Board of Trustees Bylaws

Revised June 16, 2015
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Preface

Legal Basis

The North Carolina General Assembly, in Chapter 115D of the General Statutes, charges the Board of Trustees of Durham Technical Community College with the responsibility of governing the college. The Board of Trustees functions pursuant to the laws and regulations of North Carolina and the United States and the policies and regulations of the State Board of Community Colleges. Copies of the policies and regulations of the State Board of Community Colleges are maintained in the college’s administrative offices at the Main Campus and in the college’s libraries located at the Main Campus, Orange County Campus, and Northern Durham Center.

Bylaws

The bylaws of the Board of Trustees guide the internal operation of the Board. The purpose of the bylaws is to enable the Board to discharge its responsibilities efficiently and effectively. The bylaws should not handicap the Board in governing the college. Orderly changes in the bylaws to enhance the operation of the Board should be made after careful study and deliberation. Nothing in these bylaws should be construed as a violation or contradiction of the North Carolina General Statutes.

Policies

The policies of the Board of Trustees express the Board’s intentions with regard to the college’s operation. The college functions within the framework of policies that the Board of Trustees establishes and publishes in the college’s Employee Handbook/Policies and Procedures Manual. Following the Board’s due consideration of recommendations from the college’s President, the Board makes additions to and changes in college policies.

Article I. Legal Basis

Section 1. Establishment by General Assembly

The Board of Trustees of Durham Technical Community College is organized pursuant to Article 2 of Chapter 115D of the General Statutes of North Carolina (hereafter referred to as “GS 115D–X”) and is charged with governing the college. The trustees function within the provisions of the General Statutes and the laws of the United States and the State of North Carolina and the policies, rules, and regulations of the State Board of Community Colleges (hereafter referred to as the “State Board”).

Section 2. Corporate Name

The official title of the Board shall be “The Board of Trustees of Durham Technical Community College,” and this title shall be the official corporate name of the educational institution. The trustees are a body corporate with all the powers usually conferred upon such bodies. These powers enable the Board to acquire, hold, and transfer real and personal property; enter into contracts; institute and defend legal actions and suits; and exercise other such rights and privileges as may be necessary for the college’s management and administration and for carrying out the provisions and purposes of the enacted legislation.

Section 3. Office of Record

The Board of Trustees shall maintain the official office of record in the President’s Office located on the Main Campus in Durham, North Carolina.
Article II: Board Membership

Section 1. Definition and Selection

Trustees are members of a Board empowered as a body corporate to hold in trust the real and personal assets of the community college for the benefit of the students and other citizens of the community and state. The “trust” concept means that trustees do not act alone but only in official meetings of the Board or upon authorization of the Board.

Durham Technical Community College shall be governed by a Board of Trustees consisting of 15 members who shall be selected as follows:

- Four trustees appointed by the Governor of North Carolina;
- Four trustees appointed by the Durham County Board of Commissioners
- Four trustees appointed by the Durham Public Schools Board of Education;
- Two trustees appointed by the Orange County Board of Commissioners; and
- One trustee, who shall serve as an ex officio, non-voting member of the Board, by virtue of his or her election as the college’s Student Senate President, pursuant to General Statutes 115D-12(a).

Consistent with GS 115D-12(a) and Session Law 2014-73, House Bill 1120, which is specific to Durham Technical Community College alone, only one member of the Board of County Commissioners from Durham County and one from Orange County may serve on the college’s Board of Trustees.

As specified in GS 115D-12, with the exception of the college’s Student Senate President, all trustees shall be residents of the college’s service area or of contiguous counties. Also, no person who has been employed full time by the community college within the previous five years and no spouse or child of a person currently employed full time by the community college shall serve on the college’s Board of Trustees. The college’s service area is designated to be Durham and Orange counties.

Section 2. Oath of Office

Members of the Board of Trustees are required to take an oath of office following notice of appointment, including reappointment. The oath may be taken before a judge, clerk of superior court, justice of the peace, or notary public. An original and one copy of the oath shall be filed in the President’s Office.

Section 3. Term of Office

Consistent with GS 115D-12 and 115D-13, appointments and subsequent reappointments shall be for staggered four-year terms. Vacancies occurring in any group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Board members continue to hold office until their successors have been appointed and have taken the oath of office.

Section 4. Removal from Office

A. As specified in GS 115D-19, should the State Board have sufficient evidence that any member of the Board of Trustees is not capable of discharging, or is not discharging, the duties of office as required by law or lawful regulations, or is guilty of immoral or disreputable conduct, the State Board shall notify the Chair of the Board of Trustees, unless the Chair is the offending
member, in which case the other members of the Board of Trustees shall be notified. Upon receipt of such notice, the Board of Trustees shall meet for the purpose of investigating the charges, at which meeting a representative of the State Board may appear to present evidence of the charges. The alleged offending member shall be given proper and adequate notice of the meeting; and the findings of the other members of the Board of Trustees shall be recorded, along with the action taken, in the Board of Trustees minutes. If the charges are found to be true, by an affirmative vote of two-thirds of the members of the Board of Trustees, the Board of Trustees shall declare the office of the offending member to be vacant.

B. A member of the Board of Trustees who is absent from as many as one half of all Board meetings, both regular and special, in any fiscal year shall be considered as having resigned from the Board and thereby to have created a vacancy on the Board. The Chair may, at his or her discretion, excuse absences for valid reasons.

Section 5. Vacancy

As required in GS 115D-12 (c), a vacancy occurring on the Board of Trustees, for whatever reason, shall be filled for the remainder of the unexpired term by the entity or agency authorized to make that trustee appointment. The agency or entity shall appoint a trustee for the remainder of the unexpired term in the same manner in which the entity or agency makes regular trustee appointments. Should the agency or entity not appoint a trustee within 60 days after the date the vacancy occurs, whether by creation of a vacancy or expiration of a term or for any other reason, the Governor shall make the appointment to fill the remainder of the vacating trustee’s unexpired term.

Section 6. Service on Foundation Board

As specified in GS 138A-38, a voting member of the Board of Trustees may serve as an officer or member of the college Foundation’s Board of Directors. The majority of the Foundation’s Board of Directors may not be comprised of the President, Chief Financial Officer, and Chief Administrative Officer of the college, or voting members of the college’s Board of Trustees. Service on the Foundation’s Board of Directors is not considered a conflict of interest.

Article III. Board Authority and Responsibility

Section 1. Governing and Policy-Making Body

The trustees shall constitute the community college’s local governing Board and shall serve as policy-makers for the educational institution, with such authority and responsibility as granted by the General Statutes of North Carolina and as delegated to it by the State Board.

Section 2. Powers Granted to the Trustees

Powers granted to the trustees include the following:

A. To employ the President as the chief administrator of the college for such term and under such conditions as the trustees may designate, with such employment subject to the approval of the State Board;

B. To conduct an annual evaluation of the college’s President, with the Chair of the college’s Board of Trustees notifying, in writing, the Chair of the State Board prior to June 30 of each year that such evaluation has been completed;

C. To employ all other college personnel. The Board may delegate the authority of employing such other college personnel to the President;
D. To periodically review, modify, and approve, upon recommendation of the administration, the college’s mission, purpose, strategic plan, facilities master plans, and long-range plans;

E. To purchase any land, easement, or right-of-way which shall be necessary for the college’s proper operation, when the State Board has approved such site, and, if necessary, to acquire land by condemnation in the same manner and under the same procedures as provided in the General Statutes. For the purpose of condemnation, the Board’s determination as to the location and amount of land to be taken and the necessity to proceed with such condemnation action shall be conclusive.

F. To apply the standards and requirements for admission and graduation of students, as well as other standards the State Board establishes;

G. To take such other actions as may be necessary or proper for the exercise of the foregoing specific powers, including adopting and enforcing all reasonable rules, regulations, and bylaws for the college’s governance and operation under the General Statutes and for the education, support, and discipline of students.

H. To enter into lease purchase and installment purchase contracts for equipment as specified in GS 115D-58.15.

Section 3. Submission of Budgets

Oversight of all college funds is the responsibility of the Board of Trustees. An annual budget shall be prepared and submitted for final approval as the State Board so directs. The college’s Board is responsible for using these funds in accordance with State Board’s policies as well as in accordance with state and federal laws and regulations. The Board is also responsible for approving local budget requests to be submitted to the Durham County Board of Commissioners and to the Orange County Board of Commissioners.

Article IV. Board Organization

Section 1. Officers

A. Election and Term of Office

The Board’s corporate officers shall be the Chair, Vice Chair, and Secretary.

1. The Chair and Vice Chair shall be elected by the Board of Trustees from its general membership.

2. The Secretary, who need not be a member of the Board, shall be elected by the Board.

3. The Chair, Vice Chair, and Secretary shall be elected for a period of one year but shall be eligible for reelection by the Board.

4. The college’s President shall be the Board’s executive officer and shall serve on appointment by and at the pleasure of the Board. The President shall serve as an ex-officio non-voting member of the Board.

B. Date of Elections

Officers of the Board of Trustees shall be elected annually and take office at the Board’s first meeting of the fiscal year. Each officer’s term of office shall coincide with the college’s fiscal year.
C. Chair
The Chair shall preside at all meetings of the Board; appoint the members, and serve as an ex officio voting member of all Board committees; facilitate discussion and decision making; work closely with the President in setting the agenda for Board meetings; act as the Board’s liaison with the President; serve as the official spokesperson for the Board; consult with other trustees regarding their responsibilities as Board members and ensure all members adhere to the Board’s bylaws, policies, and practices; initiate periodic evaluation of the President and the Board; and provide counsel and consultation to the President, as well as discharge any other functions the Board so delegates.

D. Vice Chair
The Vice Chair shall preside in the Chair’s absence, perform all the Chair’s duties with full authority during the Chair’s absence or disability, and discharge any other functions the Board so delegates.

E. Secretary
The Secretary shall keep an accurate record of the Board’s proceedings; have custody of the Board’s corporate seal, affix it to official documents, and attestate same by his or her signature; have custody of all official Board records and documents; and issue notice of all Board meetings to the trustees, President, and local media.

Section 2. Committees
A. Appointment Types and Methods
The Board may establish such standing committees and such ad hoc committees as it deems necessary to secure and protect the college’s welfare. The Chair, in his or her discretion, may invite other persons with special expertise to participate in discussions of the board or its committees. The Chair shall appoint the members of all committees.

B. Authority
If, during a regular or special meeting, the Board authorizes a committee to act on a matter referred to it, the Committee Chair shall report to the Board the action taken within a reasonable time after the meeting. The committee’s action shall be final unless the committee action is reported to the Board as a recommendation for consideration and action during a regular or special Board meeting.

The Board reserves the right to delegate its decision-making authority to a committee of the Board in advance. The Board committee will then provide regular reports to the Board with respect to the authority delegated.

C. Executive Committee
The Executive Committee shall consist of the Board Chair, Vice Chair, and Chairs of each standing committee. The President shall serve as an ex officio non-voting member of the Executive Committee. The Board Chair shall preside during meetings of the Executive Committee and present reports from the committee during meetings of the Board of Trustees. The Executive Committee, during the intervals between Board meetings, shall have and exercise all the Board’s powers, privileges, and prerogatives except those expressly reserved herein to be exercised by the Board during regular or special meetings. The Executive Committee Chair may call meetings of the committee at any time with reasonable notice. If the Executive Committee has met since the last meeting of the Board of Trustees, the Executive Committee shall submit a full report of its activities during the Board’s next meeting with such
suggestions and recommendations as it shall deem expedient for the best interest of the college. The Executive Committee may at any time request the counsel of the Board of Trustees before making a decision, even when the Executive Committee is authorized to act.

The Executive Committee shall also have the following functions:

1. Be responsible, after consultation with the President, for preparing all new policies and bylaws or modifying existing policies and bylaws;
2. Be involved in long-range planning and in the college’s total development; and
3. Assume responsibility as the coordinating agents for all long-range studies and projects assigned to other standing committees.

D. Budget and Finance Committee

The Budget and Finance Committee shall consist of Board members appointed by the Board Chair, who shall serve as an ex officio committee member with voting privileges. The President shall serve as an ex officio non-voting member of the Budget and Finance Committee. The Budget and Finance Committee Chair shall preside during meetings of the Budget and Finance Committee and present reports from the committee during meetings of the Board of Trustees.

In consultation with the President, the committee shall, subject to State Board’s applicable standards, have the following functions:

1. To develop and recommend to the Board approval of general fiscal policies;
2. To receive, study, and recommend to the Board, with such modifications as it deems appropriate, the institution’s recommended annual state budget;
3. To receive, study, and take such action it deems appropriate on any reports concerning the budget, purchasing, or accounting functions as required or as presented by the President, including annual budget requests for the Durham County Board of Commissioners and the Orange County Board of Commissioners;
4. To receive, study, and recommend to the Board, with such modifications as it deems appropriate, any special or unusual expenditures the President recommends;
5. To recommend policy to the Board concerning receiving, securing, depositing, accounting, and expending of all funds pertaining to the college, in accordance with the General Statutes and State Board regulations;
6. To recommend to the Board policies and decisions regarding the receipt and investment of any surplus or restricted monies;
7. To recommend to the Board policies and decisions regarding the receipt and disposition of any monetary bequests, gifts, grants, and donations; the care of all college securities; and contracts for instructional or research services or other purposes with private or governmental firms, agencies, or individuals;
8. To recommend to the Board appropriate bonding policies for governing college employees entrusted with funds of all kinds;
9. To receive and review financial audit reports from the State Auditor concerning the college’s fiscal transactions and to make recommendations about such to the Board as it may deem appropriate; and
10. To have such other functions, regular and special, the Board so authorizes.
E. Buildings and Grounds Committee

The Buildings and Grounds Committee shall consist of Board members appointed by the Board Chair, who shall serve as an ex officio committee member with voting privileges. The President shall serve as an ex officio non-voting member of the Buildings and Grounds Committee. The Building and Grounds Committee Chair shall preside during meetings of the Building and Grounds Committee and present reports from the committee during meetings of the Board of Trustees.

The committee shall meet as necessary to carry out its functions and to accomplish any special tasks the Board assigns to the committee. In consultation with the President, the committee shall have the following functions:

1. To complete or require to be completed studies relating to sites, buildings, and grounds;
2. To recommend selection of the institution’s architect or architectural services;
3. To recommend for inclusion in all planning, architectural, and construction contracts all appropriate provisions for protecting the college’s interests;
4. To recommend long-range facilities master plans and architectural plans for all construction;
5. To take actions related to the college’s immediate and long-range building and facilities needs;
6. To call for bids on college construction and the awarding of contracts;
7. To initiate major campus improvements, including plans and programs for maintaining and beautifying the college’s campuses, facilities, and grounds;
8. To procure adequate fire and casualty insurance coverage of college’s buildings and their contents;
9. To secure or grant easements and rights-of-way; and
10. To have such other functions, regular and special, the Board so authorizes.

F. Policies and Personnel Committee

The Policies and Personnel Committee shall consist of Board members appointed by the Board Chair, who shall serve as an ex officio member with voting privileges. The President shall serve as an ex officio non-voting member of the Policies and Personnel Committee. The Policies and Personnel Committee Chair shall preside during meetings of the Policies and Personnel Committee and present reports from the committee during meetings of the Board of Trustees. In consultation with the President, the committee shall, subject to applicable State Board standards, have the following functions:

1. To receive, study, and recommend to the Board or take such other action it deems appropriate on operational and administrative policies, including but not limited to policy additions and revisions required by state and federal legislation and the State Board;
2. To review and recommend to the Board revisions to the college’s staffing chart which details the college’s organizational structure as well as all positions and position titles;
3. To make recommendations to the Board about the President’s evaluation process and contract arrangements;
4. To serve as the appellate body for faculty and staff as outlined in the college’s Due Process Policy; and

5. To have such other functions, regular and special, the Board so authorizes.

G. Student Success Committee

The Student Success Committee shall consist of Board members appointed by the Board Chair, who shall serve as an ex officio member with voting privileges. The President shall serve as an ex officio non-voting member of the Student Success Committee. The Student Success Committee Chair shall preside during meetings of the Student Success Committee and present reports from the committee during meetings of the Board of Trustees.

In consultation with the President, the committee shall, subject to applicable State Board standards, have the following functions:

1. To receive, study, and recommend to the Board or take such other action it deems appropriate on academic and student success-related policies, including but not limited to policy additions and revisions required by state and federal legislation and the State Board;

2. To review and recommend to the Board major curriculum changes, addition of new curricula, and termination of existing curricula;

3. To review and recommend to the Board the academic calendar;

4. To receive and review curriculum program reviews, approve performance standards, and make recommendations for program improvement;

5. To receive and study reports on enrollment trends;

6. To receive and study reports on student support services, approve performance standards for those services, and identify additional opportunities and resources to support students and enhance student success;

7. To receive, study, and take such action it deems appropriate on any reports concerning student success initiatives, student success-related data, student persistence, student activities, student services, and campus life; and

8. To have such other functions, regular and special, the Board so authorizes.

H. Special Committees

In addition to the Board’s standing committees, the need may arise from time to time for special committees, with such committees to be called ad hoc committees. Ad hoc committees may be formed and ad hoc committee members appointed at the discretion of the Board Chair or upon action of the Board in regular or special session. It shall be the responsibility of the Board Chair to appoint the membership of ad hoc committees and the chair of such committees. When members are appointed, the purpose of the committee and responsibilities of its members are also to be stated. The term of the appointment shall be for the life of the committee or for the term of the Board member’s office, whichever is less. The appointed Chair of the ad hoc committee shall preside during committee meetings and present reports from the ad hoc committee during meetings of the Board’s standing committees and/or during meetings of the Board of Trustees as directed by the Board Chair.
Article V. Board Meetings

Section 1. Meeting Schedule and Types

The college shall operate on a fiscal year that begins July 1 and ends June 30. Regular Board meetings shall be scheduled each fiscal year at a fixed time and place unless other notification is made to the trustees in a timely manner and to the public at least 48 hours before the meeting is to take place. The schedule of regular meetings is filed in the President’s Office, located on the Main Campus. Special meetings of the Board shall be called as deemed appropriate and necessary. Notification of a special meeting shall be made to the trustees in a timely manner and to the public at least 48 hours before the called special meeting is to take place. Notice to the public must state the date, time, location, and purpose of the meeting. Special meetings of the Board may be held with trustees attending in person at the meeting location specified to the public, with trustees attending the meeting by electronic means such as a conference telephone call to the specified meeting location, or by a combination of trustees attending in person and trustees attending by electronic means such as a conference telephone call to the specified meeting location. The college shall, for any special meeting held in total or in part by electronic means, provide and notify the public of the specified meeting location and provide a means whereby the public may listen to the meeting.

A. Regular Meetings

The Board shall meet at least four times each fiscal year. The Board’s regular meetings are held at the Main Campus on the third Tuesday of the month, unless the Board Chair shall designate a different day and (or) location for the meeting. The Board shall meet at least once during each three-month period.

B. Special Meetings

The Board Chair and/or the college’s President may call special meetings of the Board. Should the Board Chair call a special meeting of the Board, the Chair shall notify the President of the date, time, location, and purpose of the meeting at least 48 hours before the special called meeting is to take place. Business transacted during any special meeting shall be confined to the matters specified in the call to trustees and officers of the Board.

Section 2. Meeting Notification

The Board Secretary shall notify in writing the trustees and officers and the President of the day, time, and location of all meetings as well as the purpose of any special meetings. The college must notify the public at least 48 hours before any regular or special Board meeting is to take place, including the date, time, and location of the regular meeting and also including the purpose of any special meetings.

Section 3. Operational Guidelines

The Board shall conduct meetings and transact college business according to operational guidelines as approved and as published in this Bylaws Manual.

A. Parliamentary Rules

The latest edition of Roberts’ Rules of Order shall be followed in conducting Board meetings, unless otherwise provided by the Bylaws of the Board.

B. Quorum

At least 50 percent of the voting members of the Board of Trustees must be in attendance at regular or special Board meetings to constitute a quorum for transacting business. A majority
vote of all voting members of the Board is required for selecting or removing the college’s President from his or her position as chief administrative officer.

C. Agenda

The Board Secretary shall prepare an agenda of items for the Board’s consideration during its regular and special meetings. The Board Secretary shall provide the agenda to each trustee prior to the regularly scheduled meeting. Exhibits and supportive data, pertinent to items on the agenda, will be made available no less than one week prior to the regular meeting.

Section 4. Standard Order of Business

The Board Chair shall determine the standard order of business for Board meetings in order to efficiently complete the Board’s business.

Section 5. Minutes

The minutes of each Board meeting shall be prepared and distributed after each regular and special meeting. Each set of minutes shall report the names of trustees who were present or absent.

Section 6: Revisions to Bylaws and Policies

Any Board member may propose amendments to the bylaws during any regular or special Board meeting for decision at a subsequent regular or special meeting, provided at least twenty-one (21) days elapse between the first and subsequent meeting. Adopting amendments to the bylaws shall be by an affirmative vote of at least two-thirds of the Board members present and voting during a regular or special meeting.

Revisions in Board policies may be made during a regular or special meeting. Such revisions shall be presented to the Board prior to a regular or special meeting and adopted during that meeting by an affirmative vote of a majority of the Board members present and voting. The Board may take immediate action in an emergency situation, if two-thirds of the Board members present and voting deem it to be an emergency situation. The emergency action shall be officially approved during the Board’s next regular meeting.

Section 7. Open Meetings

All Board of Trustees meetings shall be held in accordance with the open meeting statutes of North Carolina.

Article VI. Rules of Conduct for Trustees

Members of the Board of Trustees are deemed to be “covered persons” as defined Chapter 138A of the North Carolina General Statutes (the North Carolina State Government Ethics Act). In addition, trustees shall perform their official duties in a manner to promote the best interests of the public. Trustees have a general duty to perform the duties of their office fairly, conscientiously, and without fear or favor.

Section 1. Oath of Office

To serve on the college’s Board of Trustees, each new trustee must take an oath of office during the first regular Board meeting the new trustee attends.
Section 2. Conflicts of Interest

A. Consistent with GS 138-A, a trustee shall not knowingly use his or her position in any manner which will result in financial benefit, direct or indirect, to the trustee; member of the trustee’s family; or individual, group, organization, or business with which the trustee is associated. This provision shall not apply to financial and other benefits as follows:

1. Any benefits that he or she would enjoy to an extent no greater than that which other citizens of North Carolina would or could enjoy;
2. Any benefits rightfully gained pursuant to the proper performance of the trustee’s official duties or of State of North Carolina employment; or
3. Any benefits so remote, tenuous, insignificant, or speculative that a reasonable person would conclude under the circumstances that the trustee’s ability to protect his or her interest and perform his or her official duties would not be compromised.

B. A trustee shall not, directly or indirectly, knowingly ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive anything of value for himself or herself or for another person in return for being influenced in carrying out his or her official responsibilities, other than that which is received by the trustee from the State of North Carolina for acting in his or her official capacity.

C. A trustee shall not solicit or receive personal financial gain, other than that received by the trustee from the State of North Carolina, for acting in his or her official capacity and for advice or assistance given in the course of carrying out the trustee’s duties.

D. A trustee shall not use or disclose information gained in the course of, or by reason of, his or her official responsibilities in a way that would affect a personal financial interest to the trustee; member of the trustee’s family; or individual, group, organization, or business with which the trustee is associated. A trustee shall not improperly use or disclose any information deemed confidential by North Carolina law and, therefore, not a public record.

E. A trustee shall not cause the employment, appointment, promotion, transfer, or advancement of an acquaintance or family member to a position in the college. A trustee shall not participate in an action related to disciplining a member of the trustee’s family.

Section 3. Appearances of Conflict

A. A trustee shall make every effort to avoid the appearance of conflict of interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the trustee’s ability to protect the public interest or perform public duties is compromised by personal, familial, or financial interests. An appearance of conflict could exist even in the absence of a true conflict of interest.

B. A trustee shall take reasonable and appropriate steps, under the particular circumstances and considering the type of proceeding involved, to remove himself or herself to the extent necessary to protect the public interest and to comply with this Rule of Conduct, from any proceeding in which the trustee’s impartiality might reasonably be questioned due to the trustee’s personal, familial, or financial relationship with a participant in the proceeding. A “participant” includes but is not limited to the following:

1. An owner, shareholder, partner, employee, agent, officer, or director of a business, organization, or group involved in the proceeding; or
2. An organization or group which has petitioned for rulemaking or has some specific, unique, and substantial interest in the proceeding. A “proceeding” includes, but is not limited to,
both a quasi-judicial proceeding (like a contested case hearing) and a quasi-legislative proceeding (like most rulemaking). A “personal relationship” includes, but is not limited to, one in a leadership or policy-making position (such as officers or directors) in a business, organization, or group.

C. If a trustee is uncertain whether the relationship in question justifies removing himself or herself from the proceeding pursuant to this Rule of Conduct, then the trustee shall disclose the relationship to the Chair and seek appropriate guidance. The Chair, in consultation with legal counsel if necessary, shall then determine the extent to which, if any, the trustee will be permitted to participate in the proceeding. The Chair may also refer the question to the trustees for a vote at his or her discretion. If the affected trustee is the Chair, then the Vice Chair or such other substitute presiding officer shall make the determination.

Section 4. Conflict of Interest Disclosure Statement

To assist Board Members in their ongoing obligation to avoid potential conflicts of interest, and to disclose potential conflicts whenever they arise, Board Members will complete and submit to the Board Chair (or Executive Committee) the form entitled “Conflict of Interest Disclosure Statement” (Appendix A) and if not previously disclosed, will make disclosure of all potential conflicts prior to any relevant board or committee action. The Disclosure Statement will be distributed to the Board Members at the Fall Board meeting. Members not present at this meeting will be sent the forms by mail. These forms are to be completed fully and accurately, signed, and returned to the president’s office by December 31. If the forms are not submitted by any board member by December 31, a certified letter will be sent the following January to the member stating that they may not vote on any matter brought before the Board until such time as the forms are received by the president’s office. Annually, each Board Member will review The Board of Trustees Bylaws, Article VI, Section 2. Conflicts of Interest, Section 3. Appearances of Conflict, and Section 4. Other Rules of Conduct. The Board Executive Committee will review these reports at least annually.

Section 5. Other Rules of Conduct

A. A trustee shall make a due and diligent effort before taking any action (such as voting or participating in discussions with other trustees on the Board) to determine whether he or she has a conflict of interest or appearance of conflict.

B. A trustee shall continually monitor, evaluate, and manage his or her personal, financial, and professional affairs to ensure the absence of conflicts of interest and any appearances of conflicts of interest.

Section 6. Trustee Expectations

To perform the duties of this office and conduct college business, there are general expectations for trustee’s action and behavior, including the following:

1. Knowing the college’s mission, purpose, goals, objectives, policies, programs, services, strengths, and needs;

2. Attending all regular and special Board meetings as well as all regular and special Board committee meetings unless the absence is unavoidable;

3. Serving in Board leadership positions and on Board committees;

4. Reading and reviewing the college’s financial statements and reports and faithfully upholding the Board’s fiduciary responsibility;

5. Avoiding judgments based on information received from individuals employed, served by, or associated with the college that come to the trustee by means other than through the
established processes of the Board, and directing individuals with grievances to follow the college's established policies and procedures for redress;

6. Reviewing the agenda and the meeting materials before attending the meetings and requesting any clarifications of information as needed;

7. Following the agenda during the meeting and discussing new business at the appropriate time;

8. Keeping comments and discussion points focused on the matters at hand;

9. Speaking in a voice everyone can hear and addressing the entire Board with comments and discussion points;

10. Summing up comments if discussion points made to the Board are long or numerous;

11. Presenting disagreeing opinions in a constructive manner and refraining from making critical comments of a personal nature;

12. Suggesting agenda items to assure that significant policy-related matters are addressed;

13. Avoiding making any requests directly to college employees for extensive information as well as professional and personal viewpoints without prior consultation with the Board Chair and the college's President;

14. Serving the college as a whole rather than any special interest groups or constituencies;

15. Maintaining independence and objectivity and doing what is appropriate when a sense of fairness, ethics, and personal integrity dictate even though not necessarily obliged to do so by law, regulation, or custom; and

16. Rejecting any offers of favors or gifts from or to anyone who is employed or served by the college or who is doing business with the college.
Conflicts of Interest Disclosure Statement for the Durham Technical Community College Board of Trustees

1. Are you currently being compensated by Durham Technical Community College for services rendered to Durham Technical Community College within the previous twelve months or do you anticipate being compensated by the Durham Technical Community College during the upcoming 12 months?
   (Check One) _____ Yes _____ No

2. Is any person bearing any family relationship to you currently being compensated by Durham Technical Community College for services rendered to it within the previous twelve months or does any person bearing any family relationship to you anticipate being compensated by Durham Technical Community College during the upcoming twelve months?
   (Check One) _____ Yes _____ No

3. Are you a director, an officer, an employee or an owner in any business or organization, which has done business within the past twelve months with Durham Technical Community College, or currently is or is contemplating doing business with Durham Technical Community College within the next 12 months?
   (Check One) _____ Yes _____ No
4. Do you have a business or organizational relationship (such as serving on the board) or significant stake in a business or organization represented by another board member on the Durham Technical Community College Board. Do you have an immediate family member who serves in such a governing role or has a significant stake in a business represented by another board member?

(Check One) _____ Yes _____ No

________________________________________________

________________________________________________

________________________________________________

5. Are you aware of a family relationship with any other member of the board or any member of the faculty or staff of Durham Technical Community College whose primary job responsibilities include work with the Durham Technical Community College Board of Trustees?

(Check One) _____ Yes _____ No

________________________________________________

________________________________________________

________________________________________________

________________________________________________

________________________________________________

(Printed Name)

I have read the Bylaws of the Durham Technical Community College Board of Trustees regarding Conflicts of Interest, Appearances of Conflict, and Other Rules Regarding Trustee Conduct within the last month and agree to comply with its provisions.

(Signature) ____________________________________________________________________________________________

(Date) ________________________________________________________________________________________________

*Voting Board Members
Statement of Reasons for Abstention from Board of Trustees Action

To: Durham Technical Community College Board of Trustees

From: ________________________________

Re: Reasons for Abstention from Board Action Pursuant to North Carolina General Statute §138A-36(b)

Date: ________________________________

Matter before the Board (agenda item):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Briefly summarize reason(s) for abstention:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________