

## CHAPTER A. STATE BOARD GOVERNANCE

### SUBCHAPTER 100. DEFINITIONS

#### 1A SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION

### SUBCHAPTER 200. STATE BOARD AUTHORITY

#### 1A SBCCC 200.1 Mission of the Community College System

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

- (a) education, training and retraining for the workforce, including basic skills and literacy education, occupational and pre-baccalaureate programs;
- (b) support for economic development through services to and in partnership with business and industry; and
- (c) services to communities and individuals which improve the quality of life.

*History Note: Authority G.S. 115D 1; 115D 4.1; 115D 5; 115D 8;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2016](#); August 1, 2000; July 1, 1995.*

#### 1A SBCCC 200.2 State Planning

The State Board shall review the priorities of the system and adopt a system-level plan on at least a biennial basis, coordinated with the budget cycle. The plan shall take into account the current and future needs of the system and clarify the priorities essential to carrying out the mission of the system.

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

*Eff. September 1, 1993.*

### **1A SBCCC 200.3 Authority to Waive a SBCC Code Provision**

- (a) The SBCC has the authority to waive any existing rule or portion of a rule in the SBCC Code for the following reasons:
- (1) To comply with federal or state law, and federal or state law requires adoption, amendment, or repeal in a time period less than the rulemaking time period allotted by the SBCC Code;
  - (2) To address a serious or unforeseen threat to the public health or safety;
  - (3) To address an unforeseen circumstance where the State Board finds that adherence to the notice and hearing requirements in the SBCC Code would be contrary to the public interest of students or other community college stakeholders;  
or
  - (4) To launch a pilot program.
- (b) The SBCC shall specify the basis for the waiver, the conditions of the waiver, and the duration of the waiver.

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

*Eff. [February 1, 2018](#).*

### **1A SBCCC 200.4 Sound Fiscal and Management Practices**

- (a) Local boards of trustees shall adopt policies that assure a community college has sound fiscal and management practices. Policies to assure sound fiscal and management practices shall include at least the following:
- (1) Expending funds prudently and consistently with the approved budget.
  - (2) Demonstrating stewardship of the institution's State financial resources by effectively executing the institution's budget to ensure that the percentage of State current operating funds remaining unexpended does not exceed five percent or five times the systemwide percentage, whichever is higher.
  - (3) Ensuring that institutional fund accounts do not have a negative balance at the end of the fiscal year unless such an instance exists for a planned reason, such as an anticipated reimbursement. If any institutional fund account has a negative balance at year-end, the negative fund balance after the posting of all accrual

entries shall be reviewed. In the event the negative balance is not due to a planned reason, the college shall develop a plan to rectify the negative balance, and the information shall be reported to the Board of Trustees at its first scheduled meeting following year-end.

- (4) Tracking expenditures consistent with the North Carolina Community College System's Chart of Accounts, as outlined in the NC Community College System Accounting Procedures Manual.
- (5) Providing financial reports to the local boards of trustees at intervals determined by the local board of trustees.
- (6) Maintaining a system of internal controls as prescribed by G.S. 143D-7.
- (7) Ensuring the college does not overdraw accounts by ensuring bank accounts are reconciled and any discrepancies and a plan for resolution are identified within 30 business days from the end of the prior month. In the event a college fails to comply with this requirement more than once during a fiscal year, such information shall be reported to the Board of Trustees at its first scheduled meeting following the month of non-compliance.
- (8) Submitting complete and accurate financial statements to the North Carolina Office of the State Controller by the prescribed deadline.
- (9) Ensuring that audits are conducted consistent with G.S. 115D-20(9) and G.S. 115D-58.16.
- (10) Addressing any findings identified in audits, compliance reviews, SACSCOC reviews, or other monitoring reviews.
- (11) Ensuring that the college is actively seeking to fill leadership and other supervisory positions in a timely manner with individuals of high competence.
- (12) Monitoring staff turnover by providing an employee vacancy report for information to the local board of trustees at least biannually.

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

*Eff. [July 1, 2018](#).*

## **1A SBCCC 200.5 System Advisory Council**

To promote communication, transparency, and the consideration of diverse perspectives, the System Advisory Council is established as a standing body whose charge is to discuss and make recommendations to the State Board of Community Colleges on issues of system-wide or inter-college importance.

(a) Membership: The System Advisory Council shall consist of the following members.

(1) The Chair of the State Board of Community Colleges shall appoint four State Board members, including at least one member appointed to the State Board by the current Governor, one member appointed to the State Board by the House, and one member appointed to the State Board by the Senate.

(2) The Chair of the North Carolina Association of Community College Trustees shall appoint four community college board of trustee members, including one member representing a college from the western (Trustee Association Regions 1 and 2 as defined in G.S. 115D-62); central (Trustee Association Regions 3 and 4), and eastern (Trustee Association Regions 5 and 6) regions, and one at-large member. Appointees shall represent at least one small (defined as Presidents' Salary Grade 1), medium (Salary Grade 2), and large college (Salary Grade 3).

(3) The President of the North Carolina Association of Community College Presidents shall appoint four community college presidents including one member representing a college from the western (defined as Trustee Association Regions 1 and 2 as defined in G.S. 115D-62), central (Trustee Association Regions 3 and 4), and eastern (Trustee Association Regions 5 and 6) regions, as well as one at-large member. Appointees shall represent at least one small (defined as Presidents' Salary Grade 1), medium (Salary Grade 2), and large college (Salary Grade 3).

(4) The President of the North Carolina Comprehensive Community College Student Government Association or his or her designee shall be an ex-officio voting member.

(5) The System President shall be an ex-officio, non-voting member, except in the case of a tie. The System President shall serve as the presiding officer.

(b) Terms. To establish regularly overlapping terms, two of the initial appointments by

the Chair of the State Board, two of the initial appointments by the Chair of the North Carolina Association of Community College Trustees, and two of the initial appointments by the President of the North Carolina Association of Community College Presidents shall expire one year after the initial appointment. Each subsequent regular appointment by all appointing bodies shall be for a term of two years.

- (1) No member of the System Advisory Council shall serve more than two consecutive terms of two years. This limitation does not prohibit an individual from serving future terms after a period of non-service of at least one year.
  - (2) All vacancies occurring on the System Advisory Council shall be filled for the remaining of the unexpired term by the appointing body making the original appointment.
- (c) Meetings and Agendas. The System President shall be responsible for convening the System Advisory Council at least quarterly. The System President shall also convene the System Advisory Council at the request of four or more members of the System Advisory Council.
- (1) The System President shall be responsible for meeting coordination, including scheduling the meeting, developing the agenda based on recommendations from Council members, and ensuring appropriate staff are available to support the Council.
  - (2) Any member of the System Advisory Council may submit agenda items for consideration at meetings. If the time allotted for the meeting does not allow for addressing all submitted agenda items, the System Advisory Council shall review the list of pending agenda items and prioritize items for future meetings.

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

*Eff. [August 1, 2018](#)*

### **1A SBCCC 200.6 Delegation of Contractual Authority**

The State Board of Community Colleges hereby delegates to the System President the authority to execute any contract that meets the following criteria:

- (1) Contracts that expend less than \$250,000 and whose terms do not exceed one year;
- (2) Contract amendments that cumulatively increase the value of a contract by less than 10%; and
- (3) Any other contract if the SBCC has approved the purpose and amount.
- (4) The System Office shall provide at least biannually a report to the State Board listing any contracts executed by the President pursuant to this delegated authority.

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

*Eff. [September 1, 2019](#).*

## **SUBCHAPTER 300. COLLEGE SERVICE AREAS**

### **1A SBCCC 300.1 Definitions**

The following definitions apply to this Subchapter:

- (a) Service Area: The geographic area to which the State Board of Community Colleges has assigned community colleges the authority and responsibility to provide education and training services for constituents within that geographic area.
- (b) Home college: The community college located in the service area in which the military installation is based.

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

*Eff. [August 1, 2016](#).*

### **1A SBCCC 300.2 Establishing Service Areas for Colleges**

- (a) The State Board shall assign service areas to colleges for providing education and training services. The initial assignment of service areas to colleges shall take into account the past and present patterns of providing services, including existing agreements between colleges. The State Board may reassign a service area upon the recommendation of the System President. The recommendation shall be based upon an analysis of the service areas involved, including consultation with the

presidents of the colleges and the county commissioners of the county(ies) that are affected.

- (b) A college may offer education and training in an area assigned to another college using criteria set forth in 1D SBCCC 300.6 and 1D SBCCC 400.96.
- (c) The State Board of Community Colleges shall review, at least every five years, service areas that include counties assigned to more than one community college to determine the feasibility of continuing to assign those counties to more than one community college. The State Board shall revise service areas as needed to ensure that counties are served effectively. The first review and any revisions shall be completed no later than March 1, 2016, and the State Board shall report its findings and any revisions to the Joint Legislative Education Oversight Committee no later than March 1, 2016. All subsequent reviews and revisions shall also be submitted to the Joint Legislative Education Oversight Committee.

*History Note: Authority G.S. 115D-5; S.L. 2015-167, § 2.5, eff. July 23, 2015;*

*Eff. March 1, 1985;*

*Amended Eff. [August 1, 2016](#); August 1, 2004; September 1, 1993.*

### **1A SBCCC 300.3 Service Area Assignments**

- (a) The State Board of Community Colleges assigns college service areas as follows:
  - (1) Alamance Community College – Alamance County
  - (2) Asheville-Buncombe Technical Community College – Buncombe and Madison Counties
  - (3) Beaufort County Community College - Beaufort, Hyde, Tyrrell, and Washington Counties
  - (4) Bladen Community College – Bladen County
  - (5) Blue Ridge Community College – Henderson and Transylvania Counties
  - (6) Brunswick Community College – Brunswick County
  - (7) Caldwell Community College & Technical Institute – Caldwell and Watauga Counties
  - (8) Cape Fear Community College – New Hanover and Pender Counties

- (9) Carteret Community College – Carteret County
- (10) Catawba Valley Community College – Alexander and Catawba Counties
- (11) Central Carolina Community College – Chatham, Harnett, and Lee Counties
- (12) Central Piedmont Community College – Mecklenburg County
- (13) Cleveland Community College – Cleveland County
- (14) Coastal Carolina Community College – Onslow County
- (15) College of The Albemarle - Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans Counties
- (16) Craven Community College – Craven County
- (17) Davidson-Davie Community College – Davidson and Davie Counties
- (18) Durham Technical Community College – Durham and Orange Counties
- (19) Edgecombe Community College – Edgecombe County
- (20) Fayetteville Technical Community College – Cumberland County
- (21) Forsyth Technical Community College – Forsyth and Stokes Counties
- (22) Gaston College – Gaston and Lincoln Counties
- (23) Guilford Technical Community College – Guilford County
- (24) Halifax Community College – Halifax and Northampton (Townships of Gaston, Occoneechee, Pleasant Hill, and Seaboard) Counties
- (25) Haywood Community College – Haywood County
- (26) Isothermal Community College – Polk and Rutherford Counties
- (27) James Sprunt Community College – Duplin County
- (28) Johnston Community College – Johnston County
- (29) Lenoir Community College – Greene, Jones and Lenoir Counties
- (30) Martin Community College – Bertie (Townships of Indian Woods, Merry Hill, Windsor), and Martin Counties
- (31) Mayland Community College – Avery, Mitchell, and Yancey Counties
- (32) McDowell Community College – McDowell County
- (33) Mitchell Community College – Iredell County
- (34) Montgomery Community College – Montgomery County
- (35) Nash Community College – Nash County
- (36) Pamlico Community College – Pamlico County

- (37) Piedmont Community College – Caswell and Person Counties
- (38) Pitt Community College – Pitt County
- (39) Randolph Community College – Randolph County
- (40) Richmond Community College – Richmond and Scotland Counties
- (41) Roanoke-Chowan Community College – Bertie (Townships of Colerain, Mitchells, Roxobel, Snakebite, Whites, Windsor [continuing education courses only] and Woodville), Hertford, and Northampton (Townships of Jackson, Kirby, Rich Square, Roanoke, and Wiccacanee) Counties
- (42) Robeson Community College – Robeson County
- (43) Rockingham Community College – Rockingham County
- (44) Rowan-Cabarrus – Cabarrus and Rowan Counties
- (45) Sampson Community College – Sampson County
- (46) Sandhills Community College – Hoke and Moore Counties
- (47) South Piedmont Community College – Anson and Union Counties
- (48) Southeastern Community College – Columbus County
- (49) Southwestern Community College – Jackson, Macon, and Swain Counties
- (50) Stanly Community College – Stanly County
- (51) Surry Community College – Surry and Yadkin Counties
- (52) Tri-County Community College – Cherokee, Clay, and Graham Counties
- (53) Vance-Granville Community College – Franklin, Granville, Vance, and Warren Counties
- (54) Wake Technical Community College – Wake County
- (55) Wayne Community College – Wayne County
- (56) Western Piedmont Community College – Burke County
- (57) Wilkes Community College – Alleghany, Ashe, and Wilkes Counties
- (58) Wilson Community College – Wilson County

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

*Eff. [August 1, 2016](#).*

*Amended Eff. [April 1, 2021](#);*

#### **1A SBCCC 300.4 Establishing Military Service Areas**

Educational programs offered by community colleges on all military installations will be conducted by the home college. The home college by written agreement may contract with another college within the community college system to provide any additional educational services which may be required by the military installation located in the home college's area. When contracting with other colleges to provide additional educational services to military installations, home colleges shall give priority colleges adjacent to the military installation to be served.

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

*Eff. September 30, 1977;*

*Amended Eff. [August 1, 2016](#); September 1, 1993.*

#### **1A SBCCC 300.98 Establishing Military Service Areas**

RECODIFIED at 1A SBCCC 300.4.

#### **1A SBCCC 300.99 Instructional Service Agreements**

REPEALED by the State Board of Community Colleges, eff. 1 November 2014.

*History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L.*

*1995, c. 625;*

*Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Eff. May 1, 1995;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. August 1, 2004; July 1, 1998;*

*Repealed Eff. [November 1, 2014](#).*

#### **SUBCHAPTER 400.**

#### **APPEAL PROCESS FOR AWARD OF THE NORTH CAROLINA TITLE II ADULT EDUCATION AND FAMILY LITERACY ACT FISCAL YEARS 2018 – 2021 COMPETITIVE GRANTS**

### **1A SBCCC 400.1      Applicability**

This Subchapter applies solely to grants or contracts awarded by the State Board of Community Colleges for the North Carolina Title II Adult Education and Family Literacy Act Fiscal Years 2018 – 2021 Competitive Grants (Title II Grants). This rule shall also only apply to offerors that submitted a request for proposal (RFP) within the time period designated in the RFP and that was consistent with the RFP requirements but was not awarded a grant or contract by the State Board of Community Colleges.

*History Note: Authority G.S. 115D-5; 29 U.S.C. §§ 3302, 3305, 3321, and 3322;  
Temporary Adoption Eff. [June 20, 2018](#).*

### **1A SBCCC 400.2      Standards for appeal**

The sole grounds for appeal shall be:

- (1) Failure to follow the evaluation or award process;
- (2) Unlawful discrimination; or
- (3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

*History Note: Authority G.S. 115D-5;  
Temporary Adoption Eff. [June 20, 2018](#).*

### **1A SBCCC 400.3      Evaluation of appeal**

- (a) The appealing party shall submit a written appeal identifying one of the bases in 1A SBCCC 400.2 to the NCCCS Director of Adult Education, College and Career Readiness Section, North Carolina Community College System, via email or via USPS mail at 5016 Mail Service Center, Raleigh, NC 27699-5016. The appealing party's written appeal must be received within 30 calendar days from the date of the award.
- (b) The NCCCS College and Career Readiness Section, shall provide a written response to the appealing party within 10 business days of the expiration date for receipt of the appeal. If the appealing party is not satisfied with the NCCCS College and Career

Readiness Section's written response, the appealing party shall have five (5) business days from receipt of the NCCCS College and Career Readiness Section's response to request an informal hearing on the appeal.

- (c) The appealing party shall submit the request for an informal hearing to the NCCCS Senior Vice President, Chief Academic Officer with a copy to the NCCCS Director of Adult Education, College and Career Readiness Section. If the NCCCS Senior Vice President, Chief Academic Officer does not receive the request for informal hearing within five (5) business days from the appealing party's receipt of the NCCCS College and Career Readiness Section's response, the NCCCS College and Career Readiness Section's response shall become the SBCC's final agency decision.

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

*Temporary Adoption Eff. [June 20, 2018](#).*

#### **1A SBCCC 400.4      Review Panel**

- (a) Upon receipt of the request for informal hearing, the NCCCS Senior Vice President, Chief Academic Officer shall assemble a review panel. The review panel shall meet the following requirements:
- (1) Be comprised of three people;
  - (2) Be comprised of individuals who did not participate in the award evaluation or award decision; and
  - (3) Have professional expertise in either administering or developing educational workforce development programming that serve adults with barriers to employment and is required to meet performance outcomes.
- (b) The NCCCS Senior Vice President, Chief Academic Officer shall designate one of the members of the review panel to serve as Chair of the review panel. The Chair of the review panel shall preside over the informal hearing.
- (c) The purpose of the review panel is to conduct an informal hearing to review appeals brought pursuant to 1A SBCCC 400.1 and provide a recommendation to the SBCC.

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

**1A SBCCC 400.5 Informal Hearing Process**

- (a) The NCCCS Senior Vice President, Chief Academic Officer shall calendar the informal hearing no longer than 30 calendar days and no sooner than 15 calendar days after the expiration date for receipt of the request for informal hearing. The NCCCS Senior Vice President, Chief Academic Officer shall provide the notice of informal hearing with the date, time, location, and list of members of the review panel to the parties at least seven (7) business days prior to the informal hearing.
- (b) Parties may participate in the informal hearing via telephonic or other electronic means. If any party is going to participate via telephonic or other electronic means, the party must provide written notification to the NCCCS Senior Vice President, Chief Academic Officer within two (2) business days of receipt of the notice of informal hearing date.
- (c) At the informal hearing, the party appearing on behalf of the NCCCS College and Career Readiness Section shall be the Director of Adult Education or the Director of Adult Education's designee; and the party appearing on behalf of the appealing party shall be an authorized official. Attorneys may serve in an advisory capacity to any party during the informal hearing, but attorneys may not speak on behalf of either party at the informal hearing unless the attorney is an official of the NCCCS College and Career Readiness Section or an official of the appealing party and not engaged in an attorney-client relationship with either party.
- (d) No later than seven (7) business days prior to the informal hearing, the NCCCS College and Career Readiness Section shall provide one electronic copy each of the RFP, the appealing party's response to the RFP, the award decision, the appealing party's written appeal, and the College and Career Readiness Section's appeal response to the review panel.
- (e) No later than three (3) business days prior to the informal hearing, both parties shall do the following electronically.

- (1) Exchange a written list of witnesses or presenters each party intends to use at the informal hearing along with a brief summary of each witnesses' testimony or each presenter's statement;
  - (2) Submit the witness or presenter list to the review panel; and
  - (3) Submit any additional written documentation to the review panel and a copy of such additional information to the opposing party for consideration only if such additional information is directly related to the standard of review for the informal hearing.
- (f) The review panel shall conduct the informal hearing as follows.
- (1) The review panel shall adhere to the following standard of review:
    - (A) Whether the appealing party has provided sufficient evidence to establish that the College and Career Services Section failed to follow the evaluation or award process;
    - (B) Whether the appealing party has provided sufficient evidence to establish that the College and Career Services Section's decision was based on unlawful discrimination; or
    - (C) Whether the appealing party has provided sufficient evidence to establish that the College and Career Services Section was biased against the appealing party in the award decision.
  - (2) The review panel shall not recommend upholding the appeal only because the review panel disagrees with the award decision. The only bases upon which the review panel has the authority to recommend upholding the appeal is if the appealing party has established the factors specified in 1A SBCCC 400.5(f)(A) – (C).
  - (3) The total length of the informal hearing shall be no longer than one (1) hour. Each party shall have a maximum of 20 minutes to present evidence in their case in chief. The appealing party shall present their case first. At the conclusion of each party's case, each party may provide rebuttal evidence for no more than five (5) minutes. The review panel shall have the authority to ask any clarifying questions of any party for the remaining ten (10) minutes of the informal hearing. Any party

responding to a review panel member's question when the one hour time period has concluded shall have the right to complete their response to the question.

- (4) The legal rules of evidence shall not be enforced, but the review panel has the discretion to direct the testimony or presentations so that the parties address only those issues that are relevant to the standard of review consistent with 1A SBCCC 400.5(f)(1)(A) – (C).
- (5) Parties have the discretion to call their own witness and question the witness during their own presentation of evidence. Alternatively, parties have the discretion to present evidence in a narrative form.
- (6) If either party believes that the review panel should not give credence to evidence offered by the other party, that party may bring that to the review panel's attention during the presentation of their own case or during their rebuttal. The review panel shall consider those objections when weighing the evidence.
- (7) The review panel shall be responsible for ensuring that the informal hearing is recorded.
- (8) After the informal hearing, the review panel shall provide a written recommendation detailing the basis for the recommendation to the SBCC. In making a recommendation to the SBCC, the review panel shall only consider the RFP, the appealing party's response to the RFP, the award decision, the appealing party's written appeal, the College and Career Services Section's response to the written appeal, and evidence provided at the informal hearing.

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

*Temporary Adoption Eff. [June 20, 2018](#).*

#### **1A SBCCC 400.6 SBCC Final Agency Decision**

After the informal hearing in 1A SBCCC 400.5, the review panel shall make a final recommendation to the SBCC for the SBCC's consideration at the next regularly scheduled or special called SBCC meeting that occurs at least 10 business days after the informal hearing. The review panel's recommendation to the SBCC shall specify whether the appealing party's appeal should be upheld or denied based upon the standard of

review in 1A SBCCC 400.5(f)(1)(A) – (C). The SBCC’s evaluation of the review panel’s recommendation shall be limited to the standard of review specified in 1A SBCCC 400.5(f)(1)(A) – (C). The SBCC’s decision is the final agency decision.

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

*Temporary Adoption Eff. [June 20, 2018](#).*