



## NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

*Peter Hans, President*

19 November 2019

### MEMORANDUM

**TO:** Members of the State Board of Community Colleges  
Community College Presidents  
Boards of Trustees Chairs  
Community College Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Distance Learning, Chief Financial Officers, Continuing Education Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties

**FROM:** Jonathan R. Harris, *NCCCS General Counsel*

**RE:** **Proposed Amendment of 1C SBCCC 300.1 – Presidential Selection Process**

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend **1C SBCCC 300.1 – Presidential Selection Process**. The proposed amendment would prevent colleges from publicly communicating or publicly confirming or denying the name of the final presidential candidate submitted to the SBCC until the SBCC votes to approve the final candidate.

**The proposed amendment is published on the NC Community College System's website, [www.nccommunitycolleges.edu/sbcccode](http://www.nccommunitycolleges.edu/sbcccode).** For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language. Please post a copy of the proposed rule in prominent places so that all individuals affected by the proposed changes will be informed.

Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits a public comment on behalf of their community college should comply with their college’s local process for submitting comments on a proposed rule. **Written comments on the rule must be received by no later than 5:00 p.m. on 19 December 2019.** Any member of the public has the right to request a hearing on the proposed rules. **Requests for a hearing must be received by no later than 5:00 p.m. on 4 December 2019.** Written comments and requests for hearing shall be directed to the following address: Jonathan Harris, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by **email to**

**publiccomments@nccommunitycolleges.edu.** Thank you for your attention to this matter.

**CC19-068  
E-mail Copy**

Attachments



# State Board of Community Colleges Code

## Notice of Proposed Rulemaking Form

Date: 19 November 2019

<b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b>	Amend 1C SBCCC 300.1 - "Presidential Selection Process"
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Specify whether the SBCC proposes to adopt amend, or repeal a rule:

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Rationale for proposed adoption, amendment or repeal:</b>	The proposed amendment would prevent colleges from publicly communicating or publicly confirming or denying the name of the final candidate submitted to the SBCC until the SBCC votes to approve the final candidate.
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<b>Proposed Effective Date of Rule</b>	February 1, 2020
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1                                   **State Board of Community Colleges Code**  
2                                   **TITLE 1 - COMMUNITY COLLEGES**

3  
4                                   **CHAPTER C. PERSONNEL**

5  
6                                   **SUBCHAPTER 300. EMPLOYMENT/HIRING PRACTICES**

7  
8   **1C SBCCC 300.1 PRESIDENTIAL SELECTION PROCESS**

- 9       (a) Once a college presidential vacancy occurs or is anticipated, the board of trustees  
10       shall notify the System President and invite the System President or the System  
11       President's designee to meet with the board of trustees to discuss legal  
12       requirements and other procedural matters while also providing technical assistance  
13       to the board of trustees as needed.
- 14       (b) In the selection of the college president, the board of trustees shall, at minimum,  
15       consider general input from college and community stakeholders on the desired  
16       attributes of a college president and evaluate more than one candidate for the  
17       position. The State Board may waive this requirement at the request of the board of  
18       trustees if the State Board determines it is in the college's interest to do so.
- 19       (c) The board of trustees shall submit at least one candidate to the System President  
20       for review at least ten business days prior to the next regularly scheduled SBCC  
21       Personnel Committee meeting or at least ten business days prior to a special called  
22       SBCC Personnel Committee meeting.
- 23       (d) While completing the review process, the System President or the System  
24       President's designee shall confirm that the board of trustees completed a  
25       background check to include the following:
- 26       (1) Social security number verification,  
27       (2) Criminal history check,  
28       (3) Civil litigation history check,  
29       (4) Education verification,  
30       (5) Employment verification, and  
31       (6) Personal credit history check.

- 1 (e) Upon completion of the review process, the System President shall present the  
2 name(s) of candidate(s) to the Personnel Committee of the SBCC for consideration  
3 and assessment.
- 4 (f) Following consideration and assessment of the candidate(s), the Personnel  
5 Committee of the SBCC or the SBCC shall authorize the System President to  
6 communicate the Personnel Committee's or the SBCC's assessment to the board of  
7 trustees.
- 8 (g) The board of trustees shall proceed with the final election process and submit the board  
9 of trustees' final election to the SBCC for approval. The board of trustees shall submit  
10 the board's recommendation in writing to the System President at least five business  
11 days prior to the next meeting of the SBCC.
- 12 (h) The SBCC shall act upon the board of trustees' election at the SBCC's regularly  
13 scheduled meeting following receipt of the local board's election unless delayed for  
14 cause as determined by the SBCC.
- 15 (i) The System Office shall convey in writing to the chairman of the board of trustees the  
16 SBCC's action on the board of trustees' election. The action of the SBCC is final.
- 17 (j) Until the SBCC votes to approve the final candidate and communicates its approval  
18 to a college, no college shall publicly communicate or publicly confirm or deny the  
19 name of the final candidate submitted to the SBCC for approval.
- 20 (j) (k) No college shall execute a contract prior to SBCC action to approve the local board's  
21 presidential election without a provision specifying that the effective date of the  
22 contract is subject to the SBCC's approval of the presidential election.

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24 *History Note: Authority G.S. 115D-5 and 115D-20*

25 *Eff. [October 1, 2018](#).*

26 *Amended Eff. \_\_\_\_\_*