall report such action at the next regular meeting of the Board.

Regular meetings of the Executive Committee shall be held on the third Tuesday of February, April, June, August, October, and December at 4:30 p.m. at the college. Special called meetings of the Executive Committee shall be held upon notice by the chair or any two members of the Executive Committee.

Quorum

At any meeting of the Executive Committee, the chair and three other members shall constitute a quorum but any action of the Executive Committee, to be effective, must be authorized by affirmative vote of all the members thereof present at the meeting.

B. Curriculum and Student Affairs Committee

The Curriculum and Student Affairs Committee shall be responsible for reviewing all matters relative to the following Board responsibilities and shall report its recommendations to the College Board for action:

1. development and evaluation of the College's program of education,
2. community participation in program planning and development,
3. new curriculum proposal and proposals for program discontinuation,
4. development and evaluation of the College's community service program,
5. regulations on student conduct,
6. other matters referred to the Committee by the chair of the Board.

C. Finance and Facilities Committee

The Finance and Facilities Committee shall be responsible for reviewing all matters relative to the following Board responsibilities and shall report its recommendations to the College Board for action:

1. college site plan and the design and construction of college facilities,
2. local funds budget and financial statements,
3. vending commission and auxiliary budget and financial statements, and
4. other matters referred to the Committee by the chair of the Board.

Section 1.16. Compensation

The members of the Board shall receive no salaries or other compensation for their services. They shall be paid their actual expenses incurred in performance of their duties as members of the Board.

Section 1.17. Presumption of Assent

A member who is present at a meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting, or unless he shall file his written dissent to such action with the person acting as secretary of the meeting before the adjournment thereof.

Section 1.18. Conflict of Interest

Each community college is prohibited from employing for remuneration in any capacity whatsoever, either on a full-time or part-time basis, a member of the college's board, including the member's spouse or a member of the immediate family.

Article II Miscellaneous

Section 2.1. Notice of Meetings

Whenever notice of a meeting is required to be given herein, such notice shall be given to each member of the College Board or committee, as the case may be, at either his business or residence address, as shown by the records of the secretary, at least forty-eight hours previous to such meeting if mailed and twenty-four hours previously if delivered or given by telegram or telephone, and it shall state the time, place, and purpose of such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, so addressed, with postage prepaid thereon. If notice is given by telegram such notice shall be deemed to be delivered when the telegram, so addressed, is delivered to the telegraph company. Any member may waive notice of any meeting and the attendance of a member at a meeting shall constitute a waiver of notice of such meeting except where the member attends for the express purpose of objecting to the transaction of business thereat on the ground that the meeting is not lawfully called or convened.

Section 2.2. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the College Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt.

Section 2.3. Amendment of Bylaws

These bylaws can be amended by any regular or special meeting of the College Board by a two-thirds vote, provided that the amendment has been submitted in writing with the notice of the meeting.

Section 2.4. Conflict with State Board Policies or law

If any portion of these bylaws is found to be in conflict with the policies of the State Board for Community Colleges or with the laws of the Commonwealth of Virginia or the United States of America, that portion, and only that portion, of these bylaws shall be null and void.

1.6.2 POLICIES OF THE COLLEGE BOARD

The Board reaffirms all motions and decisions made by predecessor boards, said motions and decisions to remain in effect until rescinded.

1.6.2.1 GENERAL POLICIES

- A.** The privilege of selling merchandise of any variety on campus is limited to the bookstore, recognized college organizations, and those having valid contracts as concessionaires. The President or designee shall have the authority to specify or limit the places and times of such authorized sales.
- B.** Solicitation for the benefit of recognized charitable or civic organizations (i.e. cancer fund, heart fund, etc.) on campus shall be made only with the prior written approval of the President or designee for each specific fund and/or drive. Other types of solicitation of funds are specifically prohibited.
- C.** The Board delegates sole authority to the President to approve requests to serve alcoholic beverages at social functions in accordance with Virginia Community College System Policy.
- D.** The Board authorizes the President to develop regulations on student conduct that support the concept that students are adults and should enjoy the rights and responsibilities of adult citizenship in American society. Accordingly, only those regulations which are deemed appropriate within this concept and which are deemed essential to the protection of freedom, life, and property of all members of the campus community should be instituted.

1.6.2.2 INSTRUCTIONAL POLICIES

- A.** Approval of courses and course content, within an approved instructional program, is delegated to the President.
- B.** The Board delegates to the President or designee the authority to approve community service programs and to grant an “Award of Completion” to a person successfully completing an approved non-credit program. Fees shall be established for Community Education and Community Service offerings such that revenues generated in the aggregate shall be equal to or greater than the direct cost of instruction plus thirty percent for administrative overhead support.
- C.** Competition of intramural teams is approved providing that all direct expenses, including transportation, are paid from non-state funds.

1.6.2.3 STUDENT FEES

In addition to the tuition and fees established by the State Board, certain student fees have been established by the Board to provide services to students not provided with other revenues. All fees are to be collected and administered in accordance with regulations pertaining to the administration of local funds.

- A.** A Student Activity Fee of one dollar per credit hour shall be charged to provide co-curricular and extra-curricular student activities. Such activities are intended to provide an environment in which students may experience democratic decision-making through participating in college and civic governance processes; participate in social, recreational, and leisure time activities; become involved in community and campus political and social activities; and pursue cultural, educational, and vocational interests. Student activity fees may be not used for site construction, repair, or maintenance unless approved by the College Board and the State Board for Community Colleges.
- B.** A General Auxiliary Fee of two dollars per credit hour and two dollars per non-credit class shall be charged to provide a reserve fund for the construction, repair, and maintenance of college parking facilities.

1.6.2.4 FISCAL POLICIES

The College Board has fiduciary responsibility to ensure proper management of the

college's local funds. Local funds shall include: appropriations of local political subdivisions, and revenues from vending commissions, auxiliary enterprises, student activity funds, general auxiliary funds, private donations, and the interest earned on the investment of those funds. All campus organizations that collect and disburse funds shall conduct those transactions within the local funds. Local funds are public funds and subject to all laws, rules, and policies appropriate to public funds.

- A.** The Board shall review and approve annual budgets for the expenditure of local funds. The President is authorized to transfer budget between line items not to exceed ten percent per approved line item.
- B.** The formula for distributing the request for the annual operating budget between the local political subdivisions shall be as follows: from the total number of seniors in the service region, a percentage for each political subdivision shall be calculated and that percentage applied to the total budget request. (For Dickenson County only the seniors at Clintwood High School and one-half the seniors at Ervington High School are counted.)
- C.** The formula for distributing the request for local funds capital outlay projects shall be: City of Norton 8%, Wise County 72%, Lee County 10%, and Scott County 10%. Dickenson County is not required to contribute to capital outlay funding.
- D.** Local bank accounts shall be established to transact the business of local funds in compliance with the requirements of the Virginia Security for Deposit Act, Chapter 23 of the Code of Virginia. All checks for the disbursement of local funds shall require two signatures. The President is delegated the authority to select the individuals who may sign local funds checks.
- E.** Investment of idle local funds is encouraged. The Board shall review and approve the investment policy annually. Interest earned from the investment of local funds may be used as approved in the local funds budget to benefit the operation of the college.