

NUMBERED MEMO CC24-023

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

FROM: Jonnell Carpenter, *NCCCS Interim General Counsel*

SUBJECT: Proposed Adoption of 1C SBCCC 300.5 – Presidential Reelection Approval Process

DATE: May 21, 2024

On May 17, 2024, the State Board of Community Colleges initiated the rulemaking process to adopt **1C SBCCC 300.5 Presidential Reelection Approval Process**. The proposed adoption would create a new State Board approval process for community college president reelections, including contract renewals and extensions. The proposed adoption has been published on the NC Community College System's website, [Numbered Memos - NCCCS \(nccommunitycolleges.edu\)](#). 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.

Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits public comments 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 June 30, 2024. Any member of the public has the right to request a hearing on the proposed rule. **Requests for a hearing must be received by no later than 5:00 p.m. on June 5, 2024.**

Written comments and requests for hearing shall be directed to the following address: Jonnell Carpenter, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu. Thank you for your attention to this matter.

CC24-023

E-mail Copy
Attachments



State Board of Community Colleges Code

Petition for Rulemaking Form

Date: May 21, 2024

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Adopt 1C SBCCC 300.5 – Presidential Reelection Approval Process
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Specify whether the SBCC proposes to amend, adopt, or repeal a rule:

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
X		

Rationale for proposed adoption, amendment, or repeal:	The proposed adoption would create a new State Board approval process for community college president reelections, including contract renewals and extensions.
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Proposed Effective Date of Rule	August 1, 2024
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1C SBCCC 300.5 is proposed for adoption as follows:

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 300.5 PRESIDENTIAL REELECTION APPROVAL PROCESS**

9 (a) When a local board of trustees reelects its college president by the renewal or
10 extension of an existing employment contract with its college president (the “Existing
11 Presidential Contract”), such board of trustees shall request that the State Board of
12 Community Colleges (SBCC) approve such reelection by taking the following
13 actions:

14 (1) The local board of trustees shall ensure that any motion to approve a proposed
15 presidential contract renewal or extension notes that such reelection is contingent
16 upon the approval of such reelection by the SBCC.

17 (2) The Chair of the local board of trustees shall submit on college letterhead a letter
18 of intent notifying the SBCC of its approval of a proposed presidential contract
19 renewal or extension at least ninety (90) days prior to the expiration of the Existing
20 Presidential Contract. The letter of intent shall include the following:

21 (A) The expiration date of the Existing Presidential Contract;

22 (B) The new expiration date resulting from the proposed presidential renewal or
23 extension;

24 (C) Any contractual provision empowering the local board of trustees to renew or
25 extend the Existing Presidential Contract and thereby enter into the proposed
26 presidential contract renewal or extension;

27 (D) Any new contractual provision, or modification of any contractual provision
28 allowing for the amendment of the Existing Presidential Contract, that allows
29 for the Existing Presidential Contract’s subsequent renewal or extension;

1 (E) An affirmation that the local board of trustees approved the proposed
2 presidential contract renewal or extension at a properly noticed and scheduled
3 meeting;

4 (F) An affirmation that the proposed presidential contract renewal or extension
5 includes a clause conditioning its effectiveness upon the approval of the
6 reelection of the college president by the SBCC;

7 (G) An affirmation that the local board of trustees has completed the college
8 president's evaluation in compliance with 1C SBCCC 300.2;

9 (H) An affirmation that the local board of trustees has complied with the
10 requirements for sound fiscal management practices, as codified in 1A SBCCC
11 200.4; and

12 (I) A request that the SBCC approve the reelection of the college president.

13 (3) The SBCC may request additional materials or information from the local board of
14 trustees as it may reasonably deem necessary to consider the approval of the
15 reelection of the college president.

16 (b) If a local board of trustees reelects its college president but does not have an Existing
17 Presidential Contract with such college president, such board of trustees shall request
18 that the SBCC approve the reelection of such college president by taking the following
19 actions:

20 (1) The local board of trustees shall, at a properly noticed and scheduled meeting each
21 calendar year, vote to request that the SBCC approve the reelection of such
22 college president.

23 (2) The local board of trustees shall ensure that any motion to approve such request
24 notes that the reelection of such college president is contingent upon the approval
25 of such reelection by the SBCC.

26 (3) If the local board of trustees approves such request, the Chair of the local board
27 of trustees shall submit on college letterhead a letter of intent notifying the SBCC
28 of its request that the SBCC approve the reelection of the college president at least
29 ninety (90) days prior to the end of such community college's fiscal year. The letter
30 of intent shall include the following:

1 (A) Whether the local board of trustees is actively negotiating the terms of a future
2 contract with such college president;

3 (B) An affirmation that the local board of trustees approved the request to approve
4 the reelection of the college president at a properly noticed and scheduled
5 meeting;

6 (C) An affirmation that the local board of trustees has taken substantial measures
7 to memorialize any binding understandings between the board of trustees and
8 the college president with respect to such college president's employment and
9 a detailed description of such measures;

10 (D) An affirmation that the local board of trustees has completed the college
11 president's evaluation in compliance with 1C SBCCC 300.2; and

12 (E) An affirmation that the local board of trustees has complied with the
13 requirements for sound fiscal management practices, as codified in 1A SBCCC
14 200.4.

15 (4) The SBCC may request additional materials or information from the local board of
16 trustees as it may reasonably deem necessary to consider the approval of the
17 reelection of the college president.

18 (c) Following the request of a local board of trustees that the SBCC approve the reelection
19 of its college president, the SBCC shall take the following actions:

20 (1) The SBCC shall add the approval of the reelection of such college president on
21 the agenda for the regularly scheduled SBCC meeting following receipt of the local
22 board's letter of intent; provided that, such letter of intent is received by the SBCC
23 not less than five (5) business days prior to such meeting. The SBCC may delegate
24 initial consideration of such letter of intent to its Personnel Committee.

25 (2) Following the approval or denial of the approval of any college president's
26 reelection by the SBCC, the System Office President or their designee shall
27 convey the SBCC's decision in writing to the Chair of the local board of trustees
28 within five (5) business days of such decision.

29 (3) The decision of the SBCC to approve or deny the approval of the reelection of a
30 college president is final; provided, however, that:

1 (A) nothing in this section may preclude the withdrawal of an approval request and
2 resubmission thereof prior to a final decision by the SBCC (notwithstanding
3 anything contained in this subsection, any resubmission of an approval request
4 must comply with the requirements of this code provision as though it were a
5 new approval request);

6 (B) nothing in this section may preclude the postponement of action by the SBCC
7 on any approval request (notwithstanding anything contained in this
8 subsection, the SBCC may not postpone action on any request to approve a
9 reelection beyond the expiration of an Existing Presidential Contract under
10 subsection (a) or the end of the applicable fiscal year under subsection (b));
11 and

12 (C) any decision by the SBCC not to approve a local board of trustees' request to
13 approve the reelection of a college president or extend or renew such college
14 president's contract shall have no effect on the enforceability of an Existing
15 Presidential Contract (or the existing terms and conditions of employment in
16 the absence of an Existing Presidential Contract), which will, in each case,
17 remain in force in accordance with its terms.

18 (d) The SBCC shall not approve the reelection of a college president unless it has
19 received a request to approve such college president's reelection from the applicable
20 local board of trustees, in compliance with this Section.

21 (e) In consideration of the approval of the reelection of a college president, it shall be the
22 intent of the SBCC to ensure that such decision is properly supported by the materials
23 submitted to the SBCC. It shall not be the intent of the SBCC to substitute its judgment
24 for that of the local board of trustees in such local board of trustees' reelection of its
25 college president.

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

28 *Eff. _____*
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