

# FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE MINUTES OF BOARD OF TRUSTEES

## August 17, 2009

Held in the Board Room of the Tony Rand Student Center at 12:45 p.m.

### Members Attending

Mr. Charles J. Harrell, Mr. J. Gary Ciccone, Mrs. Esther R. Thompson, Dr. Mike W. Choe, Ms. Lula G. Crenshaw, Mr. Ronald Crosby, Dr. Dallas M. Freeman, Mr. Charles E. Koonce, Mrs. Sheryl J. Lewis, Mr. David McCune, Mr. William S. Wellons, Jr., and Student Government President James Tolson.

### FTCC Personnel Present

President J. Larry Keen, Vice President for Academic and Student Services Barbara Tansey, Vice President for Business and Finance Betty Smith, Vice President for Legal Services and Risk Management David Sullivan, Vice President for Administrative Services Joe Levister, Vice President for Learning Technologies Bob Ervin, Vice President for Human Resources Audrey Berry, Vice President for Institutional Advancement Brent Michaels, and Administrative Assistant to the President Betty Shackelford.

### Members Absent

Mrs. Susie S. Pugh

### Call to Order

The meeting was called to order by Board Chair Charles J. Harrell.

### Ethics Awareness and Conflict of Interest Statement

Mr. Harrell read the Ethics Awareness and Conflict of Interest Reminder. No conflicts of interest were identified.

### Recognition of Guests

Mr. Harrell recognized Senator Tony Rand and SGA President James Tolson and welcomed them to the meeting.

### June 15, 2009 Meeting

On a motion by Mrs. Crenshaw and seconded by Mr. Koonce, the minutes of the June 15, 2009 meeting were unanimously approved.

### Swearing In Ceremony

Mr. Ronald Crosby and Mrs. Sheryl Lewis were sworn-in by Senate Majority Leader Tony Rand. Mr. Crosby has been appointed by the Cumberland County Board of Education to fill the unexpired term of Mr. Robert Barnes. The term for Mr. Crosby will expire June 30, 2011. Mrs. Sheryl Lewis has been reappointed by the Cumberland County Board of Commissioners to a four-year term to expire June 30, 2013.

## COMMITTEE REPORTS

### Finance Committee

The Finance Committee met at 10:30 a.m. prior to this meeting. Mr. J. Gary Ciccone presented the report to the Board.

**Approval of County Budget Revision.** The County allows the College to submit one budget revision at the end of the fiscal year. Budget Revision C09-1 reflects necessary budget adjustments for year-end.

On the recommendation of the Finance Committee, Mr. Ciccone moved to approve County Budget Revision C09-1. The motion was unanimously approved by the Board.

**Approval of State Budget Revisions.** State Budget Revision S09-35 reallocates Longevity funds from areas of excess to areas of need for necessary year-end budget revisions. State Budget Revision S09-36 moves budget allocated for Disadvantaged Nursing to appropriate purpose code from Associate Degree Nursing to Practical Nursing. State Budget Revision S09-37 moves excess funds in equipment to supplies for the Military Business Center for end-of-year budget revisions.

On the recommendation of the Finance Committee, Mr. Ciccone moved to approve State Budget Revisions S09-35, S09-36 and S09-37. The motion was unanimously approved by the Board.

**Approval of the Miscellaneous Current General Funds Budget.** The Miscellaneous Current General Funds Budget of \$103,648 provides for payments of appropriate expenditures as approved by the President. Revenues to fund this budget include interest income, bookstore funds, and vending commissions.

On the recommendation of the Finance Committee, Mr. Ciccone moved to approve the 2009-2010 Miscellaneous Current General Funds Budget in the amount of \$103,648. The motion was unanimously approved by the Board.

**Approval of Student Services Budget.** On the recommendation of the Finance Committee, Mr. Ciccone moved to approve the 2009-2010 Student Services Budget in the amount of \$252,833. The motion was unanimously approved by the Board.

**Approval of College President's Travel.** On the recommendation of the Finance Committee, Mr. Ciccone moved that a blanket approval be granted for FTCC's President to travel as he deems appropriate for fiscal year 2009-2010. The Vice President for Business and Finance will approve the President's travel reimbursement for compliance with reimbursement guidelines. The motion was unanimously approved by the Board.

**Approval of Revised NCCCS Form 3-1 for Western Property.** The NCCCS Form 3-1 for the western property has been revised to include \$7100 that was not used for the Facilities Master plan.

On the recommendation of the Finance Committee, Mr. Ciccone moved to approve the revised NCCCS Form 3-1 for the western property. The motion was unanimously approved by the Board.

**Approval of Revision to the Administrative Procedures Manual I-19.3.1 Travel Policy Maximum Reimbursement.** On the recommendation of the Finance Committee, Mr. Ciccone moved to approve the following changes to the Administrative Procedures Manual I-19.3.1 Travel Policy Maximum Reimbursement. Effective September 1, 2009, the maximum reimbursement from state funds for the In-State breakfast meal will increase from \$7.50 to **\$7.75**, lunch meal will increase from \$9.75 to **\$10.10**, dinner meal will increase from \$16.75 to **\$17.30**, and the lodging will increase from \$63.75 to **\$65.90**. The Out-of-State breakfast meal will increase from \$7.50 to **\$7.75**, lunch meal will increase from \$9.75 to **\$10.10**, dinner meal will increase from \$19.00 to **\$19.65**, and the lodging will increase from \$75.50 to **\$78.05**. A copy of the policy becomes a permanent part of the minutes of this meeting. See Attachment A.

The motion was unanimously approved by the Board.

**Cumberland County Adopted Funding for 2009-2010.** Mr. Ciccone reported that the Board of County Commissioners approved \$8,573,663 for the Current Appropriations Budget for fiscal year 2009-2010. This is a 3.5% (\$289,770) increase over the 2008-2009 approved budget.

#### **Building and Grounds Committee**

The Building and Grounds Committee met at 10:50 a.m. prior to this meeting. Mr. William S. Wellons presented the report to the Board.

(1462)

**Approval of Easement for Storm Water Collection and Retention System (Phase II).** The City of Fayetteville requested the easement to reduce storm water run-off on campus and the surrounding neighborhood.

The Board approved the easement for construction of Phase I of a water retention system behind Cumberland Hall at the June 15, 2009 Board meeting. Phase I was completed on August 15. (The easement for Phase I could be terminated after 25 years.)

The projected start date for construction for Phase II is October 2009. It will take approximately 60 calendar days to complete. Based on federal funding source guidance, the easement for Phase II will be required for 50 years. Approximate dimensions for this easement are 193' x 197' with construction costs projected to be \$557,000. Design of this project will incorporate capabilities to utilize storm water for campus irrigation.

On the recommendation of the Building and Grounds Committee, Mr. Wellons moved to approve Phase II of the water retention system. The motion was unanimously approved by the Board.

**Approval of Lease of Office Space to BRAC.** The College signed an agreement with BRAC (Base Realignment and Closure Regional Task Force) to establish the Center for Workforce Innovation. The agreement requires FTCC to provide office space for one BRAC employee to manage day-to-day operations for the Center for Workforce Innovation. The office space is located in the Virtual College Center. The office space is temporarily unnecessary for the college's own use and necessary for lease to BRAC to strengthen the relationship between BRAC, FTCC, and the Center for Workforce Development.

On the recommendation of the Building and Grounds Committee, Mr. Wellons moved to approve the lease of office space to BRAC. The motion was unanimously approved by the Board.

**Mr. Wellons moved to go into closed session pursuant to NC General Statute 143-318.11 (a)(3) to discuss with the Board Attorney a potential cause of action involving the College and several real estate issues. The motion was seconded by Mr. Koonce and unanimously approved by the Board.**

#### **CLOSED SESSION**

**Approval to Initiate Condemnation Procedures for Major Appliance Center Right of Way Easement.** The Board did not consider this matter during Open Session.

**Approval to Authorize the Building and Grounds Committee to Act on Behalf of the Board for the Major Appliance Center Right of Way Easement Purchase and Authorization to get Appraisal.** The Board did not consider this matter during Open Session.

**Discussion of Western Campus.** The Board did not consider this matter during Open Session.

#### **OPEN SESSION**

##### **Curriculum Committee**

The Curriculum Committee met at 11:35 a.m. prior to this meeting. In the absence of Mrs. Susie Pugh, Chairwoman, Dr. Dallas Freeman presented the report to the Board.

**Acceptance of Accountability Plan for Period January 1, 2009 – May 15, 2009 for the Continuing Education Division.** The College is required by the NC Administrative Code to have an internal audit plan for the Continuing Education Division. The plan includes class visitations by Continuing Education staff each term. According to FTCC's (1461)

guidelines, 50% of off-campus and 25% of on-campus classes are visited for verification. Short courses (12 hours or less) are visited on a random basis. The Associate Vice President is required to conduct at least 10% of unannounced visits. All of the 717 classes visited were in compliance.

On the recommendation of the Curriculum Committee, Dr. Freeman moved to accept the Continuing Education Accountability Plan for the period January 1, 2009 – May 15, 2009. The motion was unanimously approved by the Board.

**Approval of College Tech Prep Articulation Agreement Between Cumberland County Schools and Fayetteville Technical Community College.** The College's goal is for students to make a seamless transition of identified courses from secondary to postsecondary education. The agreement will build on existing College Tech Prep Courses of Study. Eleven FTCC Programs may receive students with College Tech Prep Courses. The agreement was last approved in August 2005.

On the recommendation of the Curriculum Committee, Dr. Freeman moved to approve the College Tech Prep Articulation Agreement between Cumberland County Schools and Fayetteville Technical Community College. The motion was unanimously approved by the Board.

**Report on the 2007-2008 Critical Success Factors.** Dr. Tansey reported that FTCC met seven of the eight performance standards. FTCC did not meet the performance standard for passing rates in developmental courses. The standard requires a 75% passing rate and FTCC achieved a 66% passing rate. The College has set procedures in place to correct the situation.

#### **Human Resources Committee**

The Human Resources Committee met at 11:45 a.m. prior to this meeting. Ms. Lula G. Crenshaw, Chairwoman, presented the report to the Board.

**Approval of Revision to Administrative Procedures Manual I-10 Leave Policy.** The revision addresses (1) who earns leave and (2) leave for a teaching employee who leaves an instructional position and immediately begins working in a non-instructional position with FTCC.

On the recommendation of the Human Resources Committee, Ms. Crenshaw moved to approve the revision to the Administrative Procedures Manual I-10 Leave Policy as presented. The motion was unanimously approved by the Board. A copy of the Revised Leave Policy becomes a permanent part of the minutes of this meeting. See Attachment B.

**Approval of Revision to Administrative Procedures Manual I-13.1 Employment Contracts.** The revision addresses the number of administrative leave days faculty are granted and when faculty can take the leave. Administrative leave shall be used on dates indicated on the College's official calendar.

On the recommendation of the Human Resources Committee, Ms. Crenshaw moved to approve the revisions to the Administrative Procedures Manual I-13.1 Employment Contracts as presented by Mr. Sullivan. The motion was unanimously approved by the Board. A copy of the Revised Employment Contracts becomes a permanent part of the minutes of this meeting. See Attachment C.

#### **Planning Committee**

The Planning Committee met at 11:55 a.m. prior to this meeting. Mr. Charles E. Koonce, Chairman, presented the report to the Board.

**Distribution and Approval of College Handbook and Manuals 2009-2010.** All policy changes approved by the Board this past year are included in the 2009-2010 College Handbook and Manuals.

On the recommendation of the Planning Committee, Mr. Koonce moved to approve the College Handbook and Manuals for 2009-2010. The motion was unanimously approved by the Board. CD's of the 2009-2010 Handbook and Manuals were available for Trustees.

(1460)

**Distribution of Draft of Strategic Plan for 2009-2014.** Mr. Koonce requested that Trustees review the Strategic Plan for 2009-2014 before the September Board meeting. Please contact Betty Shackelford by September 15, 2009 if you have any recommendations or changes.

**Approval of Naming Guidelines for College Facilities.** Trustees received a draft of the revised guidelines for review at the June 15, 2009 Board meeting. Mr. Sullivan reviewed the revisions at the Planning Committee meeting prior to this meeting.

On the recommendation of the Planning Committee, Mr. Koonce moved to approve the revised Naming Guidelines for College Facilities. The motion was unanimously approved by the Board. A copy of the Naming Guidelines becomes a permanent part of the minutes of this meeting. See Attachment D.

#### **Special Trustees' Business**

**NCACCT 2009 Leadership Seminar – September 9 – 11, 2009 has been CANCELLED.**

**40<sup>th</sup> Annual Association of Community College Trustees Leadership Congress – October 7 – 10, 2009, San Francisco, California.**

**NC Community College State Board Meeting – October 14 – 16, 2009 at FTCC.**

**Resignation of FTCC Board Member Robert T. Barnes, Jr. (Appointed by Cumberland County Board of Education).**

**Election of Officers for 2009 – 2010.** Dr. Keen opened the floor for nominations for Board Chair for the 2009-2010 year. Mr. Wellons nominated Mr. Charles Harrell as Chairman. The motion was seconded by Mr. Koonce. No further nominations were presented. Mr. Koonce moved that the nominations be closed and Mr. Charles Harrell be declared Board Chairman. The motion was seconded by Mrs. Lewis and unanimously approved by the Board.

Mr. Harrell opened the floor for nominations for the office of Vice Chairman. Mr. Koonce nominated Mr. Gary Ciccone as Vice Chairman. The motion was seconded by Mr. Wellons. No further nominations were presented. Mr. Wellons moved that the nominations be closed and Mr. Gary Ciccone be declared Vice Chairman. The motion was seconded by Mr. Koonce and unanimously approved by the Board.

Mr. Harrell opened the floor for nominations for the office of Secretary. Mrs. Lewis nominated Mrs. Esther Thompson as Secretary. The motion was seconded by Mr. Wellons. No further nominations were presented. Mr. Wellons moved that the nominations be closed and Mrs. Esther Thompson be declared Secretary. The motion was seconded by Mr. Koonce and unanimously approved by the Board.

#### **OFFICERS FOR 2009-2010.**

Mr. Charles J. Harrell, Board Chairman

Mr. J. Gary Ciccone, Vice Chairman

Mrs. Esther R. Thompson, Secretary.

#### **President's Report**

**Next Board Meeting – Monday, September 21, 2009.**

(1459)

**See Written Report.** Dr. Keen referred to the President's Report dated August 17, 2009. A copy of the report was included in each of the Trustees notebook.

**Department of Education Audit.** Dr. Keen reported that auditors from the Department of Education would be on campus on August 31, 2009. The audit is for 2007-2008 and 2008-2009.

**Focus**

**2008-2009 State of the College Video.** Trustees reviewed a copy of the State of the College Video for 2008-2009.

**Adjournment.** The meeting was adjourned at 2:10 p.m.

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Mr. Charles J. Harrell, Board Chair

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Mrs. Esther R. Thompson, Secretary

**I-19.3.1 Maximum Reimbursement**

Maximum reimbursement from state funds for daily subsistence is indicated below.

	<b>In-State Travel</b>	<b>Out-of-State Travel</b>
<b>Meals</b>	<b>State</b>	<b>State</b>
<b>Breakfast</b>	7.75	7.75
<b>Lunch</b>	10.10	10.10
<b>Dinner</b>	<u>17.30</u>	<u>19.65</u>
<b>Total Daily Meals</b>	35.15	37.50
<b>Lodging (actual, up to)</b>	<u>65.90</u> plus tax	<u>78.05</u> plus tax
<b>DAILY TOTAL</b>	<u>\$101.05</u>	<u>\$115.55</u>

Excess lodging expenses, both in-state and out-of-state, will be paid from state funds only. Authorization for excess lodging expenses must be received in advance from the President or his designee. The "Request for Travel" form is used for this purpose.

**I-10 LEAVE POLICY**

Non-temporary individuals employed for at least 30 hours per week for a minimum of *nine months on a continuous basis are eligible for State Retirement and Health Benefit Plans.*

**I-10.1 Vacation and/or Sick Leave - General Provisions**

Absences from work during scheduled working hours shall be charged to the appropriate leave account of the employee. Administration of the leave program within the scope of established policy shall be the responsibility of the institution's President.

**I-10.1.1 Who Earns Leave**

Employees, except temporary employees, earn leave as provided for below. Each employee eligible to earn leave shall earn leave only if he works or is on paid leave one-half or more of the scheduled work days in a month. For non-temporary employees working less than full-time (but at least 30 hours) leave is earned on a pro-rata basis. The leave shall be computed as a percentage of the total amount earned by a full-time employee.

**I-10.5 Vacation Leave Policy**

**I-10.5.1 Specific Provisions**

Vacation leave is annual leave covering time away from work. The term vacation leave is intended to reinforce the primary philosophy of vacation time and also to reflect a secondary purpose: paid leave for personal time away from work. Vacation leave may be taken in units of 15 minutes.

The President is authorized to grant teaching employees administrative leaves of absence, in lieu of vacation leave, in accordance with the terms of their individual contracts, the regular school calendar, and at such other times as their presence for instructional duties is not required. If a teaching employee leaves an instructional position with FTCC and immediately begins working in a non-instructional position with FTCC, the College shall permit a limited amount of

administrative leave to be converted into vacation leave. The amount of administrative leave which can be converted shall be the lesser of:

- (1) the total number of vacation hours the employee is eligible to earn, as provided in I-1.5.2, during the employee's next twelve months of service; or,
- (2) a pro rata share, rounded up to the nearest whole day, of any unused administrative leave the employee would have been eligible to use at the end of the last semester indicated in the employee's then current instructional contract. If the employee's instructional contract is an Annual Contract "I", the pro rata share shall be calculated based upon the summer semester being deemed to be one-fifth of the academic year.

### **I-10.5.8 Separation - Payment of Vacation Leave**

An employee shall be paid in a lump sum for accumulated leave not to exceed a maximum of 240 hours when he/she is separated from institutional service due to RESIGNATION, DISMISSAL, REDUCTION IN FORCE, DEATH, SERVICE RETIREMENT, LEAVE WITHOUT PAY FOR MILITARY PURPOSES. Should an employee be separated before he/she has earned all of the vacation leave taken, it will be necessary to make deductions from his/her final salary check for overdrawn leave on a day-for-day basis. Payment for vacation leave may be made on the regular payroll or on a supplemental payroll. A separate check must be issued for any travel due.

An employee who resigns from a non-instructional position and immediately accepts employment under a Contract I, Contract II, or Contract III with FTCC shall be paid a lump sum for accumulated leave, not to exceed a maximum of 240 hours, with any remaining leave being converted into sick leave, or said employee shall be permitted to convert all accumulated leave into sick leave.

Payment of vacation leave will be based on the number of hours of accumulated leave multiplied by the hourly pay rate of the employee. No check will be issued for any leave less than one hour.

During the period of terminal leave, an employee ceases to earn leave and ceases to be entitled to take leave.

Retirement deduction shall be made from all terminal leave payments. Receipt of lump sum leave payment and retirement benefits shall not be considered as dual compensation. In the case of a deceased employee, payment for unpaid salary, terminal leave and travel must be made payable to the estate of the deceased employee.

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## **ADMINISTRATIVE PROCEDURES MANUAL**

## **ATTACHMENT C**

### **I-13.1 *Employment Contracts***

#### **I-13.1.1 Appointment of Faculty**

Recommendations are made to the President by the Vice President for Academic and Student Services. The term of employment is governed by the type of contract specified. No employment contract of the College extends beyond one year. While the College hopes that it can offer employment contracts at the beginning of each fall semester to those employees under contract during the preceding Spring Semester, no employee shall have an expectation of continued employment beyond the date(s) stated in the employment contract. As governed by



General Statutes, the Community College System does not have a faculty tenure system.

Period of Contract:

**I-13.1.1.1 Annual Contract "I"**

Such agreement shall serve as the employment contract of any employee, who with approval of the President, is selected to work in an instructional capacity for twelve (12) months including fall, spring and summer semesters. Employees employed pursuant to an Annual Contract I shall not earn any vacation leave. In lieu of vacation leave the College grants four (4) weeks (twenty (20) work days) of administrative leave to employees who have been continuously employed since the first day of that academic year's fall semester and whose employment continues through the last day of the summer semester. The College may grant additional days of administrative leave as indicated on the College's official academic calendar. All administrative leave granted pursuant to this paragraph shall be used on the dates indicated on the College's official calendar and shall not accumulate.

**I-13.1.1.2 Annual Contract "II"**

Such agreement shall serve as the employment contract of any employee who, with approval of the President, is selected to work during the fall and spring semesters in an instructional capacity. Employees employed pursuant to an Annual Contract II shall not earn any vacation leave. In lieu of vacation leave, the College grants five (5) paid days of administrative leave to employees under such contract to employees who have been continuously employed since the first day of that academic year's fall semester and whose employment continues through the last day of the spring semester.

All administrative leave granted pursuant to this paragraph shall be used on the dates indicated on the College's official calendar and shall not accumulate. The College shall compensate any Contract II employee for any Administrative Leave earned if the Contract II employee is unable to take the Administrative Leave due to the employee's acceptance of work at the College during the Summer semester.

**I-13.1.1.3 Annual Contract "III"**

Such agreement shall include any employee who, with approval of the President, is selected to work for a period not exceeding twelve months. Such employment will consist of up to forty (40) hours of assigned work weekly. After completing one full year of employment, employees may be granted ten (10) days of paid administrative leave to be used within one year after their anniversary date. Leave scheduled must be approved by the Associate Vice President.

**I-24.8 Naming Guidelines for College Facilities**

The Board of Trustees of Fayetteville Technical Community College shall retain for itself the right to bestow the honor of naming any of its facilities after any organization or person(s), living or deceased. The Board of Trustees may name a facility upon its own motion or upon its receipt of a nomination from any member of the Board of Trustees, from any college employee, from any member of the FTCC Foundation Board, or from the Foundation Board itself. Nominations should be reserved for those individuals who have distinguished themselves through extraordinary service to the College or through substantial and generous donations to the College or the College's Foundation.

The Fayetteville Technical Community College Foundation Board may indicate to potential donors that naming of a facility in their honor will be recommended by the Foundation to the Board of Trustees in recognition of their gifts to the College, especially when their gifts make the construction of a facility or the furnishing of a facility possible. However, the Foundation shall make it clear to potential donors that the Board of Trustees retains for itself the right to name a facility.

Nominations for consideration should be submitted on a "Facility Naming Recommendation Form" (see I-28 Appendix: List of Forms) to the College President. The President will forward the Form to the Board Chairperson who may place the nomination on the Board's agenda for consideration. Prior to the Board's consideration of the nomination, the President may initiate a thorough review of the nominee's background and service to the College. A majority vote of the Board shall be required for final approval.

Upon the Board's decision to name a facility, the College shall coordinate the facility dedication ceremony and the facility shall bear the selected name in perpetuity unless the Board determines that extraordinary circumstances justify the renaming of the building. If a facility is to be renamed, the College shall make reasonable efforts to contact family of the individual(s) after whom the building was originally named to inform them of the decision.

Nominations made to the Board to honor a deceased person shall not be submitted until one year after the death of the nominated person. Facilities will not be named in honor of members of the Board of Trustees, Foundation, or employees of the College until at least one year after such relationship with the college is concluded.