

1 § 115D-19. Removal of trustees

2 (a) Should the State Board of Community Colleges have sufficient evidence that any
3 member of the board of trustees of an institution is not capable of discharging, or is not
4 discharging, the duties of his office as required by law or lawful regulation, or is guilty of
5 immoral or disreputable conduct, the State Board shall notify the chairman of such
6 board of trustees, unless the chairman is the offending member, in which case the other
7 members of the board shall be notified. Upon receipt of such notice there shall be a
8 meeting of the board of trustees for the purpose of investigating the charges, at that
9 meeting a representative of the State Board of Community Colleges may appear to
10 present evidence of the charges. The allegedly offending member shall be given proper
11 and adequate notice of the meeting and the findings of the other members of the board
12 shall be recorded, along with the action taken, in the minutes of the board of trustees. If
13 the charges are, by an affirmative vote of two-thirds of the members of the board, found
14 to be true, the board of trustees shall declare the office of the offending member to be
15 vacant.

16 Nothing in this section shall be construed to limit the authority of a board of trustees to
17 hold a hearing as provided herein upon evidence known or presented to it.

18 (b) A board of trustees may declare vacant the office of a member who does not attend
19 three consecutive, scheduled meetings without justifiable excuse. A board of trustees
20 may also declare vacant the office of a member who, without justifiable excuse, does
21 not participate within six months of appointment in a trustee orientation and education
22 session sponsored by the North Carolina Association of Community College Trustees.
23 The board of trustees shall notify the appropriate appointing authority of any vacancy.

24 (c) The State Board of Community Colleges is responsible for assuring that boards of
25 trustees comply with State laws, regulations, and sound fiscal and management
26 practices. When a board of trustees willfully or through gross negligence fails or refuses
27 to comply with these laws, regulations, and sound fiscal and management practices, the
28 State Board of Community Colleges may issue a written notice to the board of trustees
29 and direct it to take remedial action.

30 (d) If a board of trustees, after written notice, persists in willfully or through gross
31 negligence fails or refuses to comply with any laws regulations, or sound fiscal and
32 management practices, the State Board of Community Colleges may, after consultation
33 with the local board's appointing authorities, representatives of the North Carolina
34 Association of Community College Presidents and of the North Carolina Association of
35 Community College Trustees, by resolution approved by at least two-thirds of the State
36 Board of Community College members voting, vacate the terms of the local board of
37 trustees. ~~assume the duties of the board of trustees and may appoint an administrator to~~
38 ~~exercise the powers assumed. The adoption of a resolution shall have the effect of~~
39 ~~divesting the board of trustees of its powers conferred upon the board of trustees by~~
40 law. To preserve local autonomy, the State Board of Community Colleges shall appoint

1 an interim five-member board of trustees for a period not to exceed 12 months. At the
2 conclusion of the interim board's period of service, the respective appointing authorities
3 shall appoint individuals to the board of trustees as provided by G.S. 115D-12 to serve
4 out any unexpired, vacated terms and any new terms as applicable. This authority is an
5 extraordinary remedy and should only be utilized in the most extreme circumstances.
6 The State Board of Community Colleges shall adopt policies to implement this section.

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