



North Carolina
State Board of Community Colleges
Mr. Burr Sullivan, Chair

Member Handbook
2022-2023

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**Foreword by the
System President**

NOT AVAILABLE AT TIME OF PRINTING

An Overview of the System

The State Board of Community Colleges was established during the 1979 Session of the General Assembly and assumed governance of the 58 community colleges and one technology center on January 1, 1981. Prior to that date, the Community College System was governed as a subdivision of the State Board of Education.

As provided in Chapter 115D of the General Statutes, the State Board of Community Colleges (SBCC) has full authority to adopt the policies, regulations, and standards it deems necessary to operate the System and its member institutions. The Board consists of 22 members: 10 appointed by the Governor (four members-at-large and one member from each of the six trustee association regions); four members-at-large elected by the North Carolina Senate; and four members-at-large elected by the North Carolina House of Representatives. The Lieutenant Governor, State Treasurer, and Commissioner of Labor are ex-officio members. One current community college student, typically the President of the North Carolina Comprehensive Community College System Student Government Association, is also a non-voting ex-officio member.

A Chair and a Vice Chair are elected at the July meeting in odd-numbered years and serve two-year terms. Mr. Burr Sullivan of Lexington was elected as Chairman of the State Board in 2021 and will serve until July 2023, with Mr. Bill McBrayer of Hickory serving as Vice Chair.

The State Board of Community Colleges uses a committee structure to facilitate its work. Seven standing committees are employed: the Committee on Accountability and Audit, the Committee on Finance, the Committee on Legislative Affairs, the Committee on Personnel, the Committee on Policy and Governance, the Committee on Programs, and the Committee on Strategic Planning. Special, ad hoc committees and sub-committees are appointed on an as-needed basis. The State Board Chair appoints members and chairs for each committee.

Regular State Board meetings are held on the third Friday of each month in the Caswell Building, located at 200 W. Jones Street in Raleigh, NC. Usually, a spring meeting and a fall meeting are held on community college campuses across the state.

Mission Statement

The mission of the North Carolina Community College System is to open the door to high-quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, develop a globally multi-culturally competent, workforce, and improve the lives and well-being of individuals by providing:

- Education, training and retraining for the workforce, including basic skills and literacy education, occupational and pre-baccalaureate programs.
- Support for economic development through services to and in partnership with business and industry and in collaboration with the University of North Carolina system and private colleges and universities.
- Services to communities and individuals which improve the quality of life.

The Mission Statement was adopted by the State Board in October 1993, and has been revised, reaffirmed, and readopted in subsequent years.

A Brief History of the North Carolina Community College System

The year was 1952. Harry Truman lived in the White House and American soldiers were defending the nation of South Korea. IBM opened its first research laboratory in the area known today as Silicon Valley, and Stan Musial led the Major Leagues by hitting .336 for the St. Louis Cardinals. It was also 1952 when Dr. Allan Hurlburt conducted a study on the need for a system of community colleges in North Carolina. The State Superintendent of Public Instruction had commissioned the study two years earlier and it was Hurlburt's report that led to the General Assembly's adoption of the first Community College Act in 1957 and provided the funding for the community college system, under the leadership of Governor Luther Hodges.

At the same time, a parallel effort was provided by the legislature to create an educational program in industrial education. Funds were allocated by the 1957 General Assembly to begin a system of statewide industrial education centers, whose purpose was to train adults and selected high school students in order to provide a better trained workforce for the state. The five junior community colleges that were initially created were placed under the oversight of what is now the Board of Governors of the University of North Carolina, while the industrial education centers were provided oversight by State Board of Education.

By the time Governor Terry Sanford made education the cornerstone of his education program in 1961, the need to coordinate these two systems was becoming more critical. His goal was to have a college within commuting distance of every citizen in the state, and at a cost that the

average family could afford. Sanford appointed the Governor's Commission on Education Beyond the High School, which became known as the Carlyle Commission. In 1962, the Commission recommended that the two educational systems be brought under the State Board of Education and operated by local boards of trustees.

On May 17, 1963, the General Assembly enacted the Community Colleges Act of 1963, which provided for a Department of Community Colleges that combined the industrial education centers with the new community colleges, under the umbrella of the State Board of Education. In later years, Sanford came to view the creation of the community college system as one of the great achievements of his administration. At that time, there were twenty industrial education centers, six community colleges (three of which became four-year schools in 1963), and five extension units. Within three years, the number of institutions had grown to forty-three and reached its present number of fifty-eight in 1978.

In 1979, the General Assembly again turned its attention to the growing system and established an independent agency known as the North Carolina Community College System. Central to this organization was the creation of the State Board of Community Colleges, which was given authority to adopt and administer the policies and regulations that would govern the system. The State Board has had eleven persons to serve as Chair:

Carl Horn, Executive with Duke Power Company (1981-1983)
 John A. Forlines, President of the Bank of Granite (1983-1989)
 William F. Simpson, Owner of the Sanitary Cafe (1989-1993)
 Lt. Governor Dennis A. Wicker (1993-1999)
 Dr. G. Herman Porter, Retired Community College President (1999-2001)
 James J. Woody, Jr. of Chandler Concrete (2001-2005)
 Hilda Pinnix-Ragland of AHK Global Resources, LLC (2005- 2013)
 Dr. Linwood Powell of Fayetteville, (2013-2016)
 Scott Shook of Greenville (2016-2019)
 Mr. Breeden Blackwell of Fayetteville, (2019-2021)
 Mr. Burr Sullivan of Lexington, (2021- Present)

The North Carolina Community College Systems has had ten (10) presidents:

I.E. Ready (1963-1970)
 Ben E. Fountain, Jr. (1971-1978)
 Larry Blake (1978-1983)
 Former Governor Robert W. Scott (1983-1995)
 Lloyd V. Hackley (1995-1997)
 H. Martin Lancaster (1997- 2008)
 R. Scott Ralls (2008-2015)
 James C. (Jimmie) Williamson (2016-2017)
 Peter Hans (2018-2020)
 Thomas A. Stith, III (2021-2022)

**Dr. W. Dallas Herring
The “Godfather” of
North Carolina’s
Community College
System**



No history of the System would be complete, however, without recognition of the man who became its driving force in those very early days. Dr. W. Dallas Herring served as chairman of the State Board of Education from 1957 to 1977, and it was Herring who championed the Open-Door philosophy which forms the cornerstone of our existence. "The only valid philosophy for North Carolina is the philosophy of total education.....That is why the doors to the institutions of North Carolina's system of community colleges must never be closed to anyone of suitable age who can learn what they teach. We must take people where they are and carry them as far as they can go within the assigned functions of the system."

Herring's philosophy of the role of community colleges has been the guiding principle of the North Carolina Community College System for the past 40 years. It continues today as it began: an open door to opportunity for enhanced job skills, literacy services, and adult education in North Carolina.

Philosophy

More than four decades ago, Dr. Dallas Herring laid the cornerstone in what has become the third largest system of community colleges in the nation (only California and Florida are larger). Herring's philosophy was embraced by the General Assembly in the creation of the System, and his remarks continue to be the foundation upon which our System is built:

The only valid philosophy for North Carolina is the philosophy of total education; a belief in the incomparable worth of all human beings, whose claims upon the state are equal before the law and equal before the bar of public opinion, whose talents (however great or however limited or however different from the traditional) the state needs and must develop to the fullest possible degree.

If they cannot read, then we will teach them to read and make them proud of their achievement. If they did not finish high school, but have a mind to do it, then we will offer them a high school education. If their talent is technical or vocational, then we will provide them with knowledge and skill they can sell in the marketplaces of our state. If

their needs are in the great tradition of liberal education, then we will provide them instruction which will enable them to go on to the university or to senior college and on into life in numbers unheard of in North Carolina. If their needs are for cultural achievement, intellectual growth or civic understanding, then we will make available to them the wisdom of the ages and the enlightenment of our times and help them to maturity

The symbol of the North Carolina Community College System is a series of open doors, an image that sprang from the mind of the late Dr. I.E. Ready, the System's first president, based on Herring's philosophy:

Any person who is 18 years old or older, whether a high school graduate or not, can find in one of these institutions an educational opportunity fitted to his ability and his needs. This is what the open-door admission policy means. For any applicant who seriously wants and needs more education, the door of the institution is open....Many doors within the institution opening into different vocational programs must therefore be provided, with the one door to basic elementary and secondary-level studies open to all who need a second chance in order to make up for deficiencies....Teachers must be good teachers, well-educated themselves in the subjects they teach, skilled in the art of teaching, and deeply concerned that their students succeed in their educational tasks. Universal education opportunity beyond the high school through the open-door policy will mean little unless this goal is accomplished.

The State Board of Community Colleges

Ethics and Conflicts of Interests

Members of the State Board of Community Colleges are public officers as defined by the North Carolina General Statutes and, as such, have an obligation flowing from this public trust to carry out their official actions in a moral and ethical manner. In 2001, then Governor Michael Easley issued Executive Order No. 1 (EO No. 1) which detailed the manner in which public officers and public servants were to conduct themselves in the performance of their duties and established the North Carolina Board of Ethics. This executive order was extended twice (EO No. 51 and EO No. 76). Subsequently EO No. 1 was terminated by Executive Order No. 116 in 2007 after the passage of the State Government Ethics Act. Under this Ethics Act, the Board of Ethics was replaced by the State Ethics Commission. The State Government Ethics Act is codified as Chapter 138A of the North Carolina General Statutes and included in Appendix 7 of this handbook. Title 30 of the North Carolina Administrative Code provides the State Ethics Commission rules.

Other relevant ethics laws to consider include N.C.G.S. 14-218 and N.C.G.S. 14-234. Relevant excerpts of those statutes appear below.

§14-218. Offering Bribes

If any person shall offer a bribe, whether it be accepted or not, he shall be punished as a Class F felon.

§ 14-234. Public officers or employees benefiting from public contracts; exceptions.

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
- (3) No public officer or employee may solicit or receive any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

All State Board members are required to file a Statement of Economic Interests with the State Ethics Commission annually and complete ethics training every other year. Failure to comply with these requirements can result in fines and removal from the board.

Selection and Seating of Board Members

Eighteen members of the State Board of Community Colleges are selected by the Governor and the General Assembly, with four additional persons serving as ex officio members by virtue of position. Ten persons are selected by the Office of the Governor, four by the House of Representatives, and four by the Senate. The Lt. Governor, State Treasurer, and the Commissioner of Labor serve on an ex-officio basis with full voting rights (which they may delegate in writing to a representative of their choosing). The President of the N4CSGA is the final ex-officio member of the Board, having all rights of membership except for voting privileges.

With the exception of the ex-officio members, board appointments are made in odd-numbered years for four-year terms. Members of the State Board may be appointed to serve up to two consecutive terms and in addition may fill an unexpired term of another Board member.

Duties and Responsibilities of the Individual Board Member

Service as a member of the State Board of Community Colleges is a public trust. Accordingly, members must have a genuine desire to provide service to the citizens of North Carolina and, if necessary, to forgo their own personal needs to carry out the statutory, moral, and ethical obligations incumbent on the State Board.

It is essential that members are mindful that they represent all areas of the state and that their decisions must be made according to what is fair and equitable for the System, without regard for parochial interests. Members of the State Board should be always advocates for the System, both to the people that they represent and to legislators in communicating the needs of the colleges within the System.

The conscientious Board member will participate in Board meetings with consistent and timely attendance and will review all Board materials received in advance of the meeting to participate intelligently in its deliberations. Members should periodically attend statewide meetings of presidents and trustees so that ideas and concerns may be shared and accept assignments when asked by the Chair to do so. Therefore, confidentiality is essential in some matters that come before the Board and members should conduct themselves in a way that maintains the private nature of those discussions.

Duties and Responsibilities of the State Board Chair

The Chair is the presiding officer and spokesperson for the State Board and provides leadership and direction in its activities. The Chair is responsible for insuring that the affairs of the Board are conducted according to its bylaws, and federal and state law. The Chair must maintain a close working relationship with the System President and consult frequently on issues as they

arise. In consultation with the President, the Chair sets the Board agenda and solicits the opinion and participation of members in the conduct of the Board's affairs.

A key responsibility of the Chair involves the appointment of members to serve on standing, special, and ad hoc committees or sub-committees. To do this effectively, the Chair must have a close relationship with each member and know their talents and abilities. As the System's most visible advocate responsible for promoting its public image, the Chair will often present the needs of the System and will establish and maintain good relationships with governmental officials, college presidents and trustees, the press, and the general public to communicate the mission of the System across the state.

The State Board Chair is elected for a two-year term at the July meeting of the Board in odd-numbered years. In the absence of the Chair, the Vice Chair serves in a temporary capacity as Chair to facilitate the work of the Board.

State Board Meetings

The State Board is mandated in N.C.G.S. 115D-2.2(i) to meet at least ten times per year. Meetings are held on the third Friday of each month, except in June and December. Board meetings are typically begin at 9:00 am in the State Board Meeting Room in the Caswell Building on Jones Street in Raleigh. Committee meetings begin at 11:00 a.m. on the Thursday prior to the Friday meeting, along with an Issues Luncheon focused on relevant and pertinent issues to the System. Two off-site meetings may be held each year on the campus of a community college within the System. The April meeting is a regular Board meeting, while the annual Board Retreat takes place over a three-day period in September or October of each year.

Setting the Agenda for Board and Committee Meetings

The agenda for a regular or special called meeting of the State Board is assembled by the Office of State Board Affairs and is discussed with the senior staff during Agenda Review approximately ten working days prior to the State Board meeting. The process of setting the agenda for a special called meeting is, by necessity, shorter in terms of its proximity to the actual meeting. After the staff has reviewed and agreed upon a final draft, the proposed agenda is presented to the Board Chair for approval. Once the agenda is approved by the Chair, it may not be amended or changed until the actual meeting of the Board takes place.

Persons wishing to place an item on the agenda should make their request in writing, providing any supporting documentation to the Secretary to the Board (System President) or the Office of State Board Affairs at least ten days prior to the date of agenda review. Unless the Board directs otherwise, items are placed on the agenda initially for future action and then for action at the next regular meeting of the Board. In some cases, however, the constraints of time require a matter to be considered expeditiously, and thus with the prior permission of the Chair, such items may be placed on the agenda initially for action at the Board's next regular meeting. Any committee or

individual Board member may request the consideration of items not on the agenda and will be added following a two-thirds endorsement by those present and voting.

In order to make the Board's time as productive as possible, it will sometimes act on a list of non-controversial or routine items through use of a consent agenda. Items placed on the consent agenda must have been seen at a prior Board meeting. Should any member of the Board request that an item on the consent agenda be discussed, it will be immediately removed from consent and given individual consideration as an action item under the purview of the appropriate committee.

More information on the agenda setting process is contained in Article V of the SBCC Bylaws, which are contained Appendix 2.

Standing and Special Committees

The State Board utilizes a committee structure to carry out its work, consisting of seven standing committees: the Committee on and Accountability and Audit, the Committee on Finance, the Committee on Legislative Affairs, the Committee on Personnel, the Committee on Policy and Governance, the Committee on Programs, and the Committee on Strategic Planning. Detailed descriptions of the roles and responsibilities of the standing committees is contained in the SBCC committee charters, included in Appendix 6.

From time to time, the Board Chair may appoint special or ad hoc committees or sub-committees or task forces to deal with a specific subject over a limited time period, or to handle a specific assignment (such as establishing the meeting calendar) that requires a minimal number of meetings. The Board Chair makes appointments to all standing, special, ad hoc committees and sub-committees immediately following the July meeting, with other appointments being made during the year as needed.

Open Meetings Law Overview

As a duly constituted public body established by the General Statutes of North Carolina, the State Board of Community Colleges and its committees exist solely to conduct the people's business and it is the public policy of the State of North Carolina that the hearings, deliberations, and actions of this board be conducted openly in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. A public meeting is defined as any meeting, assembly, or gathering together at any time or place or simultaneous communication by electronic means with the majority of the public body's members present for the purpose of either conducting hearings, participating in deliberations, voting upon public business or otherwise transacting public business. Full and accurate minutes of all official meetings including any closed sessions. Closed sessions of public bodies may only be held when required to allow a public body to act in the public interest for a permissible reason as stated in N.C.G.S. 143B-318.11. Public notice of meetings is posted on the System website, in the media, and by electronic mail to interested parties. Minutes of the meetings of the Board are available for public inspection in the Office of State Board Affairs and are also published on the System Office website following their approval by the Board.

Injunctive relief may be ordered if there are threatened violations of open meetings law, the recurrence of past violations of open meetings law, or continuing violations of the law. Any person may bring an action seeking such an injunction and the plaintiff does not need to allege or prove special damage different from that suffered by the public at large. Declaratory judgment may be entered if any action of a public body was taken, considered, discussed, or deliberated in violation of open meetings law. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different from that suffered by the public at large. The public body whose action the suit seeks to set aside will be made a party and board members may be held responsible in their personal capacity.

An opinion by former Attorney General Roy Cooper provides an overview of the intent of the law and is incorporated into this handbook as Appendix 7. Except as required in the State Board Bylaws or as modified by the State Board in special circumstances, the most recent edition of Robert's Rules of Order governs the conduct of all meetings of the State Board and its committees. See Appendix 10 for a parliamentary procedure quick reference guide.

Public Records Law Overview

Chapter 132 of the North Carolina General Statutes defines public records as all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. It is well established that public records and public information are the property of the people of the State. Therefore, state law provides that the people may obtain copies of their public records and public information free or at minimal cost.

Upon request, every custodian of public records must permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies. The use of personal email addresses or cellphones makes the user who is transaction state business the custodian of public records and the requested records must be produced as promptly as possible.

There are specific rules in N.C.G.S. 132-1.2 that govern what public records may be deemed confidential. No request to inspect, examine, or obtain copies of public records may be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If there is commingled confidential information, the public agency or custodian must redact the confidential information.

Public officials may not destroy, sell, loan, or otherwise dispose of any public record in violation of the law. Unlawfully removing a public record from the office where it is usually kept, or altering, defacing, mutilating, or destroying it is a Class 3 misdemeanor.

State Board Meeting Logistics

Directions and Parking

The North Carolina Community College System is located in the Caswell Building, a six-story red brick building on the northwest corner of West Jones Street and North McDowell Street in the state government complex in downtown Raleigh. It is one full block west of the Legislative Building, adjacent to the Administration Building and is highlighted in yellow on the map in the following section.

Driving from the east on Interstate 40:

- Take I-40 West to the Person Street exit.
- Follow Person Street north into downtown.
- Turn left onto Edenton Street and drive past the historic Capitol.
- Turn right onto McDowell Street.
- The Caswell Building is on the left at the corner of McDowell Street and West Jones Street.

Driving from the east on US 64:

- Take Business 64 into town. US 64 becomes Edenton Street heading into downtown.
- Go past the historic Capitol, turn right onto McDowell Street.
- The Caswell Building is on the left at the corner of McDowell Street and West Jones Street

Driving from RDU and points west on Interstate 40:

- Take I-40 East through the Research Triangle Park.
- Take Exit 289 onto Wade Avenue. Stay on Wade Avenue six miles.
- Take the Civic Center/70 East/50 South exit to Capital Boulevard.
- Get in the far-left lane on Capital Boulevard as you head to downtown.
- Turn left at the second stop light onto West Jones Street.

- The Caswell Building is the third building on the left, at the corner of West Jones and McDowell.

Driving from the northwest on US 70/Crabtree Valley Mall/Glenwood Avenue:

- US 70 becomes Glenwood Avenue coming into Raleigh.
- Follow Glenwood Avenue into downtown Raleigh.
- Turn left onto West Jones Street.
- The Caswell Building is several blocks down on the left, at the corner of Jones and McDowell.

Driving from the south on US 1:

- Take US 1 north past Cary to Raleigh.
- Exit onto Wade Avenue going into downtown.
- Stay on Wade Avenue six miles.
- Take the Civic Center/70 East/50 South exit to Capital Boulevard.
- Get in the far-left lane on Capital Boulevard as you head to downtown.
- Turn left at the light onto West Jones Street. The Caswell Building is the third building on the left, at the corner of West Jones and McDowell.

Do not park in the parking lots directly across Jones Street from the Caswell Building. These spaces are assigned paid parking for state employees from several agencies, and there are no visitors' spaces, even for community college personnel and other state employees visiting us on business.

When attending the Board meetings in Raleigh, the best place to park is in Deck #77 at the corner of Edenton and McDowell Streets. Parking is also available at the State Government Parking Deck #75 off of McDowell Street in the Visitors Parking Area. Please keep your parking ticket, sign the back of the ticket and underneath your signature write "State Board of Community Colleges". Present it to the parking attendant as you leave. Because SBCC members are government-appointed, there will be no charge to park in the visitor's area of this deck. Your name will be added to the list of names that has been provided to the parking attendant.

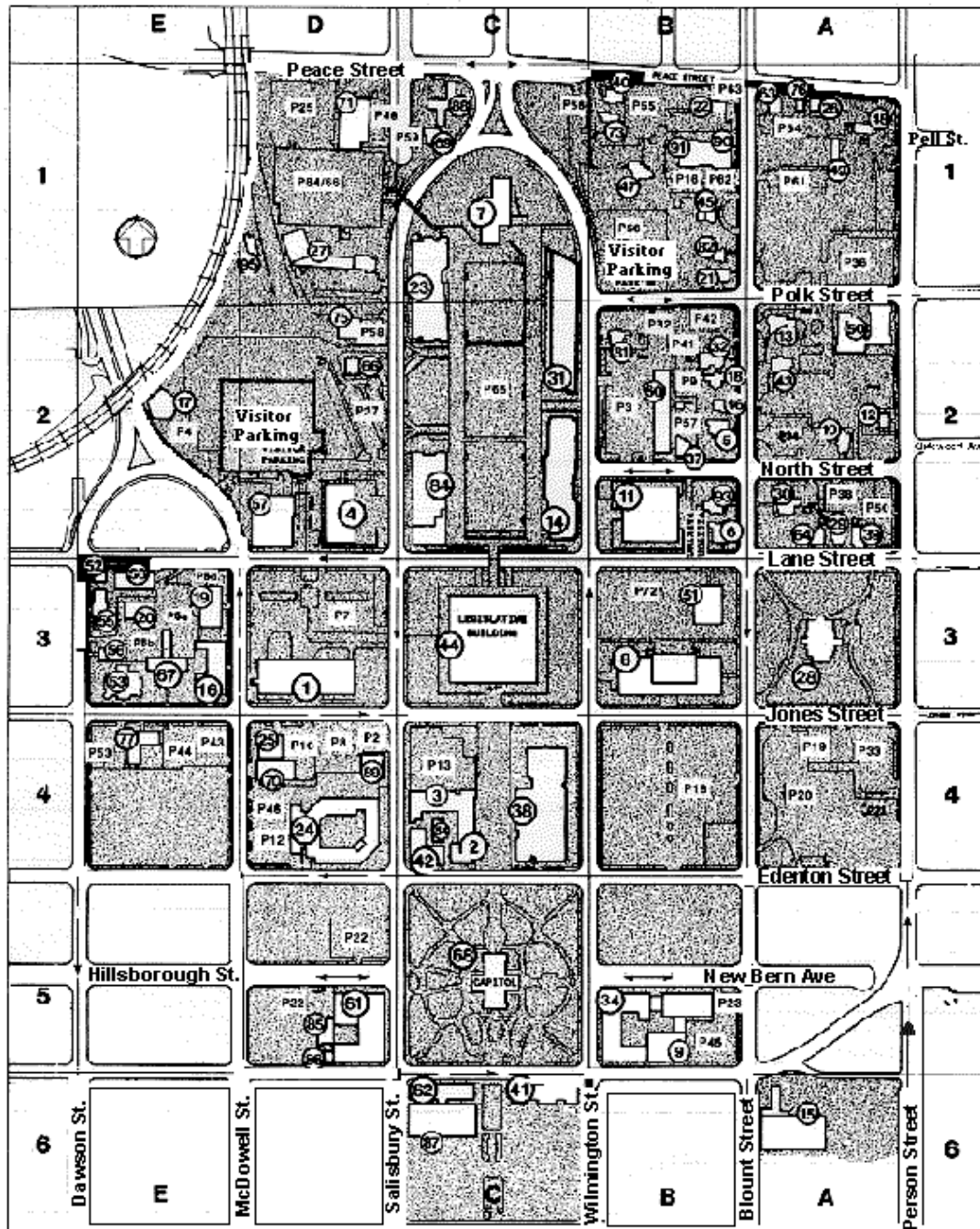
To get to Parking Deck #77 proceed on Edenton Street crossing over Salisbury Street. The Parking Deck will be on your left at the corner of Edenton and McDowell streets. To get to

Parking Deck #75, proceed north through the intersection of Jones and McDowell and continue through the intersection at Lane and McDowell. You will see the parking deck to your immediate right.

You may also park in the Visitors Area of the State Government Parking Lot a block and a half north of the Caswell Building near the corner of Lane and McDowell Streets or in metered spaces on the street. The parking deck at McDowell and Lane is open from 8 a.m. until 5 p.m. Monday through Friday. There is a small hourly charge. There is additional visitors' parking across from the Archives Building at 109 East Jones Street, two blocks east of the Caswell Building.

We are within walking distance of the Longleaf Hotel, so you may prefer to leave your vehicle in their parking lot and walk over to our office. There is little difference in that walk and the walk from the parking deck.

Map of Downtown Raleigh and the State Government Complex



Map Legend by Building
(Coordinates follow addresses)

Administration Bldg. 116 W. Jones St.; D-3 , No. 1	Agriculture Bldg. 1 W. Edenton St.; C-4 , No. 2	Albemarle Bldg. 325 N. Salisbury St.; D-2 , No. 4
Andrews-Duncan House 407 N. Blount St.; B-2 , No. 5	Archdale Bldg. 512 N. Salisbury St.; C-1 , No. 7	Archives-State Library 109 E Jones St.; B-3 , No. 8
Ashley House 219 E. North St.; A-2 , No. 10	Bailey-Gallant House 507 N. Blount St.; B-1 , No. 82	Bailey-Tucker House 213 E Lane St.; A-2 , No. 64
Bath Bldg. 306 N. Wilmington St.; B-2 , No. 11	Boiler Plant 412 N. McDowell St.; E-2 , No. 33	Brown & Rogers Bldg. 115 Hillsborough St.; D-5 , No. 85
Cambridge House 407 N. Person St.; A-2 , No. 12	Capehart-Crocker House 424 N. Blount St.; A-2 , No. 13	Capitol Visitors Center 301 N. Blount St.; B-2 , No. 6
Carpentry/Paint Shop 109 S. Blount St.; A-6 , No. 15	Caswell Bldg. 200 W. Jones St.; E-3 , No. 16	Central Heating Plant 412 N. McDowell St.; E-2 , No. 17
Coble-Helms House 417 N. Blount St.; B-2 , No. 18	Cooper Memorial Bldg. 225 N. McDowell St.; E-3 , No. 19	Cotton Classing Bldg. 222 N. Dawson St.; E-3 , No. 20
Court of Appeals Bldg. 1 W. Morgan St.; C-6 , No. 62	Cowper House 501 N. Blount St.; B-1 , No. 21	Crabtree Commercial Bldg. 120 E Peace St.; B-1 , No. 22
Dobbs Bldg. 430 N. Salisbury St.; C-1 , No. 23	Education Bldg., Old 114 W. Edenton St.; D-4 , No. 24	Education Building, New 301 N. Wilmington St.; C-2 , No. 14
Elks Bldg. 121 W. Jones St.; D-4 , No. 25	Facility Management Bldg. 431 N. Salisbury St.; D-1 , No. 27	Farlow House 412 N. Wilmington St.; B-2 , No. 81
Gay House 214 E Peace St.; A-1 , No. 26	Governor's Mansion 200 N. Blount St.; A-3 , No. 28	Handy House 215 E Lane St.; A-2 , No. 29
Hawkins-Hartness House 310 N. Blount St.; A-2 , No. 30	Heartt House 421 N. Blount St.; B-2 , No. 32	Heck-Andrews House 309 N. Blount St.; B-2 , No. 93
Highway Bldg. 1 S. Wilmington St.; B-5 , No. 34	Howell House 111 E North St.; B-2 , No. 37	Jenkins House 221 E Lane St.; A-2 , No. 39
Jordan House 532 N. Wilmington St.; B-1 , No. 40	Justice Bldg. 2 E Morgan St.; C-6 , No. 41	Labor Bldg. 4 W. Edenton St.; C-4 , No. 42

Landscape Services Bldg. 421 N. Salisbury St.; D-1 , No. 95	Lee House 422 N. Blount St.; A-2 , No. 43	Legislative Bldg. 16 W. Jones St.; C-3 , No. 44
Legislative Office Bldg. 300 N. Salisbury St.; C-2 , No. 84	Lewis-Smith House 515 N. Blount St.; B-1 , No. 45	McGee House 411 N. Blount St.; B-2 , No. 46
Merrimon-Wynne House 526 N. Wilrnington St.; B-1 , No. 47	Motor Pool Annex 220 E Peace St.; A-1 , No. 48	Motor Pool Car Wash 220 E Peace St.; A-1 , No. 49
Murphey School 443 N. Person St.; A-2 , No. 50	Museum of Art, Old 107 E Morgan St.; B-5 , No. 9	Museum of History 1 E. Edenton St.; C-4 , No. 38
Museum of Natural Sciences 102 N. Salisbury St.; C-4 , No. 3	Old Film Library 228 N. Dawson St.; E-3 , No. 52	Old Health Bldg. 216 W. Jones St.; E-3 , No. 53
Old Heating Plant, Caswell Squ. 224 N. Dawson St.; E-3 , No. 55	Old Heating Plant, Museum 100 N. Salisbury St.; C-4 , No. 54	Old State Records Center 120 W. Lane St.; D-2 , No. 57
Old Textbook Warehouse 215 W. Lane St.; E-3 , No. 58	Old YWCA 217 W. Jones St.; E-4 , No. 77	Olivia Raney Library Bldg. 104 Fayetteville St.; C-6 , No. 87
Oral Hygiene Bldg. 220 Dawson St.; E-3 , No. 56	Personnel Training Center Bldg. 101 W. Peace St.; D-1 , No. 71	Phillips Bldg. 109 E North St.; B-2 , No. 60
Pioneer Awning Bldg. 7 W. Peace St.; C-1 , No. 88	Revenue Annex (J.C. Lunchette) 114 W. Morgan St.; D-5 , No. 86	Revenue Bldg. 501 N. Wilmington St.; C-2 , No. 31
Revenue Bldg., Old 2 S. Salisbury St.; D-5 , No. 61	Russ-Edwards House 540 N. Blount St.; A-1 , No. 63	Seaboard Bldg. 413 N. Salisbury St.; D-2 , No. 66
Shore Bldg. 214 W. Jones St.; E-3 , No. 67	State Capitol Bldg. Capitol Square; C-5 , No. 68	State Employees Credit Union 119 N. Salisbury St.; D-4 , No. 89
State Records Center 215 N. Blount St.; B-3 , No. 51	Stephenson Bldg. 500 Vaughan Court, C-1 , No. 69	Thompson Bldg. 122 N. McDowell St.; D-4 , No. 70
Watson House 530 N. Wilmington St.; B-1 , No. 73	Womack Bldg. 417 N. Salisbury St.; D-2 , No. 75	Worth House 210 E Peace St.; A-1 , No. 76

Hotel Reservations

For regularly scheduled Board meetings, at the System Office in Downtown Raleigh, the State Board Affairs Office can make hotel reservations on behalf of the Board members at The Longleaf Hotel, if requested, for members who are traveling more than 35-miles one-way. Board members can send a request to the State Board Affairs Office if they wish to be added to the list of reservation each month. Board members who routinely stay overnight for Board meeting may automatically have a hotel reservation requested for 1-night (Thursday) of the monthly meeting. In the event the member does not need reservations for a specific meeting or needs additional accommodations, the member should contact the State Board Affairs Operations Coordinator at least 10-days in advance of the meeting. Members are asked to contact The Longleaf Hotel directly to cancel reservations if the cancellation is within 48 hours of the reservation. The contact information for the Longleaf hotel is as follows:

The Longleaf Hotel
 300 N Dawson St, Raleigh, NC
 27603 (919) 867-5770
<https://www.thelongleafhotel.com/>

For events, conferences, and meetings requiring overnight stay, Board members are responsible for making their hotel reservations and accommodations, including reservations that require a deposit and/or credit card hold. For events and conferences, the State Board Affairs Office may provide hotel recommendations and information as a convenience for members scheduling their hotel reservations. Members reserve the right to stay at their desired hotel location, however, hotel reimbursements may be limited by available funding based on the State per diem rate.

Approved travel authorization is required in advance of all travel and overnight stay. Please see Travel Reimbursements for information about travel authorizations.

Travel Reimbursements

The State Board Affairs Office may handle the process of reimbursement requests for Board member travel. Members should email, mail, or hand deliver receipts and details of travel to the State Board Affairs Office for assistance. Details of travel must include date of travel, leave and return time, destination(s), purpose of travel, miles traveled, and all expenses incurred. Mileage and meal reimbursements are calculated based on State per diem rates. Reimbursable expenses include, but are not limited to, mileage, hotel, food, parking, tips, transportation, registration fees, vehicle rentals, tolls, valets, and internet fees.

All Board member travel, not including regularly scheduled and noticed committee and State Board meetings, must have a pre-approved travel authorization. Board members are asked to notify the State Board Affairs Office, in writing, 10-days in advance of travel. Notice of travel to the State Board Affairs Office should include date and time of travel, all destinations,

purpose of travel, anticipated mileage, and any other anticipated travel expenses. An approved travel authorization is required for all travel and/or conference registrations before travel begins. General travel authorization forms are submitted and approved annually for the sole purpose of traveling to and from regularly scheduled committee and Board meetings. The State Board Affairs Office will submit a travel authorization on behalf of the member and provide notice to the member when the authorization is approved.

Expenses incurred while traveling for purpose(s) within the duties and responsibilities of the member are reimbursable through the System Office (as allowed by State per diem rate). Board members traveling over 35 miles one-way, for State Board business requiring overnight stay, are eligible for reimbursement of hotel cost. Board members are responsible for paying fees, costs, and expenses related to travel at the time of travel. Travel expenses are reimbursable after travel is completed through submission of a reimbursement request. Some reimbursable expenses require proof of original receipt to receive reimbursement, including but not limited to hotel payments and parking receipts. If you have questions about travel authorizations, reimbursements, policies, please contact the State Board Affairs Office.

The System Office will not provide reimbursement for penalties, fees, and/or charges resulting from cancellations, unless the cancellation is made at the direction of the System Office or otherwise determined justified by the System Office.

Access to System Office/Badges

The North Carolina Department of Administration requires that all persons entering the Caswell Building wear an identification card if they are affiliated with the System Office. These ID cards allow entry into the building through the card access system and may be used to open doors at both the Jones Street and McDowell Street entrances. The Office of State Board Affairs will schedule appointments for new members to have their identification cards made.

ID cards are to be always worn while in the building, above the waist of the bearer, with the photograph clearly visible. The cards should always be scanned by the electronic reader when entering the building. ID cards are the property of the System Office and must be returned to the Office of State Board Affairs on the last date of use by the member. If a card is lost or stolen, it should be reported to the System Office immediately so that it may be cancelled and building security maintained.

System Office Website

A wealth of information on North Carolina's community colleges can be found at the System website: www.nccommunitycolleges.edu

The Role of the System President and a Biography

The System President is the chief executive officer of the System and is responsible for organizing and managing the System by carrying out the policies, directives, instructions, and philosophies of the State Board. Hired by and reporting directly to the Board, the System President also serves as member of the Education Cabinet and conducts planning for the System jointly with officials of the University System and the Department of Public Instruction.

BIOGRAPHY NOT AVAILABLE AT TIME OF PRINTING

Political Activities

It has been said that there are two things that no person should ever have to watch as they are made – sausage and laws. Certainly, there are times when the political process is indeed painful to watch. The dictionary defines the word “politics” as being “the science or art of political government”, and members of the State Board are, by that definition, practitioners of politics. Your first experience at this level came when you were appointed to the Board, either by the Governor, the State Legislature, or by virtue of an elected office.

It is incumbent on you to take on the role of an advocate for the North Carolina Community College System. Oftentimes legislators appreciate when constituents share their ideas and you will find them very receptive to your thoughts and opinions on the important issues impacting community colleges. Make yours a voice that is recognized and respected in the halls of the General Assembly and on Capitol Hill, because have been entrusted with the duty of being the spokesperson to elected representatives and executive branch agencies.

The best means of contact is always a personal visit, and with a little advance notice, you will discover that legislators will go out of their way to listen to what you have to say. Sometimes it is best to make your visits alone or with one other person, while other occasions require the presence of a group. The Board Chair and System President are available to serve as your guides and accompany you as you make the community colleges message known to those in positions of influence.

It is **always** best to schedule an appointment with a legislator, rather than simply walk the halls and intrude on time that they may have budgeted for other affairs. To make an appointment with a member of the General Assembly, consult the online office directory for individual members at <http://www.ncleg.gov> or call 919-733-7928 and ask to be connected with your representative’s or senator’s office.

When writing a legislator, use your personal stationery or your System Office email account. Be sure to include your return address so that the legislator will be able to contact you. Keep your correspondence focused and brief, so that you quickly get to the heart of the issue and make your salient points in a courteous and respectful manner. Know which committees your legislator serves on, since in depth discussion of issues occurs most often in the committees. Most importantly, express your appreciation for the work your legislator is doing, a vote that is cast, or their leadership exerted in bringing our issues to the floor. A little bit of courtesy goes a long way.

Financing the Community College System

North Carolina's community colleges are funded by the General Assembly based on the average number of full-time equivalent (FTE) students for the previous year, which is converted into dollars using a formula. Unlike the University System and public schools, which are funded based on current year projections, community colleges are funded based on last year's actual performance.

One student who takes 16 credit hours of class work for one semester (16 weeks) generates 256 membership hours. If this same student attends classes for both the fall and spring semesters, the student would generate 512 membership hours, which is equivalent to one annual FTE. In order for a college to generate budget, approximately 18 FTEs must be generated before an instructional unit can be allocated. Each year, the dollar amount allocated per curriculum (credit) and extension (non-credit) FTE changes based on the amount of funding available.

Curriculum program funding is allotted based on FTE generated by those programs for the preceding academic year (fall and spring), or the latest three-year average, whichever is greater. Continuing Education funds are based on FTE generated in the previous spring semester, summer term, and fall semester, or the latest three-year average, whichever is greater. Community service programs are awarded as block grants and do not earn FTE. These funds may be used to pay only for community service programming.

State dollars provided to each college may be used for current operating expenses such as instructional, administrative, and support salaries, supplies and materials, and travel expenses. Funds allocated for educational equipment and library materials are based on a weighted FTE formula, utilizing the previous calendar year's actual FTE to determine the distribution.

Colleges are also awarded categorical funds which are restricted to expenditures in a particular category or program.

State Board of Community Colleges Roster

Name	Appointment	Term Expires	Email	Phone
Ms. LaTasha Bradford	Ex-Officio N4CSGA President	6/20/23	bradfordl@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Dr. Grant Campbell	House	6/30/27	campbellg@nccommunitycolleges.edu	[REDACTED]
Dr. Shirley Carraway	Governor Region 6	6/30/27	carraways@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Ms. Lisa Estep	Senate	6/30/27	estep1@nccommunitycolleges.edu	[REDACTED]
Treas. Dale Folwell	Ex-Officio State Treasurer	12/31/24	dale@nctreasurer.com	[REDACTED] [REDACTED]
Mr. William Holder	Governor At- Large	6/30/23	holderw@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Mr. Bobby Irwin	Senate	6/30/23	irwinb@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Mr. Tom Looney	Senate	6/30/27	looneyt@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Mr. Bill McBrayer	House	6/30/27	mcbrayerb@nccommunitycolleges.edu [REDACTED]	[REDACTED]

Mr. Mark Merritt	Governor Region 4	6/30/25	merrittm@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Mr. Hari Nath	House	6/30/25	nathh@nccommunitycolleges.edu	[REDACTED]
Mr. Andy Penry	Governor At- Large	6/30/27	penrya@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Lt. Gov. Mark Robinson	Ex – Officio Lieutenant Governor	12/31/24	mark.robinson@nc.gov	[REDACTED]
Hon. Ray Russell	Governor Region 2	6/30/23	russellr@nccommunitycolleges.edu	[REDACTED]
Ms. Julie Ryan. (Delegate)	Ex – Officio Labor Commissioner	12/31/24	julie.ryan@labor.nc.gov	[REDACTED]
Hon. Sam Searcy	Governor At- Large	6/30/27	searcys@nccommunitycollege.edu [REDACTED]	[REDACTED]
Mr. Burr Sullivan	House	6/30/23	sullivanb@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Mr. Ray Trapp	Governor At- Large	6/30/27	trappr@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Hon. Terry Van Duyn	Governor Region 1	6/30/25	vanduynt@nccommunitycolleges.edu	[REDACTED]

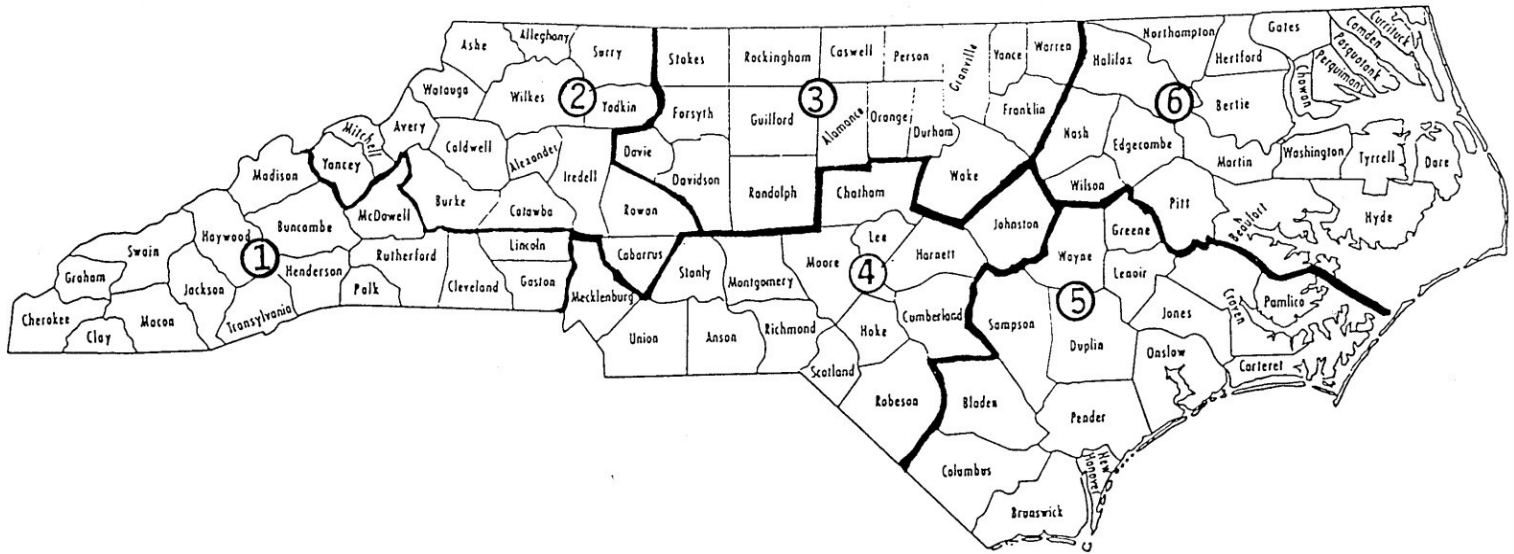
Mr. Jerry Vaughan	Senate	6/30/25	vaughanj@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Ms. Sarah West	Governor Region 3	6/30/27	wests@nccommunitycolleges.edu [REDACTED]	[REDACTED]
Ms. Ann Whitford	Governor Region 5	6/30/23	whitforda@nccommunitycolleges.edu [REDACTED]	[REDACTED]

It is the policy of the Office of State Board Affairs that personal contact information for State Board members is not provided outside the office so that the personal privacy of Board members may be maintained. Persons who wish to contact members are advised to send their requests or information to this office for forwarding to the individual member:

Office of State Board Affairs
North Carolina Community College System
5001 Mail Service Center
Raleigh, NC 27699-5001
Phone: 919.807.6969

State Board of Community Colleges

Regional Map



ALL AT-LARGE AND REGIONAL APPOINTMENTS ARE MADE BY THE GOVERNOR

Region 1

Ms. Terry Van Duyn 6/30/2025 Regional

Region 2

Mr. Bobby Irwin 6/30/2023 Senate
Mr. Bill McBrayer 6/30/2027 House
Mr. Ray Russell 6/30/2023 Regional

Region 3

Dr. Grant Campbell 6/30/2027 House
Mr. William Holder 6/30/2023 At-large
Mr. Tom Looney 6/30/2027 Senate
Mr. Hari Nath 6/30/2025 House
Mr. Andy Penry 6/30/2027 At-large
Mr. Sam Searcy 6/20/2027 At-large
Mr. Burr Sullivan 6/30/2023 House
Mr. Ray Trapp 6/30/2027 At-large
Ms. Sarah West 6/30/2027 Regional

Region 4

Mr. Mark Merritt 6/30/2025 Regional
Mr. Jerry Vaughan 6/30/2025 Senate

Region 5

Ms. Lisa Estep 6/30/2027 Senate
Ms. Ann Whitford 6/30/2023 Regional

Region 6

Dr. Shirley Carraway 6/30/2025 Regional

Ex Officio

The Honorable Mark Robinson Lt. Governor
The Honorable Dale Folwell State Treasurer
The Honorable Josh Dobson Comm. of Labor
Ms. Latasha Bradford N4CSGA President

State Board Affairs Office
Revised: July 31, 2022

SBCC Annual Calendar

The State Board of Community Colleges' full board meetings are scheduled for every 3rd Friday of the month (June and December are scheduled as tentative holds). Committee meetings and issues luncheons are held the Thursday before the full board meets, or as otherwise scheduled.

January <ul style="list-style-type: none"> • Full Board meeting 3rd Friday • Full Board votes on SBCC award committees' recommended nominees 	July <ul style="list-style-type: none"> • Full Board meeting 3rd Friday • New members appointments
February <ul style="list-style-type: none"> • Full Board meeting 3rd Friday 	August <ul style="list-style-type: none"> • Full Board meeting 3rd Friday • State Board election of officers (biannual) • SBCC award nomination period opens • New member orientation
March <ul style="list-style-type: none"> • Full Board meeting 3rd Friday 	September <ul style="list-style-type: none"> • Full Board meeting 3rd Friday • (offsite at community college) • Annual Planning Meeting Wednesday and Thursday morning before full Board meeting (offsite at community college)
May <ul style="list-style-type: none"> • Full Board meeting 3rd Friday • Community College Day (May or June) 	November <ul style="list-style-type: none"> • Full Board meeting 3rd Friday • SBCC award committees review nominations and interview candidates

June	December
<ul style="list-style-type: none"> • Tentative - State Board and committee meeting(s) as requested • Community College Day (May or June) • Community college presidential evaluations due to State Board Office (by June 31st) • Expiring terms 	<ul style="list-style-type: none"> • Tentative - State Board and committee meeting(s) as requested • Award committees complete nomination reviews and selects recipient to recommend for award

The State Board of Community Colleges does not traditionally meet during the months of June and December. From time to time, however, there may be issues that require the State Board to meet during those months. Should this be the case, potential meeting dates for these two months has been held on the calendar.

<p style="text-align: center;">NORTH CAROLINA COMMUNITY COLLEGE SYSTEM 200 West Jones Street, Raleigh, NC 27603-1379 Mailing Address: 5001 MSC, Raleigh, NC 27699-5001 Telephone (919) 807-7100 Main Fax: (919) 807-7164 William S. Carver, Interim System President COMMUNITY COLLEGE PRESIDENTS August 1, 2022</p>		
<p>Algie Gatewood Alamance Community College PO Box 8000 Courier 17-49-01 Graham, NC 27253-8000 Phone: (336) 506-4150 Fax: (336) 578-8090</p>	<p>Dr. Lisa Chapman Central Carolina Community College 1105 Kelly Dr. Courier 14-43-14 Sanford, NC 27330 Phone: (919) 718-7246 Fax: (919) 718-7456</p>	<p>Dr. Janet Spriggs Forsyth Technical Community College 2100 Silas Creek Parkway Courier 13-05-01 Winston-Salem, NC 27103-5197 Phone: (336) 734-7201 Fax: (336) 734-7161</p>
<p>Dr. John D. Gossett Asheville-Buncombe Tech. Com. Coll. 340 Victoria Road Courier 12-64-01 Asheville, NC 28801 Phone: (828) 398-7110 Fax: (828) 281-9696</p>	<p>Dr. Kandi Deitemeyer Central Piedmont Community College PO Box 35009 Courier 05-18-40 Charlotte, NC 28235 Phone: (704) 330-6566 Fax: (704) 330-5045</p>	<p>Dr. John Hauser Gaston College Courier 06-33-01 201 Highway 321 South Dallas, NC 28034-1499 Phone: (704) 922-6475 Fax: (704) 922-2329</p>
<p>Dr. David Loope Beaufort County Community College 5337 US Highway 264 E. Washington, NC 27889 Phone: (252) 940-6201 Fax: (252) 940-6234</p>	<p>Dr. Jason Hurst Cleveland Community College 137 S. Post Road Courier 06-52-04 Shelby, NC 28152 Phone: (704) 669-4444 Fax: (704) 669-4202</p>	<p>Dr. Anthony Clarke Guilford Technical Community College PO Box 309 Courier 13-29-01 Jamestown, NC 27282 Phone: (336) 334-4822 Ext. 50360 Fax: (336) 454-2745</p>
<p>Dr. Amanda Lee Bladen Community College PO Box 266 Dublin, NC 28332 Phone: (910) 879-5502 Fax: (910) 879-5523</p>	<p>Mr. David Heatherly Coastal Carolina Community College 444 Western Blvd. Courier 11-07-26 Jacksonville, NC 28546 Phone: (910) 938-6210 Fax: (910) 938-6833</p>	<p>Dr. David Forester (Interim) Halifax Community College PO Drawer 809 Courier 07-47-01 Weldon, NC 27890 Phone: (252) 536-7213 Fax: (252) 536-6383</p>
<p>Dr. Laura Leatherwood Blue Ridge Community College 180 West Campus Drive Courier 06-76-01 Flat Rock, NC 28731 Phone: (828) 694-1706 Fax: (828) 694-1696</p>	<p>Dr. Jack Bagwell College of The Albemarle PO Box 2327 Courier 10-39-32 Elizabeth City, NC 27906-2327 Phone: (252) 335-0821 Ext. 2234 Fax: (252) 337-6638</p>	<p>Dr. Shelley White Haywood Community College 185 Freedlander Drive Courier 08-10-01 Clyde, NC 28721 Phone: (828) 627-4515 Fax: (828) 627-1218</p>
<p>Dr. Gene Smith Brunswick Community College PO Box 30 Courier 04-24-01 Supply, NC 28462 Phone: (910) 755-7302 Fax: (910) 754-8229</p>	<p>Dr. Raymond Staats Craven Community College 800 College Court Courier 16-62-01 New Bern, NC 28562 Phone: (252) 638-7202 Fax: (252) 638-4232</p>	<p>Dr. Margaret Annunziata Isothermal Community College PO Box 804 Courier 06-63-04 Spindale, NC 28160 Phone: (828) 395-1300 Fax: (828) 286-1120</p>
<p>Dr. Mark Poarch Caldwell Community Coll. & Tech. Inst. 2855 Hickory Blvd. Courier 15-26-22 Hudson, NC 28638 Phone: (828) 726-2210 Fax: (828) 726-2300</p>	<p>Dr. Darrin Hartness Davidson-Davie Community College PO Box 1287 Courier 13-53-20 Lexington, NC 27293-1287 Phone: (336) 224-4700 Fax: (336) 249-1933</p>	<p>Dr. Jay Carraway James Sprunt Community College PO Box 398 Courier 11-20-10 Kenansville, NC 28349-0398 Phone: (910) 275-6112 Fax: (910) 296-1636</p>
<p>Mr. Jim Morton Cape Fear Community College 411 N. Front Street Courier 04-12-06 Wilmington, NC 28401 Phone: (910) 264-1538 Fax: (910) 362-7046</p>	<p>Mr. John Buxton Durham Technical Community College 1637 Lawson St. Courier 17-21-01 Durham, NC 27703 Phone: (919) 536-7250 Fax: (919) 536-7296</p>	<p>Dr. Ken Boham (Interim) Johnston Community College PO Box 2350 Courier 01-65-35 Smithfield, NC 27577 Phone: (919) 209-2050 Fax: (919) 209-2519</p>
<p>Dr. Tracy Mancini Carteret Community College 3505 Arendell Street Courier 11-12-08 Morehead City, NC 28557 Phone: (252) 222-6140 Fax: (252) 222-6274</p>	<p>Dr. Gregory McLeod. Edgecombe Community College 2009 W. Wilson St. Courier 07-51-11 Tarboro, NC 27886 Phone: (252) 618-6516 Fax: (252) 823-6817</p>	<p>Dr. Russell Hunt Lenoir Community College PO Box 188 Courier 01-23-27 Kinston, NC 28502-0188 Phone: (252) 233-6801 Fax: (252) 233-6879</p>
<p>Dr. Garrett Hinshaw Catawba Valley Community College 2550 Highway 70 SE Courier 09-72-01 Hickory, NC 28602</p>	<p>Dr. J. Larry Keen Fayetteville Tech. Community College PO Box 35236 Courier 14-51-41 Fayetteville, NC 28303-0236</p>	<p>Mr. Wesley Beddard Martin Community College 1161 Kehukee Park Road Courier 10-81-09</p>

Phone: (828) 327-7000 Ext. 4210 Fax: (828) 327-7276	Phone: (910) 678-8321 Fax: (910) 678-8269	Williamston, NC 27892 Phone: (252) 789-0222 Fax: (252) 799-0585
Dr. John C. Boyd Mayland Community College PO Box 547 Courier 12-70-01 Spruce Pine, NC 28777 Phone: (828) 766-1270 Fax: (828) 765-0728	Ms. Melissa Singler Robeson Community College PO Box 1420 Courier 14-93-02 Lumberton, NC 28359 Phone: (910) 272-3230 Fax: (910) 272-3232	Dr. Rachel Desmarais Vance-Granville Community College PO Box 917 Courier 07-20-01 Henderson, NC 27536 Phone: (252) 492-2061 Ext. 3247 Fax: (252) 431-0197
Dr. Brian Merritt McDowell Technical Community College 54 College Drive Courier 12-91-03 Marion, NC 28752-8728 Phone: (828) 652-0635 Fax: (828) 652-1603	Dr. Mark Kinlaw Rockingham Community College PO Box 38 Courier 02-23-05 Wentworth, NC 27375-0038 Phone: (336) 342-4261 Fax: (336) 349-2214	Dr. Scott Ralls Wake Technical Community College 9101 Fayetteville Road Courier 14-79-01 Raleigh, NC 27603 Phone: (919) 866-5141 Fax: (919) 662-3123
Dr. Tim Brewer Mitchell Community College 500 West Broad Street Courier 09-32-08 Statesville, NC 28677 Phone: (704) 878-3205 Fax: (704) 878-3209	Dr. Carol S. Spalding Rowan-Cabarrus Community College PO Box 1595 Courier 05-32-03 Salisbury, NC 28145-1595 Phone: (704) 216-3450 Fax: (704) 637-3692	Dr. Patty Pfeiffer Wayne Community College PO Box 8002 Courier 01-13-20 Goldsboro, NC 27533-8002 Phone: (919) 739-7000 Fax: (919) 739-7137
Dr. Chad Bledsoe Montgomery Community College 1011 Page Street Courier 03-97-20 Troy, NC 27371 Phone: (910) 898-9601 Fax: (910) 576-2176	Dr. Bill Starling Sampson Community College PO Box 318 Courier 11-34-32 Clinton, NC 28329 Phone: (910) 592-8081 Ext. 2000 Fax: (910) 592-8048	Dr. Joel Welch Western Piedmont Community College 1001 Burkemont Avenue Courier 15-06-01 Morganton, NC 28655 Phone: (828) 448-3100 Fax: (828) 438-6015
Dr. Lew Hunnicutt Nash Community College PO Box 7488 Courier 07-70-01 Rocky Mount, NC 27804-0488 Phone: (252) 451-8328 Fax: (252) 451-8201	Dr. John R. Dempsey Sandhills Community College 3395 Airport Road Courier 03-43-01 Pinehurst, NC 28374 Phone: (910) 692-3700 Fax: (910) 695-1823	Dr. Jeffrey A. Cox Wilkes Community College PO Box 120 Courier 15-11-04 Wilkesboro, NC 28697 Phone: (336) 838-6112 Fax: (336) 903-3219
Dr. James Ross Pamlico Community College P.O. Box 185 Grantsboro, NC 28529 Phone: (252) 249-1851 Fax: (252) 249-2984	Dr. Maria Pharr South Piedmont Community College PO Box 5041 Monroe, NC 28111 Phone: (704) 290-5252 Fax: (704) 290-5250	Dr. Robert Timothy Wright Wilson Technical Community College PO Box 4305 Courier 01-51-04 Wilson, NC 27893-0305 Phone: (252) 461-1401 Fax: (252) 246-1909
Dr. Pamela Senegal Piedmont Community College PO Box 1197 Courier 02-32-10 Roxboro, NC 27573 Phone: (336) 599-1181 Ext. 2100 Fax: (336) 597-3817	Dr. Chris English Southeastern Community College PO Box 151 Courier 04-22-24 Whiteville, NC 28472 Phone: (910) 788-6270 Fax: (910) 640-2035	
Dr. Lawrence Rouse Pitt Community College PO Drawer 7007 Courier 01-45-28 Greenville, NC 27835-7007 Phone: (252) 493-7220 Fax: (252) 321-4558	Dr. Don Tomas Southwestern Community College 447 College Drive Courier 08-23-14 Sylva, NC 28779 Phone: (828) 339-4242 Fax: (828) 339-4652	
Dr. Elbert Lassiter (Acting) Randolph Community College PO Box 1009, Courier 13-65-20 Asheboro, NC 27204-1009 Phone: (336) 633-0286 Fax: (336) 633-0104	Dr. John Enamait Stanly Community College 141 College Dr. Courier 03-20-03 Albemarle, NC 28001 Phone: (704) 991-0220 Fax: (704) 982-0819	
Dr. W. Dale McInnis Richmond Community College PO Box 1189 Courier 03-80-03 Hamlet, NC 28345 Phone: (910) 410-1806 Fax: (910) 910-582-7028	Dr. David R. Shockley Surry Community College 630 South Main Street Courier 09-91-01 Dobson, NC 27017 Phone: (336) 386-3213 Fax: (336) 386-3693	

Dr. Murray J. Williams Roanoke-Chowan Community College 109 Community College Road Ahoskie, NC 27910 Phone: (252) 862-1308 Fax: (252) 862-1359	Dr. Donna Tipton-Rogers Tri-County Community College 4600 Hwy 64 East Courier 08-53-06 Murphy, NC 28906 Phone: (828) 835-4204 Fax: (828) 837-0028	
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North Carolina Association of Community College Presidents (NCACCP)

The North Carolina Association of Community College Presidents was organized for the purpose of providing a forum for open discussion of issues common to all institutions within the System, and to create a support network among its chief executive officers. Consisting of the 58 presidents within the System, the NCACCP meets quarterly during the last full week of January, April, July, and October. The current president of the Association is Dr. Jeffrey Cox, President of Wilkes Community College. Membership dues to the Association are paid by the presidents themselves from their own personal funds. The Association's website is located at www.ncaccp.org.

North Carolina Association of Community College Trustees (NCACCT)

Following the creation of the North Carolina Community College work began in 1965 on a support organization for the many trustees scattered across the state that served on local boards of trustees. On October 26, 1967, the North Carolina Association of Community College Trustees (NCACCT) was established to provide trustees with an organization for the furtherance of the aims, goals, and development of North Carolina's community colleges. With almost 900 active members, it comprises the largest and most effective lobbying group on behalf of the System. NCACCT holds training sessions for new and reappointed trustees three a year and conducts continuing education seminars for all trustees on a regular basis. NCACCT may also contract with individual institutions to provide them with services during presidential searches, and individualized leadership for local board retreats. The website for the Trustees Association is located at www.ncacct.com

North Carolina Community College Faculty Association (NCCCFA)

On October 11, 1988, during the NCCC Instructors' Conference in Greensboro, the North Carolina Community College Faculty Association was founded. Approximately 120 faculty members agreed to form a statewide association to address issues of importance to the thousands of instructors, full and part-time, within the System. The mission of the Faculty Association includes fostering professionalism among community college faculty; serving as a voice for faculty concerns to the System Office, presidents, trustees, the General Assembly, and the general public; and advocating for policies and legislation that allow colleges to attract, employ, retain, and reward highly qualified faculty. The Faculty Association holds spring and fall meetings at various locations across the state, as well as sessions on specific topics of interest to instructional staff. The current president of NCCCFA is Mr. John Etheridge, an instructor at Wake Technical Community College in Raleigh. The website for the Faculty Association is www.ncccfa.org.

APPENDICES

Appendix 1 – 2023 SBCC Meeting Schedule

SBCC COMMITTEE MEETING	SBCC BOARD MEETING
Thursday, January 19, 2023	Friday, January 20, 2023
Thursday, February 16, 2023	Friday, February 17, 2023
Thursday, March 16, 2023	Friday, March 17, 2023
Thursday, April 20, 2023	Friday, April 21, 2023
Thursday, May 18, 2023	Friday, May 19, 2023
Thursday, June 15, 2023*	Friday, June 16, 2023*
Thursday, July 20, 2023	Friday, July 21, 2023
Thursday, August 17, 2023	Friday, August 18, 2023
Planning Meeting <i>TBD</i> Wednesday, September 13, 2023 through Thursday September 14, 2023 (morning) Committee Meetings Thursday, September 14, 2023 (afternoon)	Friday, September 15, 2023
Thursday, October 19, 2023	Friday, October 20, 2023
Thursday, November 16, 2023	Friday, November 17, 2023
Thursday, December 14, 2023*	Friday, December 15, 2023*

*The State Board of Community Colleges does not typically meet during the months of June and December. In the event a meeting is required during these months potential meeting dates have been established and are highlighted in gray. Members are requested to hold these dates on their calendars until notified that they are no longer necessary.

Appendix 2 – State Board of Community Colleges Bylaws

Article I. Bylaws Governing the State Board of Community Colleges.

The following bylaws shall govern and control all actions and procedures of the State Board of Community Colleges, hereinafter, referred to as the "State Board." The State Board shall conduct its business in a committee of the whole or under such other forms as it by majority vote may elect.

Article II. Officers.

At the first meeting after July 1, 1981, and every two years thereafter, the State Board shall elect from its membership for two-year terms or until their respective successors have been appointed and qualified, a Chair, a Vice Chair, and such other officers as it may deem necessary (G.S. 115D-2.1).

The Chair of the State Board shall appoint a nominating committee of no less than three and no more than five qualified members of the State Board at a meeting prior to the July meeting at which officers are to be elected. The nominating committee shall present the name of at least one individual for each office. Each nominee must submit to the nominating committee a letter accepting the nomination and indicating a commitment of the time necessary to perform the duties of that office. Nominations will be accepted from the floor, but each such nominee must indicate a commitment of time to serve in that office.

In the event a vacancy occurs prior to the end of the term, the State Board shall elect one of its qualified members to fill the office for the unexpired portion of the term. The President of the N. C. System of Community Colleges shall be Secretary of the State Board.

The President of the N. C. System of Community Colleges may appoint an Assistant Secretary of the State Board, who shall be a member of the staff of the Community College System Office. Copies of all minutes, papers, and documents of the State Board may be certified by the Assistant Secretary with the same force and effect as though such certification were made by the Secretary of the State Board.

Article III. Regular Meetings.

Regular meetings of the State Board shall be held at least ten times a year on dates to be determined by the State Board. Each regular meeting shall be held at a time and place designated by the Chair. Notice concerning the time and place shall be given to each member of the State Board by the Secretary at least seven days in advance of the meeting date. Either by action of the State Board or upon fifteen days' written notice by the Chair, the date specified herein for a regular meeting may be changed to another date

within the designated month. Any matter of business relating to the community college system may be considered at any regular meeting of the State Board.

Article IV. Special Meetings.

Special meetings of the State Board may be called by the Chair at his discretion and shall be called by the Secretary upon the written request of no fewer than a majority of the qualified members of the State Board. A special meeting called by the Secretary shall be held within twenty days of receipt by the Secretary of an individual written request from a majority of the qualified members for such special meeting. A notice specifying the time and place of a special meeting of the State Board shall be given by the Secretary to each member of the State Board at least five days in advance of the meeting date; but notice of three days may be given when, in the judgment of the Chair, an emergency exists. Any matter of business relating to the community college system may be considered at a special meeting.

Article V. Agenda.

The agenda for a regular or special meeting of the State Board shall be prepared by the Secretary with approval of the Chair. A copy of the agenda for each regular meeting of the State Board, including notice of all expiring terms on or vacancies in membership of the State Board and its committees, and insofar as is practicable, copies of all reports and other materials to be presented to the regular meeting as a part of the agenda, shall be sent by the Secretary to each member at least seven days in advance of the regular meeting. If practicable, a copy of the agenda for each special meeting of the State Board with reports and other materials to be presented, shall be sent to each member at least five days in advance of the special meeting. When matters are to be considered by a committee between the time the agenda is sent and the time of any regular or special meeting of the State Board, and these matters are expected to be presented to the State Board for action at the meeting, all members of the State Board shall be sent such materials as a committee may prescribe by standing rule or as the chair of a committee may designate, in order to inform the State Board, insofar as may be feasible, of the nature of the action that might be asked of it.

All requests for inclusion of a given item on the agenda of a particular meeting shall be filed, with supporting documents, if any, with the Secretary. Unless specifically authorized by the State Board, items placed on the agenda for action shall be placed on the agenda initially for future action and then for action at a subsequent meeting. In some circumstances, the constraints of time require the expeditious consideration of certain agenda items, particularly in regard to agreements, contracts, grants, personnel issues, and certain curriculum applications. With the prior consent of the Chair, such items may be placed on the agenda initially for action at the next regularly scheduled meeting of the Board.

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent agenda items shall be those of a non-controversial or routine nature, and which the Board has seen in a previous meeting. Any member of the Board has the right to comment on any consent agenda item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item. The request to remove the item from the consent agenda shall be non-debatable and will be honored without discussion. Removal of an item from the consent agenda returns it to the appropriate committee's report for full Board discussion.

Any committee or member of the State Board may request consideration by the State Board of any items not on the agenda of a regular or special meeting. However, such an item shall not be so considered without the approval of two-thirds of the qualified members of the State Board present at such meeting.

Article VI. Quorum - Attendance.

A quorum for the conducting of business by the State Board shall consist of a majority of the qualified members of the State Board (G.S. 115D-2.1).

The Secretary shall maintain an attendance record for State Board meetings on each member. A State Board meeting includes the meeting of the full board and any scheduled standing committee meetings. Members are encouraged and expected to attend all State Board meetings. However, if a member attends either the full board meeting or the assigned standing committee meeting, or both, the member shall be considered in attendance for the month.

The State Board may remove an appointed or elected member from the State Board who, without justifiable excuse, has not attended three consecutive scheduled meetings. Examples of justifiable excuses include canceled travel arrangements; military service; illness or injury of member, spouse, child or parent; and death of a member's spouse, child or parent. If a member should miss four scheduled meetings during a fiscal year without justifiable excuse, the State Board may notify the respective appointing or electing authority so that an appropriate action can be taken.

To be eligible to be considered for an excused absence, a member must inform the Secretary of the State Board of the reason for his or her absence prior to the day of the meeting if the absence is foreseeable. If the absence is not foreseeable, the member must inform the Secretary of the State Board of the reason as soon as reasonably possible after the meeting missed by the member. In either circumstance, the Secretary of the State Board will complete the excused absence form and submit it to the Chair for approval prior to or at the next regularly scheduled meeting of the State Board.

If the State Board should remove a member from office, the Chair shall notify the appropriate appointing or electing authority of the vacancy.

Article VII. Presiding Officer.

The Chair shall preside at all regular and special meetings of the State Board. In the absence of the Chair, the Vice Chair shall preside. In the absence of the Vice Chair, a presiding officer shall be elected by and from the qualified membership of the State Board.

Article VIII. Power to Vote.

All qualified members of the State Board, except the Student Government Association representative, may vote on all matters coming before the State Board for consideration, but no member may vote by proxy. No vote concerning any matter under consideration by the State Board, or by a committee of the State Board may be cast by mail. [G.S. 115D-2.1(b)(5)]

Article IX. Rules of Order.

Except as modified by specific rules and regulations enacted by the State Board, Robert's Rules of Order (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the State Board and its several committees.

Article X. Reference to Committees.

All matters presented to the State Board, except matters of routine business, which come within the sphere of interest or activity of any standing committee of the State Board, shall be submitted by the State Board to the appropriate standing committee for investigation and report. All matters, of other than routine business, which do not come within the sphere of interest or activity of any standing committee of the State Board may be submitted by the State Board to a special committee for investigation and report in advance of action thereon by the State Board. The Board may proceed to consider any matter without referring it to a standing or special committee, if by a two-thirds vote of the qualified members present, immediate consideration by the State Board is ordered. The reports and recommendations of standing and special committees shall be submitted to the State Board in writing consistent with the instructions of the State Board.

Article XI. Minutes.

The Secretary shall keep minutes of all meetings of the State Board, shall file, index, and preserve all minutes, papers and documents pertaining to the business and proceedings of the State Board; shall be custodian of the State Board of Community Colleges' Seal and of all records and instruments of the State Board and Community Colleges System Office.

The Secretary shall be responsible for transcribing the minutes of each meeting within a reasonable time and for sending a copy to each member.

Article XII. Standing Committees: Membership and Jurisdiction.

The standing committees of the State Board shall be: the Committee on Financial and Capital Needs, the Committee on Personnel, the Committee on Policy, and the Committee on Program Services. The Chair of the State Board shall appoint the membership of each standing committee, designate the chair and vice-chair, prescribe the duties, and determine the size of each standing committee. The Chair of the State Board shall be a member of each standing committee. In addition, the Chair shall appoint a non-voting representative of the North Carolina Association of Community College Presidents and a non-voting representative of the North Carolina Association of Community College Trustees to each standing committee upon the recommendation of the presiding officer of each association. The membership of each standing committee may be rotated biennially at the discretion of the State Board Chair.

Each standing committee shall meet at either the call of the committee chair or the State Board Chair. The meetings shall be held at a time convenient to the membership.

Article XIII. Establishment of Special Committees.

Special committees may be established, and their duties may be prescribed by the Chair of the State Board.

Article XIV. Closed Sessions.

All meetings of the State Board shall be open to the public unless, consistent with the requirements of State Law, a meeting is closed to the public by majority vote of a quorum of the qualified membership of the State Board.

Article XV. Amendments and Suspensions of Bylaw Provisions.

Any provision of these bylaws (except those required or governed by statutory provision) may be amended by a vote of two-thirds of the qualified membership of the State Board; provided, that no amendment may be adopted unless its substance first has been introduced at a preceding regular or special meeting of the State Board.

Any provision of these bylaws (except those required or governed by statutory provision) may be suspended at any regular or special meeting of the State Board for that meeting by affirmative vote of two-thirds of the qualified membership of the State Board.

NOTE: The Bylaws of the State Board of Community Colleges were adopted on January 1, 1981, and most recently amended on August 19, 2005.

Appendix 3 - Glossary of Relevant Terms

Academic Semester—A sixteen-week period during which credit classes are offered.

Academic Year—The academic year includes fall and spring semesters as well as an eleven-week summer term.

Accreditation—A formal means of recognizing an institution for maintaining standards that qualify the graduates for admission to higher institutions or for professional practice. Accrediting agencies are responsible for establishing the standards and evaluating the schools' compliance with them (e.g. Southern Association of Colleges and Schools, American Dental Association, Engineering).

Accountability—The acceptance of personal responsibility for the achievement of predetermined measurable objectives.

Adult Basic Education (ABE)—A program of basic skills for adults, 16 years of age or older and out of school, who function at less than a high school level.

Adult Education—Programs that provide opportunities for adults and out-of-school youth to further their education.

Affirmative Action—The planned, aggressive, coherent, management program to provide for equal employment opportunity. It is a results-oriented program designed to achieve equal employment opportunity rather than simply a policy to assure nondiscrimination. As an ongoing management program, it requires periodic evaluation. It is not a quota system.

Appropriation—The act by which the legislature provides the state dollars for the operation of an institution. Funds are appropriated to the State Board of Community Colleges to be distributed to the institutions.

Associate in Applied Science Programs (AAS)—These programs range from 64 to 76 semester hour credits. A full-time student can typically complete one of these programs within two years. In addition to major course work, associate in applied science degree programs require a minimum of 15 semester hour credits of general education. General education requirements include course work in communications, humanities/fine arts, social/behavioral sciences and natural sciences/mathematics. Certain courses in associate degree programs may be accepted by a four-year college or university for transfer credit in an associated field.

Association of Community College Trustees (ACCT)—A nonprofit international association with headquarters in Washington, DC, that seeks to unify, promote, encourage, and develop two-year institutions through the expertise and insight of trustee leadership.

Association of Governing Boards of Universities and Colleges (AGB)—A nonprofit educational organization of governing, coordinating, and advisory boards of post-secondary education. AGB exists to help its members fulfill their roles and meet their responsibilities. Headquarters are in Washington, DC.

Base Budget—Appropriations made by the Legislature to fund the current level of operation.

Biennium—A two-year period for which an agency builds a budget.

Capital Outlay—Capital outlay expenditures are those that result in the acquisition of fixed assets or additions to fixed assets (i.e. expenditures for land, buildings, or equipment).

Categorical Funds (restricted)—Funds from a federal, state, local, or private source that are restricted to expenditures in a particular category or program.

Certificate Programs—These programs range from 12 to 18 semester hour credits and can usually be completed within one semester by a full-time student. Associate degree level courses within a certificate program may also be applied toward a diploma or an associate in applied science degree.

Certification—A voluntary form of recognition for knowledge and skill in a particular profession.

Clock Hour—One hour of instruction given one student. Class periods from 50–60 minutes may be counted as one clock hour depending on the type of instruction delivered.

College Transfer Programs—These programs are offered through the Associate in Arts (AA), Associate in Fine Arts (AFA) and Associate in Science (AS) degrees. The Associate in Arts and the Associate in Science programs are part of the Comprehensive Articulation Agreement (CAA). This agreement addresses the transfer of students between institutions in the North Carolina Community College System and the constituent institutions of the University of North Carolina.

Compensatory Education—A special state-funded educational program for adults (over 17 years of age) with some mental disability.

Competency-Based Instruction—Instruction based on measurable student performance outcomes consistent with the skills and knowledge needed by entry-level employees in a particular field.

Cooperative Skills Training—A training program specifically designed to provide customized training for existing industry. This training can be provided on campus or at the industrial site.

Credit Hour—An instructional unit used for recognition of the amount of credit a student earns for a given course. Example: Semester Credit Hour—A student who spends one classroom hour per week in a class for sixteen weeks earns one semester hour credit.

Current Expense—Funds used for the general operation of the institution to include salaries, benefits, and other instructional costs.

Curriculum Programs—A term used to describe a wide variety of planned educational programs which range in length from one semester to two years. These programs lead to certificates, diplomas or associate degrees, depending on the nature of the curriculum. Curriculum programs include certificate, diploma, Associate in Applied Science, Associate in Arts, Associate in Fine Arts, Associate in Science and Associate in General Education programs.

Developmental Education—A program providing specialized credit courses for students who need to improve their basic skill in order to perform at the level required for admission to degree and diploma programs. Usually these courses are in reading, writing, and mathematics.

Diploma Programs—These programs range from 36 to 48 semester hour credits and can usually be completed by a full-time student within two semesters and one summer term. Associate degree level courses within a diploma program may also be applied toward an Associate in Applied Science degree.

English as a Second Language (ESL)—A program of instruction to help adults with limited or no English language proficiency.

Expansion Budget—Additional funds from the legislature to increase the quantity or quality of services rendered.

Fiscal Year—The twelve-month period upon which the institution's budget is based that runs July1 – June 30.

Full-Time Equivalent (FTE)—One full-time equivalent (FTE) student represents 16 student membership hours per week for 16 weeks or 256 student membership hours for each semester enrolled.

- **Annual Curriculum FTE**—The total of fall and spring FTE.
- **Annual Extension FTE**—The total of spring, summer and fall sequenced periods FTE.

- **Budget Full-Time Equivalent (B/FTE)**—Used to prepare the operating budget and to provide for an equitable distribution of the operating funds allocated by the State Board to the institutions.
- **Equipment Full-Time Equivalent (E/FTE)**—Used to prepare the equipment budget and to provide for an equitable distribution of the equipment funds allocated by the State Board to the institutions.
- **Library Full-Time Equivalent (L/FTE)**—Used to prepare the library budget to provide for an equitable distribution of library funds allocated for the purchase of library books and audiovisual materials.
- **Credit Hour Full-Time Equivalent (H/FTE)**—Used in furnishing data to the North Carolina Commission on Higher Education Facilities and the University of North Carolina.
- **Construction Full-Time Equivalent (C/FTE)**—Used to determine priorities and institutional eligibility for federal and state construction funds for the institutions.

Full-Time Students—A student is considered full time if he/she carries 12 or more semester credit hours of classes.

General Educational Development (GED)—A high school equivalency program enabling adults to take the General Education Development Tests to determine if they are at the 12th grade completion level of English, social studies, science, reading, and math. Individuals achieving the required scores on the GED are awarded the High School Equivalency Diploma. The program is open to individuals 18 years or older.

General Education Programs—These programs are designed for individuals wishing to broaden their education, with emphasis on personal interest, growth and development. The two-year General Education program provides students opportunities to study english, literature, fine arts, philosophy, social science, science and mathematics at the college level. All courses in the program are college-level courses and many of the courses are equivalent to college transfer courses; however, the program is not principally designed for college transfer. Successful completion of 64-65 semester hour credits leads to an associate in general education degree (AGE).

Human Resource Development (HRD)—A program with prevocational training and counseling for chronically unemployed adults.

Non-Credit (Extension) Courses—Courses for professional training, upgrading or general interest.

Occupational Education—Any type of instruction or training (credit or non-credit) that prepares one to enter an occupation.

Other Costs—A term used to describe current instructional and operating instructional support costs excluding personnel and the associated fringe benefits. The term is used for supplies, travel, postage, etc.

Pell Grants—Need-based federally funded grants.

Transitional—Programs that do not lead to a formal award. They include special credit, Huskins Bill, high school, and dual enrolled high school programs.

Unduplicated Headcount—The total number of students (both full-time and part-time) enrolled in all courses during a year. Each student is counted only once during the year regardless of the number of classes he/she takes or the number of semesters for which he/she registers.



Often Used Terms and Acronyms

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#)
[N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Term/Acronym	Meaning
A	Back to top
A4NCW	Align4NCWorks (Strategic Plan)
AA	Associate in Arts – A degree granted for planned programs of study consisting of a minimum of 60 semester hours and a maximum of 61 semester hours of college transfer courses.
AAS	Associate in Applied Science – A degree granted for planned programs 64-76 semester hours course work to provide entry-level employment education. An AAS program must include a minimum of 15 hours of general education and a minimum of 49 hours of major courses with numbers 110-199 or 210-299.
ACA	Affordable Care Act
ABE	Adult Basic Education (ABE) is a program of instruction below the high school level designed for adults who need to improve their reading, writing, speaking, problem solving, or computation skills to function more effectively in society, on a job, or in the family.
ACCBO	Association of Community College Budget Officers
ADA	Americans with Disabilities Act
AD&D	Accidental Death and Dismemberment insurance
AE	Associate in Engineering – A degree granted for planned programs of study consisting of a minimum of 60 semester hours and a maximum of 61 semester hours of college transfer courses, with an emphasis on engineering.
AEFLA	Adult Education and Family Literacy Act
AFA	Associate in Fine Arts – A degree granted for planned programs of study consisting of a minimum of 60 semester hours and a maximum of 61 semester hours of college transfer courses, with an emphasis on the arts.
AGE	Associate in General Education – A degree that is designed for the academic enrichment of students who wish to broaden their education, with emphasis on personal interest, growth and development. The program may include both university transfer and non-transfer courses.

AGI	adjusted gross income
AHS	Adult High School (AHS) instruction is offered cooperatively with local public school systems to help adults earn an Adult High School Diploma.
AS	Associate in Science – A degree granted for planned programs of study consisting of a minimum of 60 semester hours and a maximum of 61 semester hours of college transfer courses, with emphasis on the natural sciences.
AUD	Accountability and Audit Committee
AWS	American Welding Society
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Basic Skills	Basic Skills - Programs designed for adults who need to improve their reading, writing, speaking, problem solving, listening or computational skills to function more effectively in society, on a job, or in the family.
Basic Skills Plus.	Basic Skills Plus. Basic Skills Plus is a program developed to provide employability skills, job-specific occupational and technical skills, and developmental education instruction to students concurrently enrolled in an Adult High School or a high school equivalency program.
BEACON	The former name of the HR/Payroll system for State agencies
Best Literacy/Best Plus 2.0	Basic English Skills Test – NRS assessment used in College and Career Readiness to place and post-test students.
BEST NC	Business for Educational Success and Transformation
BEST Shared Services	Beacon Enterprise Support Team – support organization for employees and agency human resources and payroll personnel designed to provide human resources, benefits and payroll administration services and answers to human resources, benefits and payroll questions.
BFTE	Budget FTE
BioNetwork	Statewide resource that supports the training, education, and outreach needs of North Carolina's biotechnology and life sciences sector. Five community colleges host BioNetwork staff. They include: Asheville-Buncombe (A-B) Technical Community College, Forsyth Technical Community College, Gaston College, Pitt Community College, and Wake Technical Community College.
BLET	Basic Law Enforcement Training
BRITE	Biotechnology Research Institute and Technology Enterprise, NC Central University, BioNetwork partner.
BTEC	Biomanufacturing Training and Education Center, NC State - partner of BioNetwork

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CAA	Comprehensive Articulation Agreement – An agreement between the North Carolina Community College System and public and private universities to facilitate transfer between community colleges and 4-year universities.
CAL	Calendar Committee
CAO	Chief Academic Officer – The person at the local college level who bears the primary responsibility for all areas of curriculum programming.
Career Clusters Guide	Developed by the North Carolina Department of Public Instruction and the North Carolina Community College system to link the academic and Career and Technical Education programs at the secondary and postsecondary levels to increase student achievement.
CASAS	Comprehensive Adult Student Assessment Systems – An assessment used in College and Career Readiness to place and post-test students
CBE	competency-based education
CC	Community college
CCL	Combined Course Library – The set of statewide uniform courses from which North Carolina community colleges must choose their curriculum course offerings.
CCP	Career and College Promise program
CCP	Career and College Promise - Success in today's global economy may require a two-or four-year degree, a certificate or diploma. Through Career and College Promise, qualified high-school-age students in North Carolina have the opportunity to pursue these options, tuition free, while they are in high school, allowing them to get a jumpstart on their workplace and college preparation.
CCR	College and Career Readiness - Programs designed for adults who need to improve their reading, writing, speaking, problem solving, listening or computational skills to function more effectively in society, on a job, or in the family.
CCRG	Career and College-Ready Graduate Program
CE	Continuing Education programs provide education and training opportunities for targeted audiences. Courses are non-credit, short-term, and are offered in a variety of instructional delivery modes and locations.
CEC	Continuing Education Credit
Certificate	A program comprised of 12-18 semester hours of courses designed to provide entry-level employment training.

CEU	Continuing Education Unit – A unit of credit toward specific certification awarded for continuing education courses in collaboration with the certifying agency.
CI	Capital Improvement project
CIP Codes	Classification of Instructional Programs Codes – Nationally recognized codes to classify instructional programs for educational research and funding purposes.
CIP Project	Curriculum Improvement Project – A two-year project with state-wide representation to assess the current employer needs for a particular program area and revise courses and curriculum standards, as required, to meet the employer needs.
CIS	College Information System – A two-part system to interconnect all facets of NCCCS records – commonly differentiated as Colleague and Data Warehouse.
Clinical Practice	A structured, faculty-directed learning experience in a health sciences program which develops job proficiency. Clinical practice requires significant preparation, coordination, and scheduling by the faculty and is under the supervision of an instructor or preceptor who is qualified for the particular program. Credit of one semester hour is awarded for each 48 hours of clinical practice. (ratio of 3:1 credit hours).
COABE	Coalition on Adult Basic Education
COBRA	The Consolidated Omnibus Budget Reconciliation Act of 1985 (or COBRA) - the ability to continue health insurance coverage after leaving employment
Colleague	– A software package with enhancements and ancillary third-party products designed to interconnect the functions at the college level and to manage processes that are shared by the colleges and the System Office.
Concurrent Enrollment	Enrollment of high school students in regular college courses, usually located on the community college campus.
Corequisite Course	A courses taken at the same time as another course or prior to the course to be taken.
CR	Continuing Resolution – Legislation that is enacted that provides continuing budget authority, absent the enactment of a final budget.
CRC	Career Readiness Certification – Entry-level worker third party certification that measures a worker's abilities in three key workplace skills: <ul style="list-style-type: none"> • Reading for Information • Applied Mathematics • Locating Information

CCRC	Curriculum Course Review Committee – A committee of academic officers and presidents that serves as an arm of the State Board of Community Colleges, with the specific purpose of maintaining the curriculum courses in the Combined Course Library. This committee is charged with the responsibility of keeping the curriculum courses in the Combined Course Library current while guarding against proliferation of course duplications.
CTE	Career and Technical Education
CTE	Career Technical Education Pathway – A certificate or diploma level program offered under Career and College Promise.
Curriculum Standard	A set of criteria approved by the State Board of Community Colleges for each curriculum. The criteria establish the program description, minimum and maximum number of hours and required courses.
Curriculum Standard (Career Cluster Format)	Similar career technical education program majors grouped together under a program curriculum standard that utilize a common technical core (foundational courses).
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Data Warehouse	A massive database that stores five years of raw data. Standard reports with a fixed “snapshot” of data at a given date are available through menu/standard command options. Ad hoc reports are based on data in the warehouse on the day extracted; consequently, Ad hoc results vary as colleges update records.
Developmental Education	Programs that consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate. The numbers 010-099 shall be assigned to developmental courses.
Diploma	– A program comprised of 36-48 semester hours, including a minimum of 6 hours general education, which provide entry-level employment training.
DEI	diversity, equity, and inclusion
DL	Distance Learning – Organized delivery by means other than face-to-face classroom contact, such as via The Internet, video recordings, paper-based correspondence, or telecourse.
DPI	NC Department of Public Instruction, often referred to as K-12.
DWS	Division of Workforce Solutions, NC Department of Commerce

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Early College High Schools	Small autonomous schools where students earn an associate degree or two years of college credit.
EAP	Employee Assistance Program
EDPNC	Economic Development Partnership of North Carolina, the partnership formed by the General Assembly in 2014 to handle business recruitment, retention, international trade, tourism and film development. These functions were moved from Commerce.
EFC	expected family contribution
EFL	Educational Functioning Level – Way to identify measurable skill gains in adult education
EOB	Explanation of Benefits (as found on Beacon)
EOI	Evidence of Insurability – often required for benefit enrollment
EPA or EHRA	Employee/Position is Exempt from the State Personnel (now Human Resources Act)
ESL/ELA/ELL	English as a Second Language, English Language Acquisition, English Language Learner
ETA	Employment and Training Administration
Experiential Lab	Instruction given to a student by an instructor to increase the student's knowledge and skills without immediate student application. Credit of one semester hour is awarded for each 32 hours of experiential laboratory work. (ratio of 2:1 credit hours.)
F	Back to top
Faculty Directed Lab	Structured and coordinated demonstration by an instructor with immediate student application. Credit of one semester hour is awarded for each 48 hours of faculty directed laboratory work. (ration of 3:1 credit hours).
FAFSA	Free Application for Federal Student Aid
FC	Finance Committee
FERPA	The Family Educational Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment) is a United States federal law
FIL	Family Illness Leave
FLSA	Fair Labor Standards Act – determines if position is subject to or exempt from overtime provisions
FMLA	Family and Medical Leave Act
FTE	Full-Time Equivalency – The number of hours equivalent to the hours one student is enrolled for the normal academic year of spring and fall terms. This method enables colleges to recognize the impact of part-time students as an aggregate.
FRD	Fiscal Research Division – A division of the General Assembly's non-partisan central staff that provides legislators information and advice on fiscal matters.

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GED	General Education Development – A program which provides instruction and testing for adults to complete their high school equivalency.
GOT	General Occupational Technology – A curriculum which is unique to an individual student’s particular needs for employability skills.
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HECAC	Higher Education Collaborative Advisory Committee – Advisory committee composed of residency stakeholders who review residency policy and procedures in order to advise the State Education Assistance Authority in the governance of NC Residency.
HIPAA	Health Insurance Portability and Accountability Act, a 1996 Federal law that restricts access to individuals' private medical information
HiSET	High School Equivalency Test - A program which provides instruction and testing for adults to complete their high school equivalency.
HRD	Human Resources Development Program
HSE	North Carolina’s High School Equivalency (HSE) Diploma program offers instruction to assist learners in preparing to successfully pass a designated high school equivalency test. A high school equivalency diploma is issued from the North Carolina State Board of Community Colleges upon successful completion of the complete battery of tests.
I	Back to top
ICAA	Independent Comprehensive Articulation Agreement – An agreement between the North Carolina Community College System and endorsing members of the North Carolina Independent Colleges and Universities to facilitate transfer between community colleges and private, North Carolina 4-year universities that endorse the agreement.
IELCE	Integrated English Literacy and Civics Education - Program is provided in combination with integrated education and training activities and designed to: (1) prepare adult English language learners for, and place in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and (2) integrate with the local workforce development system and its functions to carry out the activities of the program.

IET	Integrated Education and Training - A service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.
IIPS	Institutional Information Processing System – Legacy-based software that will continue to be used for some colleges until 2013.
ITAC	Independent Transfer Advisory Committee - A committee comprised of community college and representatives from the NC Independent Colleges and Universities who administer the Independent Comprehensive Articulation Agreement.
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K	Back to top
L	Back to top
LEAD	Labor & Economic and Analysis Division
LEAs	law enforcement agencies
LEIS	Literacy Education Information System
LEOs	law enforcement officers
LINCS	Literacy Information and Communication System – A national leadership initiative to deliver high-quality, evidence-based resources, on-demand educational opportunities to practitioners of adult education.
LTD	Long Term Disability benefits
LOA	Leave of Absence
M	Back to top
MCC	Multi-campus center. A convenience location at which students can complete at least one associate degree. Typically, these locations serve at least 300 FTE students.
Middle College High Schools	Small autonomous schools where students take both high school and college credit courses, but are not guaranteed an associate degree or two years of transferable credit.
MPHSE	Multiple Pathways to High School Equivalency - An alternative diploma program designed for CCR students to attain a high school equivalency diploma.
MSG	Multiple Skills Gain – A WIOA-required indicator used in the Federal National Reporting System to demonstrate participants’ progress toward achieving a credential or employment.

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N4CSGA	North Carolina Comprehensive Community College Student Government Association
NAM	National Association of Manufacturing
NCACCP	NC Association of Community College Presidents
NCACCT	NC Association of Community College Trustees
NC BIO	State affiliate of the Biotechnology International Organization, lobbies for NC Biotech industry.
NCBC	NC Biotechnology Center, economic development organization located in RTP.
NCBCE	NC business committee for education
NCC	NC Chamber
NCCCAEA	NC Community College Adult Educators Association
NCCCS	North Carolina Community College System
NCCCSO	North Carolina Community College System Office
NCCORD	NC Council of Resource Development - members include college foundation officers and grant writers.
NCEDA	NC Economic Developers Association, a statewide association of economic developers and allies.
NC Flex	State of North Carolina Flexible Benefits program
NCIH	North Carolina Information Highway – A network of interconnected sites to provide simultaneous interaction among those sites for classes, meetings, forums, etc.
NCREN	North Carolina Research and Education Network - High speed broadband network for 58 Community Colleges, UNC 16 Institutions, K-12 schools, and some Private Universities
NCTAP	NC Triangle Apprenticeship Program, group of businesses in Triangle area collaborating and promoting apprenticeship.
NC VIP	Valuing Individual Performance – the State’s on-line performance management system
NCW	NC Works Commission
NCWorks	Effort announced by Governor McCrory in April 2014 to bring the state’s workforce development programs, including some community colleges programs, into better alignment.
NGA	National Governors Association
NIMS	National Institute for Metalworking Skills
NRS	National Reporting System – The accountability system for the Federally funded adult education program.

O	Back to top
OCC	Off Campus Center – A convenience location that provides appropriate population and geographic access. Typically students may complete courses, certificates, or diplomas at these centers, but not full associate degrees at these locations.
OCTAE	Office of career, technical, and adult education
ORBIT	On-line Retirement Information through Integrated Technology - online tool for individual retirement information through the State's Retirement Office.
OSA	Office of State Auditor
OSBM	Office of State Budget and Management – The Governor's budget staff.
OSHR	Office of State Human Resources
P	Back to top
P & C	Purchase and Contract
PER	Personnel Committee
PLAN	Strategic Planning Committee
POP	Period of Participation – WIOA performance indicators are required to be calculated for adult ed participants based on the participants' periods of attendance.
POS	Program of Study – A listing of the exact courses that a college plans to offer to fulfill the requirements of a curriculum program. The initial and revised program of study must be approved by System Office staff prior to implementation.
Prerequisite Course	A course taken prior to another course.
PROG	Programs Committee
Q	Back to top
R	Back to top
R & R	Repairs and renovations
R-TAC	Reverse Transfer Advisory Committee – Joint committee with UNC governing policy and procedures to award community college associate degrees to students who transfer to UNC institutions with out an associate degree.
S	Back to top
SBCC	State Board of Community Colleges – The governing body of the North Carolina Community College System.

SBCC Code	State Board of Community Colleges Code – The administrative regulations that ensure compliance with North Carolina laws. (Previously called North Carolina Administrative Code.)
SBCN	Small Business Center Network. The network of small business centers located at each of the 58 community colleges. It is coordinated by a State Director here in the System Office (a position that is currently being filled on an interim basis by Anne Shaw, the Small Business Center Director at Coastal Carolina); however, Small Business Center Directors are employees of the colleges, not the System Office.
SDAA	Student Development Administrators Association – An association serving the vice presidents and deans in college student services divisions.
SEAA	State Education Assistance Authority – State Agency governing state financial aid and residency.
SEANC	State Employees’ Association of NC
SECU	State Employees Credit Union
SEM	Strategic Enrollment Management – The alignment of college resources and efforts to strategically measure, improve, and evaluate the colleges relationship with all students from prospective students through alumni.
SHC	Semester Hour Credit – Credit assigned to a course that represents the contact in a normal 16-week semester, based on formulas for class, lab, work, and clinical methods of instruction.
SLO	Student Learning Outcomes – List of outcomes describing what students are able to demonstrate in terms of knowledge, skills, and values upon successful completion of a course. These have been developed on a system-wide basis and are available in the Combined Course Library for specific courses.
SO	System Office
SPA or SHRA	Employee/Position is Subject to the State Personnel (now Human Resources) Act
STD	Short Term Disability
T	Back to top
T & Cs	Terms and Conditions for a contract.
TABE	Tests of Adult Basic Education – An assessment used in College and Career Readiness to place and post-test students
TAC	Transfer Advisory Committee – A committee comprised of community college and university representatives who administer the Comprehensive Articulation Agreement.

TESOL International Association	Teaching English to Speakers of Other Languages – International professional association of ESL/ELL/ELA instructors.
Three Year Accountability Report	Submitted three years after curriculum program implementation. The report includes information on enrollment, completers, employment, licensure/accreditation and other pertinent information.
Title IX	Federal Law regulating student sexual harassment policy, procedures, and reporting of allegations, investigations, and results.
U	Back to top
UNC-GA	University of North Carolina General Administration. This is basically the System Office's counterparts within the UNC System.
US DOE	United States Department of Education
V	Back to top
VLC	Virtual Learning Community – A service of the North Carolina Community College System that provides courses for the colleges in the system to use for distance education.
W	Back to top
WCC	Workforce Credentials Coalition – A group started by the North Carolina Community College System and California Community College system advocating for third-party certification data access.
WCE	workforce continuing education
WDB	Workforce Development Board
WDLC	Workforce Development Leadership Council
WIOA	Workforce Investment and Opportunity Act, the federal law that governs the distribution and use of federal workforce dollars. This program is mostly contained within the Division of Workforce Solutions in the North Carolina Department of Commerce.
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Appendix 5 - Statutory Obligations of the State Board

The North Carolina General Statutes provide the following:

G.S. 115D-2.2. State Board of Community Colleges.

SBCC must fix the time of regular monthly State Board meetings.

SBCC must elect a Chairman and other necessary officers of the State Board at the first meeting after July 1 in odd-numbered years.

SBCC must meet a least ten (10) times a year and a least once a year with the State Board of Education and the Board of Governors of The University of North Carolina.

SBCC must inform appropriate appointing authority of vacancies in membership on the State Board.

SBCC may declare vacation the office of an appointed or elected member who does not attend three consecutive scheduled meetings without a justifiable excuse.

G.S. 115D-3. Community College System Office; Staff; Reorganization Authority.

SBCC must elect a State System Office President to serve as chief administrative officer.

System Office acts as principal administrative department of state government under the direction of the SBCC.

SBCC has authority to adopt, administer, all policies, regulations and standards which it deems necessary for the operation of the System Office.

System Office president selects the professional members necessary to carry out the staff complement of the Department on the recommendation of the State President.

May adopt and administer all policies, regulations and standards necessary for the operation of the Department of Community Colleges.

Exercise all other powers, duties and responsibilities delegated to the State Board of Education affecting the Department of Community Colleges not otherwise stated in Chapter 115D.

G.S. 115D-4. Establishment of Institutions

Recommend to the General Assembly the establishment of new institutions.

Approve expenditure of state funds for capital improvements at existing institutions jointly with the Governor who is required to consult with the Advisory Budget Commission.

G.S. 115D-5. Administration of institutions by State Board of Community Colleges; personnel exempt from North Carolina Human Resources Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension units of the community college system; use of existing public school facilities.

SBCC establishes standards and scales for salaries and allotments of institutional employees paid from funds administered by the State Board.

SBCC requires all community colleges to meet the faculty credential requirements of the Southern Association of Colleges and Schools for all community college programs.

SBCC establishes a uniform registration fee or a schedule of uniform registration fees to charge students enrolled in extension courses financed primarily from state funds in lieu of tuition.

SBCC approves state funded courses offered to captive or co-opted students as defined by the State Board.

A Community College may not offer a new program without the approval of the State Board of Community Colleges except that approval shall not be required if the tuition for the program will fully cover the cost of the program.

SBCC may adopt and execute such policies, regulations, and standards concerning administration and operation of institutions as it may deem necessary to ensure the quality of educational programs, to promote the systematic meeting of education needs of the State, and to provide for the educational needs of the State, and to provide for the equitable distribution of State and Federal funds to institutions.

Approve sites, building plans, budgets, and chief administrative officers of institutions.

Establish and administer standards for professional personnel, curricula, admissions, and graduation.

Regulate the awarding of degrees, diplomas, and certificates.

Establish and regulate student tuition and fees and financial accounting procedures.

Establish general and uniform regulations for waiver of tuition and registration fees for training courses for certain courses and groups.

G.S. 115D-6. Withdrawal of state support.

The State Board of Community Colleges may withdraw or withhold State financial and administrative support of any institutions if;

- Required local financial support is not provided;
- Sufficient state funds are not provided;
- Prescribed standards of administration or instruction are not maintained; or
- The institution is not needed

G.S. 115D-15. Sale, exchange, and lease of property; use proceeds from donated property.

SBCC must approve the sale, exchange, or lease of unnecessary institutional property.

G.S. 115D-15.1. Disposition, acquisition, and construction of property by community colleges.

Local boards of trustees of a community college may, in connection with additions, improvements, renovations, or repairs to all or part of its property, lease, sell, or otherwise dispose of any of its property to the county in which the property is located for any price and on any terms negotiated between the board of trustees of the community college and the board of county commissioners.

G.S. 115D-19. Removal of Trustees.

SBCCC must notify local boards of trustees of the failure of members to perform their duties as trustees as required by law or lawful regulations or of members who are guilty of immoral or disreputable conduct.

G.S. 115D-20. Powers and Duties of Trustees.

Trustees must approve the election of presidents of institutions.

Approve the purchase of land, easements, or rights-of-way by institutions.

Regulate the use of donations, gifts, devises and the like from private donors by institutions.

Adopt standards and requirements for admission and graduation of students.

G.S. 115D-23. Workers Compensation Act applicable to institutional employees.

Develop standards for application of the Workers' Compensation Act for institutional employees paid in whole or in part from State funds.

G.S. 115D-25. Purchase of annuity or retirement income contracts for employees by local boards of trustees.

Adopt necessary regulations and procedures for purchase of annuity or retirement income contracts by institutions; prescribe the form.

G.S. 115D-31. State Financial Support of Institutions.

Provide from sources made available to the State Board funds to meet the financial needs of institutions as determined by policies and regulations of the State Board for capital outlay, current operating expenses, and additional support for regional institutions.

G.S. 115D-33. Providing local public funds for institutions established under this chapter.

Ascertain whether authority to provide adequate funds has been given by the voters of a proposed administrative area prior to making a favorable recommendation to the General Assembly for approval of establishment and operation of an institution.

G.S. 115D-39. Student tuition and fees.

The State Board shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to Chapter 115D.

G.S. 115D-40.1. Financial Assistance for community college students.

SBCC must adopt rules to administer the disbursement of financial assistance for Community College students.

G.S. 115D-54. Preparation and submission of institutional budget.

Develop forms for submission of institutional budgets.

G.S. 115D-55. Budget Management.

SBCC must approve institutional budgets in such amounts as it deems necessary and available for the operation of each institution.

Develop procedures for allocations of funds (by purpose, function, or project) by local tax levying authorities.

SBCC may Request all financial records of institutions except private records of individuals protected by federal or state law.

G.S. 115D-58. Amendments to the budget; budget transfers.

Adopt rules and regulations governing amendment of institutional budgets.

G.S. 115D-58.1. Federal contracts and grants.

SBCC must adopt rules to govern the application for the acceptance of federal grants by institutions.

G.S. 115D-58.8. Facsimile signatures.

SBCC must adopt rules and regulations on the use and control of facsimile signatures by institutions.

G.S. 115D-59. Multiple-county administrative areas.

Approve contracts for establishment of institutions in a multiple county area.

G.S. 115D-59.10. Surety bonds and related insurance.

Determine which departmental employees and institutional employees must be bonded for the protection of state funds and property.



APPENDIX 6 – STATE BOARD OF COMMUNITY COLLEGES

COMMITTEE CHARTERS

STATE BOARD OF COMMUNITY COLLEGES

Accountability and Audit Committee Charter

I. Background

The State Board of Community Colleges derives its authority from the State Board Code. The Accountability and Audit Committee was established on March 16, 2007 in response to recommendations for improving the operations of the Community College System outlined in a State Auditor's letter of December 29, 2005 to President Martin Lancaster and the statewide Performance Audit entitled "Internal Auditing in North Carolina Agencies and Institutions" dated September 2006.

II. Purpose

The purpose of the Accountability and Audit Committee is to ensure strong and effective systems of internal controls within the North Carolina Community College System and to clearly indicate responsibilities related to that system of internal controls, and to strengthen internal audit activities within the North Carolina Community College System.

III. Organization

The Accountability and Audit Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board of Community Colleges shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee. The membership of the committee may be rotated at the discretion of the Chair of the State Board of Community Colleges.

IV. Meetings

Regular meetings of the State Board shall be held at least ten times a year on dates determined by the State Board of Community Colleges. The Accountability and Audit Committee shall meet on the same schedule as the other standing committees, as determined by the State Board of Community Colleges.

V. Responsibilities

The responsibilities of the Accountability and Audit Committee shall be:

1. To ensure that each division of the System Office and community colleges have in place processes and procedures that assess the following areas:
 - a. Effectiveness and efficiency of operations
 - b. Reliability and integrity of financial and operational information
 - c. Safeguarding of assets, and
 - d. Compliance with laws, regulations, and contracts;
2. To determine if appropriate controls are in place to mitigate risk, and to develop details on how identified areas of risk will be minimized;
3. To ensure that appropriate information to make well-informed decisions is received; and
4. To report to the full Board on an on-going basis.

VI. Duties

The specific duties of the Accountability and Audit Committee shall include:

1. Review the work performed at the System Office and community colleges by the Office of the State Auditor, CPA firms, and other advisors and report to the State Board of Community Colleges on these activities. The report to the State Board of Community Colleges should include, but not be limited to, audit reports, reviews, investigations, special assignments, findings, responses and resolutions;
2. Participate, when necessary, in training sessions related to system-wide internal controls and internal/external audit issues;
3. Study, review, and report on regulatory changes by government agencies, regulatory authorities, and accreditation bodies that impact the System Office and college procedures and make recommendations to the Board on actions to be taken;
4. Review findings of annual compliance reviews, conducted by the System Office Compliance Services unit, of each college; and
5. Review and resolve any inconsistencies found with internal control procedures and conflicts of interest situations.

The Committee may modify or supplement these duties and responsibilities as needed.

The Committee should periodically review and assess the adequacy of the Accountability and Audit Committee Charter.

Contact(s)

Bryan Jenkins

Executive Director of Accountability and State Board Affairs

STATE BOARD OF COMMUNITY COLLEGES

Strategic Planning Committee Charter

I. Background

The State Board of Community Colleges derives its authority from North Carolina General Statutes Chapter 115D and the State Board of Community Colleges Code. The Strategic Planning Committee was established on July 9, 2009.

II. Purpose

The purpose of the Strategic Planning Committee is to provide oversight of the North Carolina Community College System's mission, vision, and strategic direction.

III. Organization

The Strategic Planning Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee. The membership of the committee may be rotated biennially at the discretion of the State Board Chair. Given the cross-functional nature of the Committee's work, full board involvement is encouraged. Only committee members may vote on committee matters requiring action.

IV. Meetings

The Strategic Planning Committee shall meet on dates determined by the State Board. The time of the Strategic Planning Committee meetings shall be set so there is no conflict with other State Board committee meetings.

V. Responsibilities

The responsibilities of the Strategic Planning Committee include:

1. Oversight of System strategic planning and plan implementation
2. Reviewing research and monitoring external forces and System competencies
3. Providing general guidance to the System regarding its strategic direction and initiatives

VI. Duties

The specific duties of the Strategic Planning Committee shall include:

1. Ensuring that the President maintains an effective strategic planning process, including the development and updating of a three- to five-year System strategic plan with measurable goals and metrics.
2. Monitoring the System's progress with strategic plan implementation, including quarterly reviews of strategic plan tactic progress and periodic review of progress on key performance indicators.
3. Recommending modifications to the strategic plan to the full board as needed based on changes in the educational environment, community needs, legislative developments, and other factors.
4. Reviewing research, trends, and workforce needs to understand the Community College

System's industry, market, community, and core competencies.

5. Discussing policy issues and other opportunities to improve the scope, cost-effectiveness, quality, and impact of services provided by the System and making recommendations to the full Board.
6. Reviewing and approving the Statewide Performance Measures Report and any substantive changes that may be made to strategic plan goals or objectives, Statewide Performance Measures, or other strategic plan Key Performance Indicators (KPIs).

Contact(s):

Jennifer Haygood
Chief of Staff

STATE BOARD OF COMMUNITY COLLEGES Policy and Governance Committee Charter

I. Background

The State Board of Community Colleges derives its authority from Chapter 115D of the North Carolina General Statutes and the State Board of Community Colleges Code (SBCC Code).

II. Purpose

The purpose of the Policy and Governance Committee is to recommend policies for the State Board to adopt on behalf of the Community College System and to recommend improvements in the governance and operations of the State Board.

III. Organization

The Policy and Governance Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee. The membership of the committee may be rotated at the discretion of the State Board Chair.

IV. Meetings

The Policy and Governance Committee shall meet on the same schedule as the other standing committees, as determined by the State Board.

V. Responsibilities

The responsibilities of the Committee shall be:

- To review SBCC Code changes;
- To review and evaluate the need for System-wide policy modifications;
- To review the Proprietary School Board actions and provide recommendations;
- To ensure that appropriate information to make well-informed decisions is received;
- To report to the full Board on an on-going basis;
- To periodically review and recommend modifications to the Bylaws of the State Board;
- To consider measures that make the State Board operate more efficiently and effectively; and
- To study, review and report on regulatory changes by government and accreditation bodies that impact the Community College System and make recommendations to the Board on actions to be taken.

The Committee may modify or supplement these responsibilities as needed.

The Committee should periodically review and assess the adequacy of the Policy and Governance Committee Charter.

STATE BOARD OF COMMUNITY COLLEGES PERSONNEL COMMITTEE CHARTER

I. Background

The State Board of Community Colleges derives its authority from North Carolina G.S. 115D and State Board Code.

II. Purpose

The purpose of the Personnel Committee is to provide oversight of human resource matters within the North Carolina Community College System as provided by G.S. 115D-3 and G.S. 115D-5.

III. Organization

The Personnel Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee. The membership of the committee may be rotated biennially at the discretion of the State Board Chair.

IV. Meetings

Regular meetings of the State Board shall be held at least ten times a year on dates determined by the State Board. The Personnel Committee shall meet on the same schedule as the other standing committees, as determined by the State Board.

V. Responsibilities

The responsibilities of the Personnel Committee shall be:

- To ensure the State Board has adopted college personnel policies, regulations, and standards it deems necessary to uphold the duties outlined in G.S. 115D-5.
- To ensure candidates recommended to serve as the chief administrative officer (i.e. president) of a community college are well-qualified to represent and serve the college and our System.
- To ensure the State Board has adopted personnel policies, regulations, and standards needed for the operation of the System Office.
- To ensure the System Office is staffed with persons of high competence and strong professional experience consistent with G.S. 115D-3.

VI. Duties

The specific duties of the Personnel Committee shall include:

1. To recommend State Board action on proposed changes to the State Board of Community Colleges Code (SBCCC) related to personnel matters;
2. To recommend State Board action on requests from college boards of trustees regarding the election of the college chief administrative officer (president);
3. To recommend State Board action on any recommended changes to the System Office Exempt from State Personnel Act (EPA) Personnel Policy.

4. To recommend State Board action on the appointment and compensation for System Office EPA positions consistent with the EPA Personnel Policy.

The Committee may modify or supplement these duties and responsibilities as needed.

The Committee should periodically review and assess the adequacy of the Personnel Committee Charter.

STATE BOARD OF COMMUNITY COLLEGES

Programs Committee Charter

I. Background

The State Board of Community Colleges derives its authority from North Carolina G.S. 115D and the State Board Code.

II. Purpose

The Programs Committee establishes policies for the addition and revision of educational programs within the North Carolina Community College System that support the System's mission of providing high-quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, develop a globally and multi-culturally competent workforce and improve the lives and well-being of individuals.

The Programs Committee's purview impacts Curriculum, instruction for Captive and Co-opted groups, Student Services, Career and College Promise, Work-Based Learning, Customized Training, High School Equivalency, Tiered Funding Levels, Developmental Education, Basic Skills Plus, Curriculum Instructional Contracts, and Instructional Service Agreements to offer students a variety of learning opportunities throughout the state.

III. Organization

The Programs Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee.

IV. Meetings

Regular meetings of the State Board shall be held at least ten times a year on dates determined by the State Board. The Programs Committee shall meet on the same schedule as the other standing committees, as determined by the State Board.

V. Responsibilities

The responsibilities of the Programs Committee shall be:

- To ensure that the System Office continues to work with the education partners to provide quality education that is accessible to all students.
- To review the programs and courses that are offered within the state of North Carolina to assure that the colleges are best serving their communities
- To learn about trends and needs of the student population to assure what is being requested is what is needed.

VI. Duties

The specific duties of the Committee on Programs shall include review and approval, as required, of the following:

History Note: Effective 05/17/2019

- Curriculum Program Applications
- Curriculum Program Terminations
- Curriculum Standard Revisions
- New curriculum courses submitted through new-to-the system program applications for the *Combined Course Library*
- New continuing education courses for the Combined Course Library.
- Tier funding designations for continuing education and curriculum courses
- Programs and courses within the Captive/Co-opted groups;
- Articulation agreements between the NC Community College System and the various education partners.
- Criteria for the following:
 - Career and College Promise
 - Work-Based Learning
 - Customized Training
 - High School Equivalency
 - Tiered Funding Levels
 - Developmental Education
 - Basic Skills Plus
 - Curriculum Instructional Contracts
 - Instructional Service Agreements

The Committee may modify or supplement these duties and responsibilities as needed.

The Committee should periodically review and assess the adequacy of the Programs Committee Charter.

STATE BOARD OF COMMUNITY COLLEGES

Finance Committee Charter

I. Background

The State Board of Community Colleges derives its authority from North Carolina General Statutes Chapter 115D and the State Board of Community Colleges Code (SBCCC). The Finance Committee has been part of the State Board of Community Colleges since the creation of the Community College System within the State Board of Education in 1963.

II. Purpose

The purpose of the Finance Committee is to oversee fiscal policies and the distribution of State and federal funds that support the administration and operation of institutions within the North Carolina Community College System.

III. Organization

The Finance Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee.

IV. Meetings

Regular meetings of the State Board shall be held at least ten times a year on dates determined by the State Board. The Finance Committee shall meet on the same schedule as the other standing committees, as determined by the State Board.

V. Responsibilities

The responsibilities of the Finance Committee shall be:

- To ensure that the System Office and the Community Colleges have in place processes and procedures that assess the following areas:
 - Budgeting – general administration, instructional services, and support services;
 - Collection of established tuition and fees within the policies established by the General Assembly;
 - Fiscal Policy and Management;
 - Capital Improvements and management of the State capital funds
- To understand the allocation process utilized by the System Office to distribute funding to the Community Colleges.
- To ensure that appropriate fiscal information to make well-informed decisions is received; and
- To report to the full State Board on fiscal matters an on-going basis.

VI. Duties

The specific duties of the Finance Committee shall include:

- Budgeting
 - Per G.S. 115D-31, the State Board of Community Colleges is responsible for providing funds to support current operating expenses for general administration, instructional services, and support services. The State Board is also responsible for providing funds for equipment for administrative and instructional purposes and library books;
 - Approve the System's expansion budget request and supports its adoption by the General Assembly;
 - Approve budget allocations to colleges, either via formula basis, competitive Request for Proposal (RFP), or other rationale, except as delegated by 1H SBCCC 200.1(b);
- Tuition and Fees
 - Establish curriculum tuition and continuing education registration fee rates;
 - Establish policies regarding student tuition and fees;
 - Monitor receipt collections;
 - Adopt financial aid award schedules and policies;
- Fiscal Policy and Management
 - Adopt budget and fiscal policies consistent with legislation;
 - Approve System Office contracts in excess of the amounts delegated 1A SBCCC 200.6;
 - Per G.S. 115D-58.14, the State Board may increase or decrease a college's purchasing delegation, in consultation with the Department of Administration. The maximum delegation amount is \$100,000.
- Capital Improvements
 - Approve sites and capital improvement projects under G.S. 115D-5, except as delegated by 1H SBCCC 400.4;
 - Approve the sale, exchange, or lease of property under G.S. 115D-15;
 - Approve the acquisition of property under G.S. 115D-20
 - Approve special construction delegation to colleges under G.S. 115D-9.

The Committee may modify or supplement these duties and responsibilities as needed.

The Committee should periodically review and assess the adequacy of the Finance Committee Charter.

STATE BOARD OF COMMUNITY COLLEGES

Legislative Affairs Committee Charter

I. Background

The State Board of Community Colleges derives its authority from North Carolina G.S. 115D and State Board Code. The Legislative Affairs Committee was established in August of 2015.

II. Purpose

The purpose of the Legislative Affairs Committee is to recommend legislative priorities, and provide support for and overview of legislation and activities that impact the North Carolina Community College System.

III. Organization

The Legislative Affairs Committee shall be a standing committee of the State Board of Community Colleges. The Chair of the State Board shall appoint the membership, designate the chair and vice-chair, prescribe the duties, and determine the size of the committee. The membership of the committee may be rotated biennially at the discretion of the State Board Chair.

IV. Meetings

Regular meetings of the State Board shall be held at least ten times a year on dates determined by the State Board. The Legislative Affairs Committee shall meet on the same schedule as the other standing committees, as determined by the State Board or as needed by the Committee.

V. Responsibilities

The responsibilities of the Legislative Affairs Committee shall be:

- To build strong relationships with members of the North Carolina General Assembly with the goal of building legislative support for the North Carolina Community College System.
- To encourage other State Board members to develop relationships with legislators.
- To educate members of the General Assembly on the System's goals and priorities, including the Strategic Plan.
- To proactively advocate for the North Carolina Community College System with members of the General Assembly.
- To recommend legislative priorities that benefit the North Carolina Community College System.
- To report to the full Board on an on-going basis on legislation or legislative activities that impact the North Carolina Community College System or the State Board.

VI. Duties

The specific duties of the Legislative Affairs Committee shall include:

- Meet with or contact legislators regarding legislation impacting the Community College System.
- Review and approve the legislative priorities
- Determine and make recommendations for legislative strategies to the State Board.
- Review and make recommendations to the State Board on legislation impacting the North Carolina Community College System or the State Board.

The Committee may modify or supplement these duties and responsibilities as needed.

The Committee should periodically review and assess the adequacy of the Legislative Affairs Committee Charter.

Appendix 7 - State Government Ethics Act**Chapter 138A.****State Government Ethics Act.****Article 1.****General Provisions.****§ 138A-1. Title.**

This Chapter shall be known and may be cited as the "State Government Ethics Act". (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-2. Purpose.

The purpose of this Chapter is to ensure that elected and appointed State agency officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence. To this end, it is the intent of the General Assembly in this Chapter to ensure that standards of ethical conduct and standards regarding conflicts of interest are clearly established for elected and appointed State agency officials, that the State continually educates these officials on matters of ethical conduct and conflicts of interest, that potential and actual conflicts of interests are identified and resolved, and that violations of standards of ethical conduct and conflicts of interest are investigated and properly addressed. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-3. Definitions.

The following definitions apply in this Chapter:

- (1) **Blind trust.** - A trust established by or for the benefit of a covered person or a member of the covered person's immediate family for divestiture of all control and knowledge of assets. A trust qualifies as a blind trust under this subdivision if the covered person or a member of the covered person's immediate family has no knowledge of the holdings and sources of income of the trust, the trustee of the trust is independent of and not associated with or employed by the covered person or a member of the covered person's immediate family and is not a member of the covered person's extended family, and the trustee has sole discretion as to the management of the trust assets.
- (3) **Board.** - Any State board, commission, council, committee, task force, authority, or similar public body, however denominated, created by statute or executive order, as determined and designated by the Commission, except for those public bodies that have only advisory authority.

- (5) Business. - Any of the following organized for profit:
- a. Association.
 - b. Business trust.
 - c. Corporation.
 - d. Enterprise.
 - e. Joint venture.
 - f. Organization.
 - g. Partnership.
 - h. Proprietorship.
 - i. Vested trust.
 - j. Every other business interest, including ownership or use of land for income.
- (7) Business with which associated. - A business in which the covered person or filing person or any member of that covered person's or filing person's immediate family does any of the following:
- a. Is an employee.
 - b. Holds a position as a director, officer, partner, proprietor, or member or manager of a limited liability company, irrespective of the amount of compensation received or the amount of the interest owned.
 - c. Owns a legal, equitable, or beneficial interest of ten thousand dollars (\$10,000) or more in the business or five percent (5%) of the business, whichever is less, other than as a trustee on a deed of trust.
 - d. Is a lobbyist registered under Chapter 120C of the General Statutes.
- For purposes of this subdivision, the term "business" shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if all of the following apply:
- 1. The covered person, filing person, or a member of the covered person's or filing person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund.
 - 2. The fund is publicly traded, or the fund's assets are widely diversified.
- (9) Commission. - The State Ethics Commission.

- (11) Committee. - The Legislative Ethics Committee as created in Part 3 of Article 14 of Chapter 120 of the General Statutes.
- (13) Compensation. - Any money, thing of value, or economic benefit conferred on or received by any covered person or filing person in return for services rendered or to be rendered by that covered person or filing person or another. This term does not include campaign contributions properly received and, reported as required by Article 22A of Chapter 163 of the General Statutes.
- (15) Confidential information. - Information defined as confidential by the law.
- (17) Constitutional officers of the State. - Officers whose offices are established by Article III of the North Carolina Constitution.
- (19) Contract. - Any agreement, including sales and conveyances of real and personal property, and agreements for the performance of services.
- (21) Covered person. - A legislator, public servant, or judicial officer, as identified by the Commission under G.S. 138A-11.
- (23) Employing entity. - For public servants, any of the following bodies of State government of which the public servant is an employee or a member, or over which the public servant exercises supervision: agencies, authorities, boards, commissions, committees, councils, departments, offices, institutions and their subdivisions, and constitutional offices of the State. For legislators, it is the house of which the legislator is a member. For legislative employees, it is the authority that hired the individual. For judicial employees, it is the Chief Justice.
- (25) Extended family. - Spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal descendant, spouse's lineal ascendant, spouse's sibling, and the spouse of any of these individuals.
- (27) Filing person. - An individual required to file a statement of economic interest under G.S. 138A-22.
- (28), (29) Reserved for future codification purposes.
- (30) Financial benefit. - A direct pecuniary gain or loss to the legislator, the public servant, or a person with which the legislator or public servant is associated, or a direct pecuniary loss to a business competitor of the legislator, the public servant, or a person with which the legislator or public servant is associated.

- (32) Gift. - Anything of monetary value given or received without valuable consideration by or from a lobbyist, lobbyist principal, liaison personnel, or a person described under G.S. 138A-32(d)(1), (2), or (3). The following shall not be considered gifts under this subdivision:
- a. Anything for which fair market value, or face value if shown, is paid by the covered person or legislative employee.
 - b. Commercially available loans made on terms not more favorable than generally available to the general public in the normal course of business if not made for lobbying.
 - c. Contractual arrangements or commercial relationships or arrangements made in the normal course of business if not made for lobbying.
 - d. Academic or athletic scholarships based on the same criteria as applied to the public.
 - e. Anything of value properly reported as required under Article 22A of Chapter 163 of the General Statutes.
 - f. Expressions of condolence related to a death of an individual, sent within a reasonable time of the death, if the expression is one of the following:
 1. A sympathy card, letter, or note.
 2. Flowers.
 3. Food or beverages for immediate consumption.
 4. Donations to a religious organization, charity, the State or a political subdivision of the State, not to exceed a total of two hundred dollars (\$200.00) per death per donor.
- (33) through (35) Reserved for future codification purposes.
- (36) Governmental unit. - A political subdivision of the State, and any other entity or organization created by a political subdivision of the State.
- (38) Honorarium. - Payment for services for which fees are not legally or traditionally required.
- (40) Immediate family. - An unemancipated child of the covered person residing in the household and the covered person's spouse, if not legally separated. A member of a covered person's extended family shall also be considered a member of the immediate family if actually residing in the covered person's household.

- (42) Judicial employee. - The director and assistant director of the Administrative Office of the Courts and any other individual, designated by the Chief Justice, employed in the Judicial Department whose annual compensation from the State is sixty thousand dollars (\$60,000) or more.
- (44) Judicial officer. - Justice or judge of the General Court of Justice, district attorney, clerk of court, or any individual elected or appointed to any of these positions prior to taking office.
- (46) Legislative action. - As the term is defined in G.S. 120C-100.
- (48) Legislative employee. - As the term is defined in G.S. 120C-100.
- (50) Legislator. - A member or presiding officer of the General Assembly, or an individual elected or appointed a member or presiding officer of the General Assembly before taking office.
- (52) Lobbying. - As the term is defined in G.S. 120C-100.
- (54) Nonprofit corporation or organization with which associated. - Any not for profit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the covered person, filing person, or any member of the covered person's or filing person's immediate family is a director, officer, governing board member, employee, lobbyist registered under Chapter 120C of the General Statutes, or independent contractor. "Nonprofit corporation or organization with which associated" shall not include any board, entity, or other organization created by this State or by any political subdivision of this State.
- (56) Official action. - Any decision, including administration, approval, disapproval, preparation, recommendation, the rendering of advice, and investigation, made or contemplated in any proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, investigation, charge, or rule making.
- (58) Participate. - To take part in, influence, or attempt to influence, including acting through an agent or proxy.
- (60) Permanent designee. - An individual designated by a public servant to serve and vote in the absence of the public servant on a regular basis on a board on which the public servant serves.
- (62) Person. - Any individual, firm, partnership, committee, association, corporation, business, or any other organization or

group of persons acting together. The term "person" does not include the State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State.

- (63), (64) Reserved for future codification purposes.
- (65) Person with which the legislator is associated. - Any of the following:
 - a. A member of the legislator's extended family.
 - b. A client of the legislator.
 - c. A business with which the legislator or a member of the legislator's immediate family is associated.
 - d. A nonprofit corporation or association with which the legislator or a member of the legislator's immediate family is associated.
 - e. The State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State that employs the legislator or a member of the legislator's immediate family.
- (67) Person with which the public servant is associated. - Any of the following:
 - a. A member of the public servant's extended family.
 - b. A client of the public servant.
 - c. A business with which the public servant or a member of the public servant's immediate family is associated.
 - d. A nonprofit corporation or association with which the public servant or a member of the public servant's immediate family is associated.
 - e. The State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State that employs the public servant or a member of the public servant's immediate family.
- (69) Political party. - Either of the two largest political parties in the State based on statewide voter registration at the applicable time.
- (70) Public servants. - All of the following:
 - a. Constitutional officers of the State and individuals elected or appointed as constitutional officers of the State prior to taking office.
 - b. Employees of the Office of the Governor.

- c. Heads of all principal State departments, as set forth in G.S. 143B-6, who are appointed by the Governor.
- d. The chief deputy and chief administrative assistant of each individual designated under sub-subdivision a. or c. of this subdivision.
- e. Confidential assistants and secretaries as defined in G.S. 126-5(c)(2), to individuals designated under sub-subdivision a., c., or d. of this subdivision.
- f. Employees in exempt positions designated in accordance with G.S. 126-5(d)(1), (2), or (2a) and confidential secretaries to these individuals.
- g. Any other employees or appointees in the principal State departments as may be designated by the Governor to the extent that the designation does not conflict with the State Personnel Act.
- h. Judicial employees.
- i. All voting members of boards, including ex officio members, permanent designees of any voting member, and members serving by executive, legislative, or judicial branch appointment.
- j. For The University of North Carolina, the voting members of the Board of Governors of The University of North Carolina, the president, the vice-presidents, and the chancellors, the vice-chancellors, and voting members of the boards of trustees of the constituent institutions.
- k. For the Community College System, the voting members of the State Board of Community Colleges, the President and the chief financial officer of the Community College System, the president, chief financial officer, and chief administrative officer of each community college, and voting members of the boards of trustees of each community college.
- l. Members of the State Board, the executive director, and the assistant executive director of the State Board.
- m. Individuals under contract with the State working in or against a position included under this subdivision.
- n. The director of the Office of State Human Resources.
- o. The State Controller.
- p. The State Chief Information Officer, deputy chief information officers, chief financial officers, and general counsel of the Department of Information Technology.

- q. The director of the State Museum of Art.
 - r. Repealed by Session Laws 2021-90, s. 2(b), effective July 22, 2021.
 - s. The Commissioner of Motor Vehicles.
 - t. The Commissioner of Banks and the chief deputy commissioners of the Banking Commission.
 - u. The executive director of the North Carolina Housing Finance Agency.
 - v. The executive director, chief financial officer, and chief operating officer of the North Carolina Turnpike Authority.
- (71) through (80) Reserved for future codification purposes.
- (81) State agency. - An agency in the executive branch of the government of this State, including the Governor's Office, a board, a department, a division, and any other unit of government in the executive branch.
- (83) Vested trust. - A trust, annuity, or other funds held by a trustee or other third party for the benefit of the covered person or a member of the covered person's immediate family, except a blind trust. A vested trust shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if:
- a. The covered person or a member of the covered person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund; and
 - b. The fund is publicly traded, or the fund's assets are widely diversified. (2006-201, s. 1; 2007-347, ss. 7, 8; 2007-348, ss. 19-26; 2008-187, s. 44; 2008-213, ss. 40-54, 84(c); 2010-169, ss. 10, 17(n), (o); 2010-170, s. 14; 2013-382, s. 9.1(c); 2015-241, s. 7A.4(n); 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2021-90, s. 2(b).)

§ 138A-4. Application to Lieutenant Governor.

For purposes of this chapter, the Lieutenant Governor shall be considered a legislator when carrying out the Lieutenant Governor's duties under Sec. 13 of Article II of the Constitution, and a public servant for all other purposes. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-5: Reserved for future codification purposes.

Article 2.

State Ethics Commission.

§ 138A-6. State Ethics Commission established.

There is established the State Ethics Commission. (2006-201, s. 1; 2017-6, ss. 4(c), 5(a); 2018-146, ss. 3.1(a), (b), 3.3(a).)

§ 138A-7. Membership.

(a) The Commission shall consist of eight members. Four members shall be appointed by the Governor, of whom no more than two shall be of the same political party. Four members shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, neither of whom shall be of the same political party, and two upon the recommendation of the President Pro Tempore of the Senate, neither of whom shall be of the same political party. Members shall serve for four-year terms, beginning January 1, 2019, except for the initial terms that shall be as follows:

- (1) Two members appointed by the Governor shall serve an initial term of one year.
- (2) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of two years.
- (3) Two members appointed by the Governor shall serve initial terms of three years.
- (4) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one member upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of four years.

(b) Members shall be removed from the Commission only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor. Members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed by the Governor upon the recommendation of the Speaker. Members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed by the Governor upon the recommendation of the President Pro Tempore of the Senate.

(c) Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of any unfulfilled term. Vacancies in

appointments made by the General Assembly shall be filled in accordance with G.S. 120-122 for the remainder of any unfulfilled term.

(d) No member while serving on the Commission or employee while employed by the Commission shall:

- (1) Hold or be a candidate for any other office or place of trust or profit under the United States, the State, or a political subdivision of the State.
- (2) Hold office in any political party above the precinct level.
- (3) Participate in or contribute to the political campaign of any covered person or any candidate for a public office as a covered person over which the Commission would have jurisdiction or authority.
- (4) Otherwise be an employee of the State, a community college, or a local school administrative unit, or serve as a member of any other State board.

(e) No individual is eligible to serve on the Commission who, within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:

- (1) Director, officer, or governing board member.
- (2) Employee.
- (3) Lobbyist registered under Chapter 120C of the General Statutes.
- (4) Independent contractor.
- (5) Legal counsel of record.

(f) The Governor shall annually appoint a member of the Commission to serve as chair of the Commission. The Commission shall elect a vice-chair annually from its membership. The vice-chair shall act as the chair in the chair's absence or if there is a vacancy in that position.

(g) Members of the Commission shall receive no compensation for service on the Commission but shall be reimbursed for subsistence, travel, and convention registration fees as provided under G.S. 138-5 or G.S. 138-7, as applicable.

(h) No individual may serve more than two consecutive four-year terms. (2006-201, s. 1; 2017-6, ss. 4(c), 5(b); 2018-2, s. 8(b); 2018-13, s. 5; 2018-146, ss. 3.1(a), (b), 3.3(b).)

§ 138A-8. Meetings and quorum.

The Commission shall meet at least quarterly and at other times as called by its chair or by four of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Five members of the Commission constitute a quorum. (2006-201, s. 1; 2017-6, ss. 4(c), 5(c); 2018-146, ss. 3.1(a), (b), 3.3(c).)

§ 138A-9. Staff and offices.

(a) The Commission may employ professional and clerical staff, including an executive director.

(b) The Commission shall be located within the Department of Administration for administrative purposes only, but shall exercise all of its powers, including the power to employ, direct, and supervise all personnel, independently of the Secretary of Administration, and is subject to the direction and supervision of the Secretary of Administration only with respect to the management functions of coordinating and reporting. The Department shall provide administrative support to the Commission free of charge. (2006-201, s. 1; 2015-241, s. 27.1; 2017-6, ss. 4(c), 5(d); 2018-146, ss. 3.1(a), (b), 3.3(d).)

§ 138A-10. Powers and duties.

(a) In addition to other powers and duties specified in this Chapter, the State Board shall:

- (1) Provide reasonable assistance to covered persons in complying with this Chapter.
- (2) Develop readily understandable forms, policies, and procedures to accomplish the purposes of the Chapter.
- (3) Identify and publish the following:
 - a. A list of nonadvisory boards.
 - b. The names of individuals subject to this Subchapter as covered persons and legislative employees under G.S. 138A-11.
- (4) Receive and review all statements of economic interest filed with the Commission by prospective and actual covered persons as provided in G.S. 138A-28. Pursuant to G.S. 138A-24(c), this subdivision does not apply to statements of economic interest of legislators and judicial officers.
- (5) Conduct inquiries of alleged violations against judicial officers, legislators, and legislative employees in accordance with G.S. 138A-28.
- (6) Conduct inquiries into alleged violations against public servants in accordance with G.S. 138A-12.
- (6a) Issue confidential recommendations to the State Board of Elections regarding the appropriateness of a criminal referral of campaign finance violations.
- (7) Render advisory opinions in accordance with G.S. 138A-13 and G.S. 138A-102.

- (8) Initiate and maintain oversight of ethics educational programs for public servants and their staffs, and legislators and legislative employees, consistent with G.S. 138A-14.
- (9) Conduct a continuing study of governmental ethics in the State and propose changes to the General Assembly in the government process and the law as are conducive to promoting and continuing high ethical behavior by governmental officers and employees.
- (10) Adopt procedures and guidelines to implement this Chapter.
- (11) Report annually to the General Assembly and the Governor on the Commission activities and generally on the subject of public disclosure, ethics, and conflicts of interest, including recommendations for administrative and legislative action, as the Commission deems appropriate.
- (12) Publish annually statistics on complaints filed with or considered by the State Board, including the number of complaints filed, the number of complaints referred under G.S. 138A-12(c), the number of complaints dismissed under G.S. 138A-12(e)(4), the number of complaints dismissed under G.S. 138A-12(h), the number of complaints referred for criminal prosecution under G.S. 138A-12, the number of complaints dismissed under G.S. 138A-12(j), the number of complaints referred for appropriate action under G.S. 138A-12(j) or G.S. 138A-12(m)(3), and the number and age of complaints pending action by the Commission.
- (13) Perform other duties as may be necessary to accomplish the purposes of this Chapter.

(b) The Commission may authorize the Executive Director and other staff of the Commission to evaluate statements of economic interest on behalf of the Commission as authorized under subdivision (a)(4) of this section.

(c) Except as otherwise provided in this Chapter, the Commission shall be the sole State agency with authority to determine compliance with or violations of this Chapter and to issue interpretations and advisory opinions under this Chapter. Decisions and advisory opinions by the Commission under this Chapter shall be binding on all other State agencies. (2006-201, s. 1; 2008-213, s. 55; 2008-215, s. 7; 2009-549, s. 8; 2013-360, s. 30.4(a); 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 4.11(a).)

§ 138A-11. Identify and publish names of covered persons and legislative employees.

The Commission shall identify and publish at least quarterly a listing of the names and positions of all individuals subject to this Chapter as covered persons or legislative employees. The Commission shall also identify and publish at least annually a listing of all boards to which this Chapter applies. This listing may be published electronically on a public Internet Web site maintained by the Commission. (2006-201, s. 1; 2008-213, s. 56; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-12. Inquiries by the Commission.

(a) Jurisdiction. - The Commission may receive complaints alleging unethical conduct by covered persons and legislative employees and shall conduct inquiries of complaints alleging unethical conduct by covered persons and legislative employees, as set forth in this section.

(b) Notice of Allegation. - Upon receipt by the State Board of a written allegation of unethical conduct by a covered person or legislative employee, or the initiation by the State Board of an inquiry into unethical conduct under subsection (c) of this section, the State Board shall immediately notify the covered person or legislative employee subject to the allegation or inquiry in writing.

(c) Institution of Proceedings. - On its own motion, in response to a signed and sworn, under oath or affirmation, complaint of any registered voter filed with the Commission, or upon the written request of any public servant or those responsible for the hiring, appointing, or supervising of a public servant, the Commission shall conduct an inquiry into any of the following:

- (1) The application or alleged violation of this Chapter.
- (2) For legislators, the application or alleged violations of Part 1 of Article 14 of Chapter 120 of the General Statutes.
- (3) An alleged violation of the criminal law by a covered person in the performance of that individual's official duties.
- (4) An alleged violation of G.S. 126-14.

Upon receipt of a referral under G.S. 147-64.6B or a report under G.S. 147-64.6(c)(19), the Commission may conduct an inquiry under this section on its own motion. Allegations of violations of the Code of Judicial Conduct shall be referred to the Judicial Standards Commission without investigation.

(d) Complaints on Its Own Motion. - An investigation initiated by the Commission on its own motion or upon written request of any public servant or those responsible for the hiring, appointing, or supervising of a public servant instituted under subsection (c) of this section shall be treated as a complaint for purposes of this section and need not be sworn or verified.

(e) Complaint. -

- (1) A sworn complaint filed under this Chapter shall state the name, address, and telephone number of the individual filing the complaint, the name and job title or appointive position of the covered person or legislative employee against whom the complaint is filed, and a concise statement of the nature of the complaint and specific facts indicating that a violation of this Chapter or Chapter 120 of the General Statutes or G.S. 126-14 or the criminal law in the performance of that individual's official duties has occurred, the date the alleged violation occurred, and either (i) that the contents of the complaint are within the knowledge of the individual verifying the complaint, or (ii) the basis upon which the individual verifying the complaint believes the allegations to be true.
- (2) Except as provided in subsection (f) of this section, a complaint filed under this Chapter must be filed within two years of the date the complainant knew or should have known of the conduct upon which the complaint is based.
- (3) The Commission may decline to accept, refer, or conduct an inquiry into any complaint that does not meet all of the requirements set forth in subdivision (1) of this subsection, or the Commission may, in its sole discretion, request additional information to be provided by the complainant within a specified period of time of no less than five business days.
- (4) In addition to subdivision (3) of this subsection, the Commission may decline to accept, refer, or conduct an inquiry into a complaint if it determines that any of the following apply:
 - a. The complaint is frivolous or brought in bad faith.
 - b. The covered person or legislative employee and conduct complained of have already been the subject of a prior complaint.
 - c. The conduct complained of is primarily a matter more appropriately and adequately addressed and handled by other federal, State, or local agencies or authorities, including law enforcement authorities. If other agencies or authorities are conducting an investigation of the same actions or conduct involved in a complaint filed under this section, the Commission may stay its complaint inquiry pending final resolution of the other investigation.
- (5) The Commission shall send a copy of the complaint to the covered person or legislative employee who is the subject of the

complaint and the employing entity, within 10 business days of the filing.

(f) Conduct of Inquiry of Complaints by the Commission. - The Commission shall conduct an inquiry into all complaints properly before the Commission in a timely manner. The Commission shall initiate an inquiry into a complaint within 10 business days of the filing of the complaint. The Commission is authorized to initiate inquiries upon request of any member of the Commission if there is reason to believe that a covered person or legislative employee has or may have violated this Chapter. Commission-initiated complaint inquiries under this section shall be initiated within two years of the date the State Board knew of the conduct upon which the complaint is based, except when the conduct is material to the continuing conduct of the duties in office. In determining whether there is reason to believe that a violation has or may have occurred, a member of the Commission may take general notice of available information even if not formally provided to the Commission in the form of a complaint. The Commission may utilize the services of a hired investigator when conducting inquiries.

(g) Covered Person and Legislative Employees Cooperation With Inquiry. - Covered persons and legislative employees shall promptly and fully cooperate with the Commission in any Commission-related inquiry. Failure to cooperate fully with the Commission in any inquiry shall be grounds for sanctions as set forth in G.S. 138A-45.

(h) Dismissal of Complaint After Preliminary Inquiry. - The Commission shall conclude the preliminary inquiry within 20 business days. The Commission shall dismiss the complaint, if at the end of its preliminary inquiry the Commission determines that any of the following apply:

- (1) The individual who is the subject of the complaint is not a covered person or legislative employee subject to the Commission's jurisdiction and authority under this Chapter.
- (2) The complaint does not allege facts sufficient to constitute a violation within the jurisdiction of the Commission under subsection (c) of this section.
- (3) The complaint is determined to be frivolous or brought in bad faith.

(i) Commission Inquiries. - If at the end of its preliminary inquiry, the Commission determines to proceed with further inquiry into the conduct of a covered person or legislative employee, the Commission shall provide written notice to the individual who filed the complaint and the covered person or legislative employee as to the fact of the inquiry and the charges against the covered person or legislative employee. The covered person or legislative

employee shall be given an opportunity to file a written response with the Commission.

(j) Action on Inquiries. - The Commission shall conduct inquiries into complaints to the extent necessary to either dismiss the complaint for lack of probable cause of a violation under this section, or:

- (1) For public servants, decide to proceed with a hearing under subsection (k) of this section.
- (2) For legislators, except the Lieutenant Governor, refer the complaint to the Committee.
- (3) For judicial officers, refer the complaint to the Judicial Standards Commission for complaints against justices and judges, to the senior resident superior court judge of the district or county for complaints against district attorneys, or to the chief district court judge for the district or county for complaints against clerks of court.
- (4) For legislative employees, refer the complaint to the employing entity.

(k) Hearing. -

- (1) The Commission shall give full and fair consideration to all complaints received against a public servant. If the Commission determines that the complaint cannot be resolved without a hearing, or if the public servant requests a hearing, a hearing shall be held.
- (2) The Commission shall send a notice of the hearing to the complainant, and the public servant. The notice shall contain the time and place for a hearing on the matter, which shall begin no less than 30 days and no more than 90 days after the date of the notice.
- (3) The Commission shall make available to the public servant or that public servant's private legal counsel all documents or other evidence which are intended to be presented at the hearing to the Commission or which a reasonable person would believe might exculpate the accused public servant at least 30 days prior to the date of the hearing held in connection with the investigation of a complaint. Any documents or other evidence discovered within less than 30 days of the hearing shall be furnished as soon as possible after discovery but prior to the hearing.
- (4) At any hearing held by the Commission:
 - a. Oral evidence shall be taken only on oath or affirmation.

- b. The hearing shall be open to the public, except for matters involving minors, personnel records, or matters that could otherwise be considered in closed session under G.S. 143-318.11. In any event, the deliberations by the Commission on a complaint may be held in closed session.
- c. The public servant being investigated shall have the right to present evidence, call and examine witnesses, cross-examine witnesses, introduce exhibits, and be represented by counsel.

(l) Settlement of Inquiries. - The public servant who is the subject of the complaint and the staff of the Commission may meet by mutual consent before the hearing to discuss the possibility of settlement of the inquiry or the stipulation of any issues, facts, or matters of law. Any proposed settlement of the inquiry is subject to the approval of the Commission.

(m) Disposition of Inquiries. - After hearing, the Commission shall dispose of the matter in one or more of the following ways:

- (1) If the Commission finds substantial evidence of an alleged violation of a criminal statute, the Commission shall refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution.
- (2) If the Commission finds that the alleged violation is not established by clear and convincing evidence, the Commission shall dismiss the complaint.
- (3) If the Commission finds that the alleged violation of this Chapter is established by clear and convincing evidence, the Commission shall do one or more of the following:
 - a. Issue a private admonishment to the public servant and notify the employing entity, if applicable. Such notification shall be treated as part of the personnel record of the public servant.
 - b. Refer the matter for appropriate action to the Governor and the employing entity that appointed or employed the public servant or of which the public servant is a member.
 - c. Refer the matter for appropriate action to the Chief Justice for judicial employees.
 - d. Refer the matter to the Principal Clerks of the House of Representatives and Senate of the General Assembly for constitutional officers of the State.
 - e. Refer the matter for appropriate action to the principal clerk of the house of the General Assembly that elected

the public servant for members of the Board of Governors and the State Board of Community Colleges.

(n) Notice of Dismissal. - Upon the dismissal of a complaint under this section, the Commission shall provide written notice of the dismissal to the individual who filed the complaint and the covered person or legislative employee against whom the complaint was filed. The Commission shall forward copies of complaints and notices of dismissal of complaints against legislators to the Committee, against legislative employees to the employing entity for legislative employees, and against judicial officers to the Judicial Standards Commission for complaints against justices and judges, and the senior resident superior court judge of the district or county for complaints against district attorneys, or the chief district court judge of the district or county for complaints against clerks of court. The Commission shall also forward a copy of the notice of dismissal to the employing entity of the covered person against whom a complaint was filed if the employing entity received a copy of the complaint under subdivision (5) of subsection (e) of this section. Except as provided in subsection (p) of this section, the complaint and notice of dismissal are confidential and not public records.

(o) Reports and Records. - The Commission shall render the results of its inquiry in writing. When a matter is referred under subdivision (j)(2) and (3), or subsection (m) of this section, the Commission's report shall consist of the complaint, response, and detailed results of its inquiry in support of the Commission's finding of a violation under this Chapter.

(p) Confidentiality. - Complaints and responses filed with the Commission and reports and other investigative documents and records of the Commission connected to an inquiry under this section, including information provided pursuant to G.S. 147-64.6B or G.S. 147-64.6(c)(19), shall be confidential and not matters of public record, except as otherwise provided in this section or when the covered person or legislative employee under inquiry requests in writing that the complaint, response, and findings be made public. Once a hearing under this section commences, the complaint, response, and all other documents offered at the hearing in conjunction with the complaint, not otherwise privileged or confidential under law, shall be public records. If no hearing is held at such time as the State Board reports to the employing entity a recommendation of sanctions, the complaint and response shall be made public.

(q) Staff to the Commission may share with staff to the Committee information connected to an inquiry into the conduct of a legislator under this section. The Commission shall provide to the Committee copies of all reports, investigative documents, information, and other documents used by the State Board when it refers a complaint to the Committee under subdivision (2) of subsection (j) of this section. Upon written request by staff to the Committee, the

Commission shall provide copies of all reports, investigative documents, information, and other documents used by the Commission when it dismisses a complaint against a legislator under subsection (n) of this section. The information and documents provided to the Committee and staff to the Committee and the written request provided to the Commission are confidential and are not public records as defined in G.S. 132-1.

(r) Recommendations of Sanctions. - After referring a matter under subsection (m) of this section, if requested by the entity to which the matter was referred, the State Board may recommend sanctions or issue rulings as it deems necessary or appropriate to protect the public interest and ensure compliance with this Subchapter. In recommending appropriate sanctions, the State Board may consider the following factors:

- (1) The public servant's prior experience in an agency or on a board and prior opportunities to learn the ethical standards for a public servant as set forth in Article 7 of this Chapter, including those dealing with conflicts of interest.
- (2) The number of ethics violations.
- (3) The severity of the ethics violations.
- (4) Whether the ethics violations involve the public servant's financial interest.
- (5) Whether the ethics violations were inadvertent or intentional.
- (6) Whether the public servant knew or should have known that the improper conduct was a violation of this Subchapter.
- (7) Whether the public servant has previously been advised or warned by the State Board.
- (8) Whether the conduct or situation giving rise to the ethics violation was pointed out to the public servant in the State Board's Statement of Economic Interest evaluation letter issued under G.S. 138A-24(e).
- (9) The public servant's motivation or reason for the improper conduct or action, including whether the action was for personal financial gain versus protection of the public interest.

In making recommendations under this subsection, if the State Board determines, after proper review and investigation, that sanctions are appropriate, the State Board may recommend any action it deems necessary to properly address and rectify any violation of this Subchapter by a public servant, including removal of the public servant from the public servant's State position. Nothing in this subsection is intended, and shall not be construed, to give the State Board any independent civil, criminal, or administrative investigative or enforcement authority over covered persons, or other State employees or appointees.

(s) Authority of Employing Entity. - Any action or failure to act by the Commission under this Subchapter, except G.S. 138A-13, shall not limit any authority of any of the applicable employing entities to discipline the covered person or legislative employee.

(s1) Subpoena Authority. - The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of alleged violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines the subpoenas are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any person or governmental unit covered by this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

(t) Continuing Jurisdiction. - The Commission shall have continuing jurisdiction to investigate possible criminal violations of this Chapter for a period of one year following the date an individual, who was formerly a public servant or legislative employee, ceases to be a public servant or legislative employee for any investigation that commenced prior to the date the public servant or legislative employee ceases to be a public servant or legislative employee.

(u) Reports. - The number of complaints referred under this section shall be reported under G.S. 138A-10(a)(12).

(v) Concurrent Jurisdiction. - Nothing in this section shall limit the jurisdiction of the Committee or the Judicial Standards Commission with regards to legislative or judicial misconduct, and jurisdiction under this section shall be concurrent with the jurisdiction of the Committee and the Judicial Standards Commission. (2006-201, s. 1; 2007-348, ss. 27-30; 2008-187, s. 21; 2008-213, ss. 1(b), 57; 2008-215, ss. 4, 5; 2009-549, ss. 9, 10, 11; 2010-169, s. 23(a)-(e), (h); 2012-182, s. 3; 2017-6, ss. 3, 5(e); 2018-146, ss. 3.1(a), (b), 3.3(e), 4.2(a).)

§ 138A-13. Request for advice.

(a) At the request of any public servant or legislative employee, any individual who is responsible for the supervision or appointment of a public servant or legislative employee, legal counsel for any public servant or legislative employee, any ethics liaison under G.S. 138A-14, or any member of the Commission, the Commission shall render advice on specific questions involving the meaning and application of this Chapter and the public servant's or legislative employee's compliance therewith. Requests for advice and advice rendered in response to those requests shall relate prospectively to real or reasonably anticipated fact settings or circumstances.

(b) On its own motion, the Commission may render advisory opinions on specific questions involving the meaning and application of this Chapter.

(c) A request for a formal advisory opinion under subsection (a) of this section shall be in writing, electronic or otherwise. The Commission shall issue formal advisory opinions having prospective application only. A public servant or legislative employee who relies upon the advice provided to that public servant or legislative employee on a specific matter addressed by the requested formal advisory opinion shall be immune from all of the following:

- (1) Investigation by the Commission, except for an inquiry under G.S. 138A-12(c)(3).
- (2) Any adverse action by the employing entity.
- (3) Investigation by the Secretary of State.

(d) At the request of a legislator, the Commission shall render advice on specific questions involving the meaning and application of this Chapter and Part 1 of Article 14 of Chapter 120 of the General Statutes, and the legislator's compliance therewith. Requests for advice and advice rendered in response to those requests shall relate prospectively to real or reasonably anticipated fact settings or circumstances.

(e) A request by a legislator for a recommended formal advisory opinion shall be in writing, electronic or otherwise. The Commission shall issue recommended formal advisory opinions having prospective application only. Until action is taken by the Committee under G.S. 120-104, a legislator who relies upon the advice provided to that legislator on a specific matter addressed by the requested recommended formal advisory opinion shall be immune from all of the following:

- (1) Investigation by the Commission, except for an inquiry under G.S. 138A-12(c)(3).
- (2) Any adverse action by the house of which the legislator is a member.
- (3) Investigation by the Secretary of State.

Any recommended formal advisory opinion issued to a legislator under this subsection shall immediately be delivered to the chairs of the Committee, together with a copy of the request. Except for the Lieutenant Governor, the immunity granted under this subsection shall not apply after the time the Committee modifies or overturns the advisory opinion of the Commission in accordance with G.S. 120-104.

(f) At the request of the Auditor, the Commission shall render advisory opinions on specific questions involving the meaning and application of this Chapter, Article 14 of Chapter 120 of the General Statutes, Chapter 120C of the General Statutes, and an affected person's compliance therewith. The request shall be in writing, electronic or otherwise, and relate to real fact settings and circumstances. Except when the question involves a question governed by subsection (d) or (e) of this section, the Commission shall issue an advisory

opinion under this subsection within 60 days of the receipt of all information deemed necessary by the Commission to render an opinion. If the question involves a question governed by subsection (d) or (e) of this section, the Commission shall comply with the provisions of that section [subsection] prior to responding to the Auditor by delivering the recommended advisory opinion to the Committee within 60 days of the receipt of all information deemed necessary by the Commission to render an opinion. The Committee shall act on the opinion within 30 days of receipt and the State Board shall deliver the opinion to the Auditor. If the Committee fails to act on a recommended advisory opinion under this subsection with 30 days of receipt, the Commission shall deliver its recommended advisory opinion to the Auditor. Notwithstanding G.S. 138A-13(i), the Auditor may only release those portions of the advisory opinion necessary to comply with the requirements of G.S. 147-64.6(c)(1).

(g) Staff to the Commission may issue advice, but not formal or recommended formal advisory opinions, under procedures adopted by the Commission.

(h) The Commission shall publish its formal advisory opinions within 30 days of issuance. These formal advisory opinions shall be edited for publication purposes as necessary to protect the identities of the individuals requesting formal advisory opinions. When the Commission issues a recommended formal advisory opinion to a legislator under subsection (e) of this section, the Commission shall publish only the edited formal advisory opinion of the Committee within 30 days of receipt of the edited opinion from the Committee.

(i) Except as provided under subsections (f), (h) and (j) of this section, a request for advice, any advice provided by Commission staff, any formal or recommended formal advisory opinions, any supporting documents submitted or caused to be submitted to the Commission or Commission staff, and any documents prepared or collected by the Commission or Commission staff in connection with a request for advice are confidential. The identity of the individual making the request for advice, the existence of the request, and any information related to the request may not be revealed without the consent of the requestor. An individual who requests advice or receives advice, including a formal or recommended formal advisory opinion, may authorize the release to any other person, the State, or any governmental unit of the request, the advice, or any supporting documents.

For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advice, any advice, and any documents related to requests for advice are not "public records" as defined in G.S. 132-1.

(j) Staff to the Commission may share all information and documents related to requests for advice, made by legislators under this section with staff to

the Committee. The information and documents in the possession of staff to the Committee are confidential and are not public records.

(k) This section shall apply to judicial officers only for advice related to Article 3 of this Chapter.

(l) Requests for advice may be withdrawn by the requestor at any time prior to the issuance of the advice. (2006-201, s. 1; 2007-348, s. 31; 2008-213, ss. 2(b), 91.5; 2008-215, s. 6; 2009-570, s. 17; 2010-169, s. 17(p); 2016-125, 4th Ex. Sess., s. 3(e); 2017-6, ss. 2, 3, 5(f); 2018-146, s. 3.1(a), (b).)

§ 138A-13.5. Recommendations Regarding Criminal Referrals of Campaign Finance Violations.

Upon request by the State Board of Elections, the Commission shall offer confidential recommendations regarding the appropriateness of a criminal referral for campaign finance violations. The Commission shall employ staff to conduct an investigation. The investigation and vote of the Commission on the recommendation shall be completed within 90 days of receipt of the request from the State Board of Elections. (2018-146, s. 4.11(b).)

§ 138A-14. Ethics education program.

(a) The Commission shall develop and implement an ethics education and awareness program designed to instill in all covered persons and their immediate staffs, and legislative employees, a keen and continuing awareness of their ethical obligations and a sensitivity to situations that might result in real or potential conflicts of interest.

(b) The Commission shall offer basic ethics education and awareness presentations to all public servants and their immediate staffs, upon their election, appointment, or employment, and shall offer periodic refresher presentations as the Commission deems appropriate. Every public servant shall participate in an ethics presentation approved by the Commission within six months of the public servant's election, reelection, appointment, or employment, and shall attend refresher ethics education presentations at least every two years thereafter in a manner as the Commission deems appropriate.

(c) A public servant appointed to a board determined and designated as nonadvisory under G.S. 138A-10(a)(3) shall attend an ethics presentation approved by the Commission within six months of notification of the designation by the Commission and at least every two years thereafter in a manner as the Commission deems appropriate.

(d) The Commission, jointly with the Committee, shall make basic ethics education and awareness presentations to all legislators and legislative employees upon their election, reelection, appointment, or employment and shall offer periodic refresher presentations as the Commission and the Committee

deem appropriate. Every legislator shall participate in an ethics presentation approved by the Commission and Committee within two months of either the convening of the General Assembly to which the legislator is elected or within two months of the legislator's appointment, whichever is later. Every legislative employee shall participate in an ethics presentation approved by the Commission and Committee within three months of employment, and shall attend refresher ethics education presentations at least every two years thereafter, in a manner as the Commission and Committee deem appropriate.

(e) Upon request, the Commission shall assist each agency in developing in-house education programs and procedures necessary or desirable to meet the agency's particular needs for ethics education, conflict identification, and conflict avoidance.

(f) Each agency head shall designate an ethics liaison who shall maintain active communication with the Commission on all agency ethical issues. The ethics liaison shall attend ethics education and awareness programs as provided under this section and lobbying education and awareness programs as provided under G.S. 120C-103 and continuously assess and advise the Commission of any issues or conduct which might reasonably be expected to result in a conflict of interest and seek advice and rulings from the State Board as to their appropriate resolution.

(g) The Commission shall publish a newsletter containing summaries of the Commission's opinions, policies, procedures, and interpretive bulletins as issued from time to time. The newsletter shall be distributed to all covered persons and legislative employees. Publication under this subsection may be done electronically.

(h) The Commission shall assemble and maintain a collection of relevant State laws, rules, and regulations that set forth ethical standards applicable to covered persons. This collection shall be made available electronically as resource material to public servants, and ethics liaisons, upon request.

(i) This section shall not apply to judicial officers. (2006-201, s. 1; 2007-347, s. 9(a); 2008-213, ss. 59, 60; 2009-10, s. 4; 2009-549, s. 12; 2010-169, s. 22(a); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-15. Duties of heads of State agencies.

(a) The head of each State agency, including the chair of each board subject to this Chapter, shall take an active role in furthering ethics in public service and ensuring compliance with this Chapter. The head of each State agency and the chair of each board shall make a conscientious, good-faith effort to assist public servants within the agency or on the board in monitoring their personal, financial, and professional affairs to avoid taking any action that results in a conflict of interest.

(b) The head of each State agency, including the chair of each board subject to this Chapter, shall maintain familiarity with and stay knowledgeable of the reports, opinions, newsletters, and other communications from the Commission regarding ethics in general and the interpretation and enforcement of this Chapter. The head of each State agency and the chair of each board shall also maintain familiarity with and stay knowledgeable of the Commission's reports, evaluations, opinions, or findings regarding individual public servants in that individual's agency or on that individual's board, or under that individual's supervision or control, including all reports, evaluations, opinions, or findings pertaining to actual or potential conflicts of interest.

(c) When an actual or potential conflict of interest is cited by the State Board under G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with this Chapter.

(d) The head of each State agency, including the chair of each board subject to this Chapter, shall periodically remind public servants under that individual's authority of the public servant's duties to the public under the ethical standards and rules of conduct in this Chapter, including the duty of each public servant to continually monitor, evaluate, and manage the public servant's personal, financial, and professional affairs to ensure the absence of conflicts of interest.

(e) At the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under this Chapter. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

(f) The head of each State agency, including the chair of each board subject to this Chapter, shall ensure that legal counsel employed by or assigned to their agency or board are familiar with the provisions of this Chapter, including the Ethical Standards for Covered Persons set forth in Article 4 of this Chapter, and are available to advise public servants on the ethical considerations involved in carrying out their public duties in the best interest of the public. Legal counsel so engaged may consult with the Commission, seek the Commission's assistance or advice, and refer public servants and others to the Commission as appropriate.

(g) Taking into consideration the individual autonomy, needs, and circumstances of each agency and board, the head of each State agency, including the chair of each board subject to this Chapter, shall consider the need for the development and implementation of in-house educational programs, procedures, or policies tailored to meet the agency's or board's particular needs

for ethics education, conflict identification, and conflict avoidance. This includes the periodic presentation to all agency heads, their chief deputies or assistants, other public servants under their supervision or control, and members of boards, of the basic ethics education and awareness presentation outlined in G.S. 138A-14 and any other workshop or seminar program the agency head or board chair deems necessary in implementing this Chapter. Agency heads and board chairs may request reasonable assistance from the Commission in complying with the requirements of this subsection.

(h) As soon as reasonably practicable after the designation, hiring, or promotion of their chief deputies, assistants, or other public servants under their supervision or control, or learning of the appointment or election of other public servants to a board covered under this Chapter, all agency heads and board chairs shall (i) notify the Commission of such designation, hiring, promotion, appointment, or election and (ii) provide these public servants with copies of this Chapter and all applicable financial disclosure forms, if these materials and forms have not been previously provided to these public servants in connection with their designation, hiring, promotion, appointment, or election. In order to avoid duplication of effort, agency heads and board chairs shall coordinate this effort with the Commission's staff. (2006-201, s. 1; 2007-347, s. 9(b); 2008-213, ss. 61, 62; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-16. Reserved for future codification purposes.

§ 138A-17. Reserved for future codification purposes.

§ 138A-18. Reserved for future codification purposes.

§ 138A-19. Reserved for future codification purposes.

§ 138A-20. Reserved for future codification purposes.

Article 3.

Public Disclosure of Economic Interests.

§ 138A-21. Purpose.

The purpose of disclosure of the financial and personal interests by covered persons is to assist covered persons and those who appoint, elect, hire, supervise, or advise them identify and avoid conflicts of interest and potential conflicts of interest between the covered person's private interests and the covered person's public duties. It is critical to this process that current and prospective covered

persons examine, evaluate, and disclose those personal and financial interests that could be or cause a conflict of interest or potential conflict of interest between the covered person's private interests and the covered person's public duties. Covered persons must take an active, thorough, and conscientious role in the disclosure and review process, including having a complete knowledge of how the covered person's public position or duties might impact the covered person's private interests. Covered persons have an affirmative duty to provide any and all information that a reasonable person would conclude is necessary to carry out the purposes of this Chapter and to fully disclose any conflict of interest or potential conflict of interest between the covered person's public and private interests, but the disclosure, review, and evaluation process is not intended to result in the disclosure of unnecessary or irrelevant personal information. (2006-201, s. 1; 2008-213, s. 63; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-22. Statement of economic interest; filing required.

(a) Every covered person subject to this Chapter who is elected, appointed, or employed, including one appointed to fill a vacancy in elective office, except for public servants (i) included under G.S. 138A-3(70)b., e., f., or g. whose annual compensation from the State is less than sixty thousand dollars (\$60,000), or (ii) who are ex officio student members under Chapters 115D and 116 of the General Statutes, shall file a statement of economic interest with the Commission prior to the covered person's initial appointment, election, or employment and no later than April 15 of every year thereafter, except as otherwise filed under subsections (d) and (f) of this section. A prospective covered person required to file a statement under this Chapter shall not be appointed, employed, or receive a certificate of election, prior to submission by the Commission of the Commission's evaluation of the statement in accordance with this Article. The requirement for an annual filing under this subsection also shall apply to covered persons whose terms have expired but who continue to serve until the covered person's replacement is appointed. Once a statement of economic interest is properly completed and filed under this Article, the statement of economic interest does not need to be supplemented or refiled prior to the next due date set forth in this subsection.

(b) Notwithstanding subsection (a) of this section, individuals hired by, and appointees of, constitutional officers of the State may file a statement of economic interest within 30 days after their appointments or employment when the appointment or employment is made during the first 60 days of the constitutional officer's initial term in that constitutional office.

(c) Notwithstanding subsection (a) of this section, public servants, under G.S. 138A-3(70)j. and k., who have submitted a statement of economic interest under subsection (a) of this section, may be hired, appointed, or elected

provisionally prior to submission by the Commission of the Commission's evaluation of the statement in accordance with this Article, subject to dismissal or removal based on the Commission's evaluation.

(d) A public servant reappointed to a board between January 1 and April 15 shall file a current statement of economic interest prior to the reappointment.

(e) A public servant appointed to a board determined and designated as nonadvisory under G.S. 138A-10(a)(3) shall file the initial statement of economic interest within 60 days of notification of the designation by the Commission and as provided in this section thereafter.

(f) A candidate for an office subject to this Article shall file the statement of economic interest with the Commission within 10 days of the filing deadline for the office the candidate seeks. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest within three days of filing the petition required under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest within three days of the time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest within three days of the time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98.

(g) In addition to subsections (a) and (f) of this section, a covered person holding elected office or a former covered person who held elected office subject to this Article shall file a statement of economic interest in all of the following instances, as specified:

(1) Filed on or before April 15 of the year following the year a covered person or former covered person does not file a notice of candidacy or petition for election, or does not receive a certificate of election, to the position making that individual a covered person, with all information provided in the statement of economic interest current as of the last day of December of the preceding year.

(2) Filed on or before April 15 of the year following the year the covered person or former covered person resigns from the position making that individual a covered person, with all information provided in the statement of economic interest current as of the last day in the position.

(h) The State Board of Elections shall provide for notification of the statement of economic interest requirements of this Article to be given to any

candidate filing for nomination or election to those offices subject to this Article and to any nominee under G.S. 163-114.

(i) Within 10 days of the filing deadline for office of a covered person, the executive director of the State Board of Elections shall send to the State Ethics Commission a list of the names and addresses of each candidate who has filed as a candidate for office as a covered person. Within five days of an individual otherwise qualifying to be on the ballot, the State Board of Elections shall send notice of that qualification to the State Ethics Commission.

(j) The Commission shall issue forms to be used for the statement of economic interest and shall revise the forms from time to time as necessary to carry out the purposes of this Chapter. Except as otherwise set forth in this section and in G.S. 138A-15(h), upon notification by the employing entity, the Commission shall furnish to all other covered persons the appropriate forms needed to comply with this Article. (2006-201, s. 1; 2007-29, s. 2; 2007-348, ss. 32, 33; 2008-213, s. 64; 2009-549, s. 13; 2010-169, ss. 12, 22(b); 2014-111, s. 13(a); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-23. Statements of economic interest as public records.

(a) The statements of economic interest filed by prospective public servants under this Article for appointed or employed positions and written evaluations by the Commission of these statements are not public records until the prospective public servant is appointed or employed by the State. All other statements of economic interest and all other written evaluations by the Commission of those statements are public records.

(b) The statements of economic interest filed by prospective public servants, and the written evaluations by the Commission of those statements, for individuals elected by the General Assembly shall be provided to the chair of the standing committee handling the legislation regarding the election and made available to all members of the General Assembly. The statements of economic interest filed by public servants elected to positions by the General Assembly, and written evaluations by the Commission of those statements, are not public records until the prospective public servant is sworn into office.

(c) The statements of economic interest filed by prospective public servants, and the written evaluations by the Commission of those statements, for individuals confirmed for appointment as a public servant by the General Assembly shall be provided to the chair of the standing committee handling the legislation regarding the appointment. The statements of economic interest filed by prospective public servants for confirmation for appointment by the General Assembly, and written evaluations by the Commission of those statements, are public records at the time of the announcement of the appointment. (2006-201, s. 1; 2007-347, s. 10; 2008-213, ss. 65, 66; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-24. Contents of statement.

(a) Any statement of economic interest filed under this Article shall be on a form prescribed by the Commission. Answers must be provided to all questions. The form shall include the following information about the filing person and the filing person's immediate family:

- (1) Except as otherwise provided in this subdivision, the name, current mailing address, occupation, employer, and business of the filing person. Any individual holding or seeking elected office for which residence is a qualification for office shall include a home address. A judicial officer may use a current mailing address instead of the home address on the form required in this subsection. The filing person may also use the initials instead of the name of any unemancipated child of the filing person who also resides in the household of the filing person. If the filing person provides the initials of an unemancipated child, the filing person shall concurrently provide the name of the unemancipated child to the Commission. The name of an unemancipated child provided by the filing person to the Commission shall not be a public record under Chapter 132 of the General Statutes and is privileged and confidential.
- (2) A list of each asset and liability included in this subdivision of whatever nature (including legal, equitable, or beneficial interest) with a value of at least ten thousand dollars (\$10,000) owned by the filing person and the filing person's immediate family, except assets or liabilities held in a blind trust. This list shall include the following:
 - a. All real estate located in the State owned wholly or in part by the filing person or the filing person's immediate family, including descriptions adequate to determine the location by city and county of each parcel.
 - b. Real estate that is currently leased or rented to or from the State.
 - c. Personal property sold to or bought from the State within the preceding two years.
 - d. Personal property currently leased or rented to or from the State.
 - e. The name of each publicly owned company. For purposes of this sub-subdivision, the term "publicly owned company" shall not include a widely held

investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if all of the following apply:

1. The filing person or a member of the filing person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund.
 2. The fund is publicly traded, or the fund's assets are widely diversified.
- f. The name of each nonpublicly owned company or business entity, including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations.
 - g. For each company or business entity listed under subdivision f. of this subdivision, if known, a list of any other companies or business entities in which the company or business entity owns securities or equity interests exceeding a value of ten thousand dollars (\$10,000).
 - h. For a vested trust created, established, or controlled by the filing person of which the filing person or the members of the filing person's immediate family are the beneficiaries, excluding a blind trust, the name and address of the trustee, a description of the trust, and the filing person's relationship to the trust.
 - i. A list of all liabilities, excluding indebtedness on the filing person's primary personal residence, by type of creditor and debtor.
 - j. A list of all stock options in a company or business not otherwise disclosed on this statement.
- (3) The name of each source (not specific amounts) of income of more than five thousand dollars (\$5,000) received during the previous year by business or industry type, if that source is not listed under subdivision (2) of this subsection. Income shall include salary, wages, professional fees, honoraria, interest, dividends, rental income, and business income from any source other than capital gains, federal government retirement, military retirement, or social security income.
 - (4) If the filing person is a practicing attorney, an indication of whether the filing person, or the law firm with which the filing

person is affiliated, earned legal fees during the past year in excess of ten thousand dollars (\$10,000) from any of the following categories of legal representation:

- a. Administrative law.
- b. Admiralty law.
- c. Corporate law.
- d. Criminal law.
- e. Decedents' estates law.
- f. Environmental law.
- g. Insurance law.
- h. Labor law.
- i. Local government law.
- j. Negligence or other tort litigation law.
- k. Real property law.
- l. Securities law.
- m. Taxation law.
- n. Utilities regulation law.

- (5) Except for a filing person in compliance under subdivision (4) of this subsection, if the filing person is a licensed professional or provides consulting services, either individually or as a member of a professional association, a list of categories of business and the nature of services rendered, for which payment for services were charged or paid during the past year in excess of ten thousand dollars (\$10,000).
- (6) An indication of whether the filing person, the filing person's employer, a member of the filing person's immediate family, or the immediate family member's employer is licensed or regulated by, or has a business relationship with, the board or employing entity with which the filing person is or will be associated. This subdivision does not apply to a legislator, a judicial officer, or that legislator's or judicial officer's immediate family.
- (7) A list of societies, organizations, or advocacy groups, pertaining to subject matter areas over which the public servant's agency or board may have jurisdiction, in which the public servant or a member of the public servant's immediate family is a director, officer, or governing board member. This subdivision does not apply to a legislator, a judicial officer, or that legislator's or judicial officer's immediate family.
- (8) A list of all things with a total value of over two hundred dollars (\$200.00) per calendar quarter given and received

without valuable consideration and under circumstances that a reasonable person would conclude that the thing was given for lobbying, if such things were given by a person not required to report under Chapter 120C of the General Statutes, excluding things given by a member of the filing person's extended family. The list shall include only those things received during the 12 months preceding the reporting period under subsection (d) of this section, and shall include the source of those things. The list required by this subdivision shall not apply to things of monetary value received by the filing person prior to the time the filing person filed or was nominated as a candidate for office, as described in G.S. 138A-22, or was appointed or employed as a covered person.

- (9) A list of any felony convictions of the filing person, excluding any felony convictions for which a pardon of innocence or order of expungement has been granted.
- (10) Any other information that the filing person believes may assist the Commission in advising the filing person with regards to compliance with this Chapter.
- (11) A list of any nonprofit corporation or organization with which associated during the preceding calendar year, including a list of which of those nonprofit corporations or organizations with which associated do business with the State or receive State funds and a brief description of the nature of the business, if known or with which due diligence could reasonably be known.
- (12) A statement of whether the filing person or the filing person's immediate family is or has been a lobbyist or lobbyist principal registered under Chapter 120C of the General Statutes within the preceding 12 months.
- (13) A list of all contributions as defined in G.S. 163-278.6(13) with a cumulative total of more than one thousand dollars (\$1,000) made by the filing person only, during the preceding calendar year, to the candidate or candidate campaign committee of the covered person as defined in G.S. 138A-3(70)a. appointing the filing person to the covered board.
- (14) A statement indicating "Yes" or "No" as to whether the filing person engaged in each of the following activities during the preceding calendar year, with respect to or on the behalf of the candidate or candidate campaign committee of the covered person as defined in G.S. 138A-3(70)a. appointing the filing person: (i) collected contributions from multiple contributors,

took possession of such multiple contributions, and transferred or delivered those collected multiple contributions, (ii) hosted a fund-raiser in the filing person's residence or place of business, or (iii) volunteered for campaign-related activity. This subdivision only applies to filing persons in the following categories:

- a. A public servant, or a prospective appointee to, as defined in G.S. 138A-3(70)c.
- b. A judicial officer that serves on, or a prospective appointee to, the Supreme Court, the Court of Appeals, the superior court, or the district court.
- c. A covered person serving on, or a prospective appointee to, one of the following panels or boards:
 - 1. Alcoholic Beverage Control Commission.
 - 2. Coastal Resources Commission.
 - 3. State Board of Education.
 - 4. State Board of Elections.
 - 5. Division of Employment Security.
 - 6. Environmental Management Commission.
 - 7. Industrial Commission.
 - 8. State Human Resources Commission.
 - 9. Rules Review Commission.
 - 10. Board of Transportation.
 - 11. Board of Governors of the University of North Carolina.
 - 12. Utilities Commission.
 - 13. Wildlife Resources Commission.

(15) The name of each business with which associated that the filing person or a member of the filing person's immediate family is an employee, director, officer, partner, proprietor, or member or manager.

(16) For any company or business entity listed under subdivision (15) of this subsection and sub-subdivisions f. and g. of subdivision (2) of this subsection, if known, a statement whether that company or business entity has any material business dealings or business contracts with the State, or is regulated by the State, including a brief description of the business activity.

(b) The Supreme Court, the Committee, constitutional officers of the State, heads of principal departments, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, other boards, and the appointing authority or employing entity may require a filing person to file

supplemental information in conjunction with the filing of that filing person's statement of economic interest. These supplemental filings requirements shall be filed with the Commission and included on the forms to be filed with the Commission. The Commission shall evaluate the supplemental forms as part of the statement of economic interest. The failure to file supplemental forms shall be subject to the provisions of G.S. 138A-25.

(c) Each statement of economic interest shall contain a certification by the filing person that the filing person has read the statement and that, to the best of the filing person's knowledge and belief, the statement is true, correct, and complete. The filing person's certification also shall provide that the filing person has not transferred, and will not transfer, any asset, interest, or other property with the intent to conceal it from disclosure while retaining an equitable interest therein.

(d) All information provided in the statement of economic interest shall be current as of the last day of December of the year preceding the date the statement of economic interest was due.

(e) The Commission shall prepare a written evaluation of each statement of economic interest relative to conflicts of interest and potential conflicts of interest. This subsection does not apply to statements of economic interest of legislators and judicial officers. The Commission shall submit the evaluation to all of the following:

- (1) The filing person who submitted the statement.
- (2) The head of the agency in which the filing person serves.
- (3) The Governor for gubernatorial appointees and employees in agencies under the Governor's authority.
- (4) The appointing or hiring authority for those public servants not under the Governor's authority.
- (5) The State Board of Elections for those filing persons who are elected.

(f) The Commission shall prepare a written evaluation of each statement of economic interest for nominees of the Board of Governors of The University of North Carolina elected pursuant to G.S. 116-6, and nominees of the State Board of Community Colleges elected pursuant to G.S. 115D-2.2 within seven days of the submission of the completed statement of economic interest to the Commission. (2006-201, s. 1; 2007-29, s. 1; 2007-348, s. 34; 2008-187, s. 32; 2008-213, ss. 67-72(a), 73, 74, 74.5, 91; 2009-549, s. 14; 2009-570, s. 45; 2010-169, ss. 13(a)-(d), 17(q), 22(b); 2011-401, s. 3.18; 2013-382, s. 9.1(c); 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2021-90, s. 25.2(c).)

§ 138A-25. Failure to file.

(a) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify filing persons who have failed to file or filing persons whose statement has been deemed incomplete. For a filing person currently serving as a covered person, the Commission shall notify the filing person and the ethics liaison that if the statement of economic interest is not filed or completed within 30 days of receipt of the notice of failure to file or complete, the filing person shall be subject to a fine as provided for in this section.

(b) Any filing person who fails to file or complete a statement of economic interest within 30 days of the receipt of the notice, required under subsection (a) of this section, shall be subject to a fine of two hundred fifty dollars (\$250.00), to be imposed by the Commission.

(c) Failure by any filing person to file or complete a statement of economic interest within 60 days of the receipt of the notice, required under subsection (a) of this section, shall be deemed to be a violation of this Chapter and shall be grounds for disciplinary action under G.S. 138A-45.

(d) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify persons who are required to file a Statement of Economic Interest under G.S. 136-200.2(g)(3) or G.S. 136-211(f)(3) of a failure to file the Statement of Economic Interest or the filing of an incomplete Statement of Economic Interest. The Commission shall notify the filing person that if the Statement of Economic Interest is not filed or completed within 30 days of receipt of the notice of failure to file or complete, the filing person shall be fined and referred for prosecution after an additional 30 days, as provided for in this section:

(1) Any filing person who fails to file a Statement of Economic Interest under G.S. 136-200.2(g)(3) or G.S. 136-211(f)(3) within 30 days of the receipt of the notice required under this section shall be fined two hundred fifty dollars (\$250.00) by the Commission for not filing or filing an incomplete Statement of Economic Interest, except in extenuating circumstances as determined by the Commission.

(2) Failure by any filing person to file or complete the Statement of Economic Interest within 60 days of the receipt of the notice required under this subsection shall be a Class 1 misdemeanor. The Commission shall report such failure to the Director of the State Bureau of Investigation for investigation and referral to the District Attorney for possible prosecution, unless the Commission determines extenuating circumstances exist.

(e) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify persons who are required to file an additional disclosure

under G.S. 136-200.2(g)(4) or G.S. 136-211(f)(4) of a failure to file the additional disclosure or the filing of an incomplete additional disclosure. The Commission shall notify the filing person that if the additional disclosure is not filed or completed within 30 days of receipt of the notice of failure to file or complete, the filing person shall be fined and referred for prosecution after an additional 30 days, as provided for in this section:

- (1) Any filing person who fails to file or who files an incomplete additional disclosure within 30 days of the receipt of the notice required under this section shall be fined two hundred fifty dollars (\$250.00) for not filing or filing an incomplete additional disclosure, except in extenuating circumstances as determined by the Commission.
- (2) Failure by any filing person to file or complete the additional disclosure within 60 days of the receipt of the notice required under this subsection shall be a Class 1 misdemeanor. The Commission shall report such failure to the Director of the State Bureau of Investigation for investigation and referral to the District Attorney for possible prosecution, unless the Commission determines extenuating circumstances exist. (2006-201, s. 1; 2008-213, s. 75; 2009-549, s. 15; 2014-58, s. 12(c); 2014-115, s. 56.6A(c); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-28. Review and evaluation of statements of economic interest.

(a) The Commission shall receive and review all statements of economic interest pursuant to G.S. 138A-10(a)(4) and shall evaluate whether (i) the statements conform to the law and the rules of the commission, and (ii) the

financial interests and other information reported by prospective and actual covered persons reveal actual or potential conflicts of interest.

(b) Beginning July 1, 2013, the Commission shall establish a biennial cycle for evaluating statements of economic interest. The Commission shall evaluate each initial filing as provided in subsection (a) of this section.

(c) Notwithstanding subsection (b) of this section, statements filed by the following prospective and actual public servants shall be evaluated on an annual basis:

- (1) The University of North Carolina Board of Governors, subject to G.S. 138A-24(f).
- (2) The State Board of Community Colleges, subject to G.S. 138A-124(f).
- (3) The North Carolina Utilities Commission.
- (4) The North Carolina Industrial Commission.
- (5) Supplemental statements filed pursuant to Chapter 136 of the General Statutes.
- (6) Any other board or commission whose members are elected or confirmed by the General Assembly.

(d) Notwithstanding subsections (a) and (b) of this section, statements of economic interest filed by Constitutional officers of the State and individuals elected or appointed as Constitutional officers of the State prior to taking office shall be evaluated every four years upon election or appointment to office.

(e) A public servant who simultaneously serves on more than one covered board may file one statement of economic interest and that statement shall serve as disclosure for all the covered boards. If, during the biennial cycle, a public servant leaves one covered board and begins membership on another covered board, the public servant is not required to file another statement of economic interest, and the State Board is not required to evaluate the statement again in light of the subsequent appointment. The public servant must make subsequent filings pursuant to G.S. 138A-22(a) upon the expiration of the biennial cycle.

(f) Nothing in this section shall be construed to impair the State Board's duties and authority under G.S. 138A-25 and G.S. 138A-26. (2013-360, s. 30.4(b); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-29. Reserved for future codification purposes.

§ 138A-30. Reserved for future codification purposes.

Article 4.

Ethical Standards for Covered Persons.

§ 138A-31. Use of public position for private gain.

(a) Except as permitted under G.S. 138A-38, a covered person or legislative employee shall not knowingly use the covered person's or legislative employee's public position in an official action or legislative action that will result in financial benefit to the covered person or legislative employee, a member of the covered person's or legislative employee's extended family, or business with which the covered person or legislative employee is associated. This subsection shall not apply to financial or other benefits derived by a covered person or legislative employee that the covered person or legislative employee would enjoy to an extent no greater than that which other citizens of the State would or could enjoy, or that are so remote, tenuous, insignificant, or speculative that a reasonable person would conclude under the circumstances that the covered person's or legislative employee's ability to protect the public interest and perform the covered person's or legislative employee's official duties would not be compromised.

(b) A covered person shall not mention or authorize another person to mention the covered person's public position in nongovernmental advertising that advances the private interest of the covered person or others. The prohibition in this subsection shall not apply to any of the following:

- (1) Political advertising.
- (2) News stories and articles.
- (3) The inclusion of a covered person's public position in a directory or a biographical listing.
- (4) The inclusion of a covered person's public position in an agenda or other document related to a meeting, conference, or similar event when the disclosure could reasonably be considered material by an individual attending the meeting, conference, or similar event.
- (5) The inclusion of a covered person's public position in a charitable solicitation for a nonprofit business entity qualifying under 26 U.S.C. § 501(c)(3).
- (6) The disclosure of a covered person's position to an existing or prospective customer, supplier, or client when the disclosure could reasonably be considered material by the customer, supplier, or client.
- (7) A letter of character reference for any of the following:
 - a. A student seeking admittance to a school or institution of higher education.

- b. An individual seeking an academic scholarship.
- c. An individual seeking leniency upon sentencing by the courts, or other matters related to probation or parole.
- d. An individual seeking employment, at the request of that individual or in response to the inquiry of a potential employer as to the qualifications and character of that individual.

(c) Notwithstanding G.S. 163-278.16A, no covered person shall use or permit the use of State funds for any advertisement or public service announcement in a newspaper, on radio, television, magazines, or billboards, that contains that covered person's name, picture, or voice, except in case of State or national emergency and only if the announcement is reasonably necessary to the covered person's official function. This subsection shall not apply to fund-raising on behalf of and aired on public radio or public television. (2006-201, s. 1; 2009-549, s. 16; 2011-393, s. 1; 2015-208, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-32. Gifts.

(a) A covered person or a legislative employee shall not knowingly, directly or indirectly, ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive anything of value for the covered person or legislative employee, or for another person, in return for being influenced in the discharge of the covered person's or legislative employee's official responsibilities, other than that which is received by the covered person or the legislative employee from the State for acting in the covered person's or legislative employee's official capacity.

(b) A covered person may not solicit for a charitable purpose any thing of monetary value from any subordinate State employee. This subsection shall not apply to generic written solicitations to all members of a class of subordinates. Nothing in this subsection shall prohibit a covered person from serving as the honorary head of the State Employees Combined Campaign.

(c) No public servant, legislator, or legislative employee shall knowingly accept a gift from a lobbyist or lobbyist principal registered under Chapter 120C of the General Statutes. No legislator or legislative employee shall knowingly accept a gift from liaison personnel designated under Chapter 120C of the General Statutes. No public servant, legislator, or legislative employee shall accept a gift knowing all of the following:

- (1) The gift was obtained indirectly from a lobbyist, lobbyist principal, or liaison personnel registered under Chapter 120C of the General Statutes.
- (2) The lobbyist, lobbyist principal, or liaison personnel registered under Chapter 120C of the General Statutes intended for an

ultimate recipient of the gift to be a public servant, legislator, or legislative employee as provided in G.S. 120C-303.

(d) No public servant shall knowingly accept a gift from a person whom the public servant knows or has reason to know any of the following:

- (1) Is doing or is seeking to do business of any kind with the public servant's employing entity.
- (2) Is engaged in activities that are regulated or controlled by the public servant's employing entity.
- (3) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties.

(e) No public servant shall accept a gift knowing all of the following:

- (1) The gift was obtained indirectly from a person described under subdivision (d)(1), (2), or (3) of this section.
- (2) The person described under subdivision (d)(1), (2), or (3) of this section intended for an ultimate recipient of the gift to be a public servant.

(f) Subsections (c), (d), and (e) of this section shall not apply to any of the following:

- (1) Food and beverages for immediate consumption in connection with any of the following:
 - a. An open meeting of a public body, provided that the open meeting is properly noticed under Article 33C of Chapter 143 of the General Statutes.
 - b. A gathering of a person or governmental unit with at least 10 or more individuals in attendance open to the general public, provided that a sign or other communication containing a message that is reasonably designed to convey to the general public that the gathering is open to the general public is displayed at the gathering.
 - c. A gathering of a person or governmental unit to which the entire board of which a public servant is a member, at least 10 public servants, all the members of the House of Representatives, all the members of the Senate, all the members of a county or municipal legislative delegation, all the members of a recognized legislative caucus with regular meetings other than meetings with one or more lobbyists, all the members of a committee, a standing subcommittee, a joint committee or joint commission of

the House of Representatives, the Senate, or the General Assembly, or all legislative employees are invited, and one of the following applies:

1. At least 10 individuals associated with the person or governmental unit actually attend, other than the covered person or legislative employee, or the immediate family of the covered person or legislative employee.
2. All shareholders, employees, board members, officers, members, or subscribers of the person or governmental unit located in North Carolina are notified and invited to attend.

For purposes of this sub-subdivision only, the term "invited" shall mean written notice from at least one host or sponsor of the gathering containing the date, time, and location of the gathering given at least 24 hours in advance of the gathering to the specific qualifying group listed in this sub-subdivision. If it is known at the time of the written notice that at least one sponsor is a lobbyist or lobbyist principal, the written notice shall also state whether or not the gathering is permitted under this section.

- (2) Informational materials relevant to the duties of the covered person or legislative employee.
- (3) Reasonable actual expenditures of the legislator, public servant, or legislative employee for food, beverages, registration, travel, lodging, other incidental items of nominal value, and entertainment, in connection with (i) a legislator's, public servant's, or legislative employee's attendance at an educational meeting for purposes primarily related to the public duties and responsibilities of the legislator, public servant, or legislative employee; (ii) a legislator's, public servant's, or legislative employee's participation as a speaker or member of a panel at a meeting; (iii) a legislator's or legislative employee's attendance and participation in meetings of a nonpartisan state, regional, national, or international legislative organization of which the General Assembly is a member or that the legislator or legislative employee is a member or participant of by virtue of that legislator's or legislative employee's public position, or as a member of a board, agency, or committee of such organization; or (iv) a public servant's attendance and

participation in meetings as a member of a board, agency, or committee of a nonpartisan state, regional, national, or international organization of which the public servant's agency is a member or the public servant is a member by virtue of that public servant's public position, provided the following conditions are met:

- a. The reasonable actual expenditures shall be made by a lobbyist principal, and not a lobbyist.
 - b. Any meeting must be attended by at least 10 or more participants, have a formal agenda, and notice of the meeting has been given at least 10 days in advance.
 - c. Any food, beverages, transportation, or entertainment must be provided to all attendees or defined groups of 10 or more attendees as part of the meeting or in conjunction with the meeting.
 - d. Any entertainment must be incidental to the principal agenda of the meeting.
 - e. If the legislator, public servant, or legislative employee is participating as a speaker or member of a panel, then that legislator, public servant, or legislative employee must be a bona fide speaker or participant.
- (4) A plaque or similar nonmonetary memento recognizing individual services in a field or specialty or to a charitable cause.
 - (5) Gifts accepted on behalf of the State for use by the State or for the benefit of the State.
 - (6) Anything generally made available or distributed to the general public or all other State employees by lobbyists or lobbyist principals, or persons described in subdivisions (d)(1), (2), or (3) of this section.
 - (7) Gifts from the covered person's or legislative employee's extended family, or a member of the same household of the covered person or legislative employee.
 - (8) Gifts given to a public servant not otherwise subject to an exception under this subsection, where the gift is food and beverages, transportation, lodging, entertainment or related expenses associated with the public business of industry recruitment, promotion of international trade, or the promotion of travel and tourism, and the public servant is responsible for conducting the business on behalf of the State, provided all the following conditions apply:

- a. The public servant did not solicit the gift, and the public servant did not accept the gift in exchange for the performance of the public servant's official duties.
 - b. The public servant reports electronically to the State Board within 30 days of receipt of the gift or of the date set for disclosure of public records under G.S. 132-6(d), if applicable. The report shall include a description and value of the gift and a description how the gift contributed to the public business of industry recruitment, promotion of international trade, or the promotion of travel and tourism. This report shall be posted to the Commission's public Web site.
 - c. A tangible gift, other than food or beverages, not otherwise subject to an exception under this subsection shall be turned over as State property to the Department of Commerce within 30 days of receipt, except as permitted under subsection (g) of this section.
- (9) Gifts of personal property valued at less than one hundred dollars (\$100.00) given to a public servant in the commission of the public servant's official duties if the gift is given to the public servant as a personal gift in another country as part of an overseas trade mission, and the giving and receiving of such personal gifts is considered a customary protocol in the other country.
- (10) Gifts given or received as part of a business, civic, religious, fraternal, personal, or commercial relationship provided all of the following conditions are met:
- a. The relationship is not related to the public servant's, legislator's, or legislative employee's public service or position.
 - b. The gift is made under circumstances that a reasonable person would conclude that the gift was not given to lobby.
- (11) Food and beverages for immediate consumption and related transportation provided all of the following conditions are met:
- a. The food, beverage, or transportation is given by a lobbyist principal and not a lobbyist.
 - b. The food, beverage, or transportation is provided during a conference, meeting, or similar event and is available to all attendees of the same class as the recipient.

c. The recipient of the food, beverage, or transportation is a director, officer, governing board member, employee, or independent contractor of one of the following:

1. The lobbyist principal giving the food, beverage, or transportation.
2. A third party that received the funds to purchase the food, beverages, or transportation.

(12) Food and beverages for immediate consumption at an organized gathering of a person, the State, or a governmental unit to which a public servant is invited to attend for purposes primarily related to the public servant's public service or position, and to which at least 10 individuals, other than the public servant, or the public servant's immediate family, actually attend, or to which all shareholders, employees, board members, officers, members, or subscribers of the person or governmental unit who are located in a specific North Carolina office or county are notified and invited to attend.

(g) A prohibited gift that would constitute an expense appropriate for reimbursement by the public servant's employing entity if it had been incurred by the public servant personally shall be considered a gift accepted by or donated to the State, provided the public servant has been approved by the public servant's employing entity to accept or receive such things of value on behalf of the State. The fact that the employing entity's reimbursement rate for the type of expense is less than the value of a particular gift shall not render the gift prohibited.

(h) A prohibited gift shall be, and a permissible gift may be, promptly declined, returned, paid for at fair market value, or donated to charity or the State.

(i) A covered person or legislative employee shall not accept an honorarium from a source other than the employing entity for conducting any activity where any of the following apply:

- (1) The employing entity reimburses the covered person or legislative employee for travel, subsistence, and registration expenses.
- (2) The employing entity's work time or resources are used.
- (3) The activity would be considered official duty or would bear a reasonably close relationship to the covered person's or legislative employee's official duties.

An outside source may reimburse the employing entity for actual expenses incurred by a covered person or legislative employee in conducting an activity within the duties of the covered person or legislative employee, or may pay a fee to the employing entity, in lieu of an honorarium, for the services of the covered

person or legislative employee. An honorarium permissible under this subsection shall not be considered a gift for purposes of subsection (c) of this section.

(j) Acceptance or solicitation of a gift in compliance with this section without corrupt intent shall not constitute a violation of the statutes related to bribery under G.S. 14-217, 14-218, or 120-86. (2006-201, s. 1; 2007-347, s. 11; 2007-348, ss. 15(b), 35-41(a); 2008-213, ss. 77(a), 78(a), 79-82, 90; 2009-549, s. 17; 2010-169, ss. 15(b), (c), 17(r); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-33. Other compensation.

A public servant or legislative employee shall not solicit or receive personal financial gain, other than that received by the public servant or legislative employee from the State, or with the approval of the employing entity, for acting in the public servant's or legislative employee's official capacity, or for advice or assistance given in the course of carrying out the public servant's or legislative employee's duties. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-34. Use of information for private gain.

A public servant or legislative employee shall not use or disclose nonpublic information gained in the course of, or by reason of, the public servant's or legislative employee's official responsibilities in a way that would affect a personal financial interest of the public servant or legislative employee, a member of the public servant's or legislative employee's extended family, or a person or governmental unit with whom or business with which the public servant or legislative employee is associated. A public servant or legislative employee shall not improperly use or improperly disclose any confidential information. (2006-201, s. 1; 2008-213, s. 83; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-35. Other rules of conduct.

(a) A public servant shall make a due and diligent effort before taking any action, including voting or participating in discussions with other public servants on a board on which the public servant also serves, to determine whether the public servant has a conflict of interest. If the public servant is unable to determine whether or not a conflict of interest may exist, the public servant has a duty to inquire of the Commission as to that conflict.

(b) A public servant shall continually monitor, evaluate, and manage the public servant's personal, financial, and professional affairs to ensure the absence of conflicts of interest.

(c) A public servant shall obey all other civil laws, administrative requirements, and criminal statutes governing conduct of State government

applicable to appointees and employees. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-36. Public servant participation in official actions.

(a) Except as permitted by subsection (d) of this section and under G.S. 138A-38, no public servant acting in that capacity, authorized to perform an official action requiring the exercise of discretion, shall participate in an official action by the employing entity if the public servant knows the public servant or a person with which the public servant is associated may incur a reasonably foreseeable financial benefit from the matter under consideration, which financial benefit would impair the public servant's independence of judgment or from which it could reasonably be inferred that the financial benefit would influence the public servant's participation in the official action.

(b) A public servant described in subsection (a) of this section shall abstain from taking any verbal or written action in furtherance of the official action. The public servant shall submit in writing to the employing entity the reasons for the abstention. When the employing entity is a board, the abstention shall be recorded in the employing entity's minutes.

(c) A public servant shall take 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 comply with this Chapter from any proceeding in which the public servant's impartiality might reasonably be questioned due to the public servant's familial, personal, or financial relationship with a participant in the proceeding. A participant includes (i) an owner, shareholder, partner, member or manager of a limited liability company, employee, agent, officer, or director of a business, organization, or group involved in the proceeding, or (ii) an organization or group that has petitioned for rule making or has some specific, unique, and substantial interest in the proceeding. Proceedings include quasi-judicial proceedings and quasi-legislative proceedings. A personal relationship includes one in a leadership or policy-making position in a business, organization, or group.

(d) If a public servant is uncertain about whether the relationship described in subsection (c) of this section justifies removing the public servant from the proceeding under subsection (c) of this section, the public servant shall disclose the relationship to the individual presiding over the proceeding and seek appropriate guidance. The presiding officer, in consultation with legal counsel if necessary, shall then determine the extent to which the public servant will be permitted to participate. If the affected public servant is the individual presiding, then the vice-chair or any other substitute presiding officer shall make the determination. A good-faith determination under this subsection of the allowable

degree of participation by a public servant is presumptively valid and only subject to review under G.S. 138A-12 upon a clear and convincing showing of mistake, fraud, abuse of discretion, or willful disregard of this Chapter.

(e) This section shall not allow participation in an official action prohibited by G.S. 14-234. (2006-201, s. 1; 2007-347, s. 12; 2007-348, s. 42; 2008-213, s. 84(a); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-37. Legislator participation in legislative actions.

(a) Except as permitted under G.S. 138A-38, no legislator shall participate in a legislative action if the legislator knows the legislator or a person with which the legislator is associated may incur a reasonably foreseeable financial benefit from the action, and if after considering whether the legislator's judgment would be substantially influenced by the financial benefit and considering the need for the legislator's particular contribution, including special knowledge of the subject matter to the effective functioning of the legislature, the legislator concludes that an actual financial benefit does exist which would impair the legislator's independence of judgment.

(b) The legislator shall submit in writing to the principal clerk of the house of which the legislator is a member the reasons for the abstention from participation in the legislative matter.

(c) If the legislator has a material doubt as to whether the legislator should act, the legislator may submit the question for an advisory opinion to the State Ethics Commission Board in accordance with G.S. 138A-13 or the Legislative Ethics Committee in accordance with G.S. 120-104. (2006-201, s. 1; 2007-347, s. 13; 2008-213, s. 84(b); 2010-169, s. 22(c); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-38. Permitted participation exception.

(a) Notwithstanding G.S. 138A-36 and G.S. 138A-37, a covered person may participate in an official action or legislative action under any of the following circumstances except as specifically limited:

- (1) The only interest or reasonably foreseeable benefit or detriment that accrues to the covered person, the covered person's extended family, business with which the covered person is associated, or nonprofit corporation or organization with which the covered person is associated as a member of a profession, occupation, or general class is no greater than that which could reasonably be foreseen to accrue to all members of that profession, occupation, or general class.

- (2) When an official or legislative action affects or would affect the covered person's compensation and allowances as a covered person.
- (3) Before the covered person participated in the official or legislative action, the covered person requested and received from the Commission or Committee a written advisory opinion that authorized the participation. In authorizing the participation under this subdivision, the Commission or Committee shall consider the need for the legislator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the General Assembly.
- (4) Before participating in an official action, a public servant made full written disclosure to the public servant's employing entity which then made a written determination that the interest or benefit would neither impair the public servant's independence of judgment nor influence the public servant's participation in the official action. The employing entity shall file a copy of that written determination with the Commission.
- (5) When action is ministerial only and does not require the exercise of discretion.
- (6) When a public or legislative body records in its minutes that it cannot obtain a quorum in order to take the official or legislative action because the covered person is disqualified from acting under G.S. 138A-36, G.S. 138A-37, or this section, the covered person may be counted for purposes of a quorum, but shall otherwise abstain from taking any further action.
- (7) When a public servant notifies the Commission in writing that the public servant, or someone whom the public servant appoints to act in the public servant's stead, or both, are the only individuals having legal authority to take an official action, and the public servant discloses in writing the circumstances and nature of the conflict of interest.

(b) This section shall not allow participation in an official action prohibited by G.S. 14-234.

(c) Notwithstanding G.S. 138A-37, if a legislator is employed or retained by, or is an independent contractor of, a governmental unit, and the legislator is the only member of the house elected from the district where that governmental unit is located, then the legislator may take legislative action on behalf of that governmental unit provided the legislator discloses in writing to the principal clerk the nature of the relationship with the governmental unit prior to, or at the time of, taking the legislative action.

(d) Notwithstanding G.S. 138A-36, service by the president, chief financial officer, chief administrative officer, or voting member of the board of trustees of a community college as an officer, employee, or member of the board of directors of a nonprofit corporation established under G.S. 115D-20(9) to support the community college shall not constitute a conflict of interest under G.S. 138A-36, provided that the majority of the nonprofit corporation's board of directors is not comprised of the president, chief financial officer, and chief administrative officer, or voting members of the board of trustees of the community college which the nonprofit corporation was created to support. (2006-201, s. 1; 2007-347, s. 14; 2008-213, s. 85; 2010-169, s. 22(d); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-39. Disqualification to serve.

(a) Within 30 days of notice of the Commission's determination that a public servant has a disqualifying conflict of interest, the public servant shall eliminate the interest that constitutes the disqualifying conflict of interest or resign from the public position.

(b) Failure by a public servant to comply with subsection (a) of this section is a violation of this Chapter for purposes of G.S. 138A-45.

(c) A decision under this section shall be considered a final decision for contested case purposes under Article 3 of Chapter 150B of the General Statutes.

(d) As used in this section, a disqualifying conflict of interest is a conflict of interest of such significance that the conflict of interest would prevent a public servant from fulfilling a substantial function or portion of the public servant's public duties. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-40. Employment and supervision of members of covered person's or legislative employee's extended family.

A covered person or legislative employee shall not cause the employment, appointment, promotion, transfer, or advancement of an extended family member of the covered person or legislative employee to a State office, or a position to which the covered person or legislative employee supervises or manages, except for positions at the General Assembly as permitted under G.S. 120-32(2). A public servant or legislative employee shall not supervise, manage, or participate in an action relating to the discipline of a member of the public servant's or legislative employee's extended family, except as specifically authorized by the public servant's or legislative employee's employing entity. (2006-201, s. 1; 2007-347, s. 15; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-41. Other ethics standards.

(a) Nothing in this Chapter shall prevent the Supreme Court, the Committee, the Legislative Services Commission, constitutional officers of the State, heads of principal departments, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, or other boards from adopting additional or supplemental ethics standards applicable to that public agency's operations.

(b) The Governor, as a constitutional officer of the State, shall have the authority to adopt additional and supplemental ethics standards applicable to any appointee of the Governor to any State board, commission, council, committee, task force, authority, or similar public body, however denominated, created by statute or executive order, whether advisory or non-advisory in authority. If the Governor adopts such ethics standards, the standards shall be published in the North Carolina Register and made available to each appointee subject to the ethics standards.

(c) The Governor, as a constitutional officer of the State, shall have the authority to adopt minimum ethics standards applicable to any employee of a State agency. If the Governor adopts such standards, the ethics standards shall be published in the North Carolina Register and made available to each employee subject to the ethics standards. (2006-201, s. 1; 2010-169, s. 14; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 138A-42. Reserved for future codification purposes.

§ 138A-43. Reserved for future codification purposes.

§ 138A-44. Reserved for future codification purposes.

Article 5.

Violation Consequences.

§ 138A-45. Violation consequences.

(a) Violation of Articles 1, 3, or 4 of this Chapter by any covered person or legislative employee is grounds for disciplinary action. Except as specifically provided in this Chapter and for perjury under G.S. 138A-12 and G.S. 138A-24, no criminal penalty shall attach for any violation of Articles 1, 3, 4, or 5 of this Chapter.

(b) The willful failure of any public servant serving on a board to comply with Articles 1, 3, or 4 of this Chapter is misfeasance, malfeasance, or nonfeasance. In the event of misfeasance, malfeasance, or nonfeasance, the

offending public servant serving on a board is subject to removal from the board of which the public servant is a member. For appointees of the Governor and members of the Council of State, the appointing authority may remove the offending public servant. For appointees of the Speaker of the House of Representatives, the Speaker of the House of Representatives may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the Speaker of the House of Representatives, the Governor at the recommendation of the Speaker of the House of Representatives may remove the offending public servant. For appointees of the President Pro Tempore of the Senate, the President Pro Tempore of the Senate may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the President Pro Tempore of the Senate, the Governor at the recommendation of the President Pro Tempore of the Senate may remove the offending public servant. For public servants elected to a board by either the Senate or House of Representatives, the electing house of the General Assembly shall exercise the discretion of whether to remove the offending public servant. For all other appointees, the Commission shall exercise the discretion of whether to remove the offending public servant.

(c) The willful failure of any public servant serving as a State employee to comply with Articles 1, 3, or 4 of this Chapter is a violation of a written work order, thereby permitting disciplinary action as allowed by the law, including termination from employment. For employees of State departments headed by a member of the Council of State, the appropriate member of the Council of State shall make all final decisions on the manner in which the offending public servant shall be disciplined. For public servants who are judicial employees, the Chief Justice shall make all final decisions on the matter in which the offending judicial employee shall be disciplined. For legislative employees, the Legislative Services Commission shall make or refer to the hiring authority all final decisions on the matter in which the offending legislative employee shall be disciplined. For public servants appointed or elected for The University of North Carolina or the Community Colleges System, the appointing or electing authority shall make all final decisions on the matter in which the offending public servant shall be disciplined. For any other public servant serving as a State employee, the Governor shall make all final decisions on the manner in which the offending public servant shall be disciplined.

(d) The willful failure of any constitutional officer of the State to comply with Articles 1, 3, or 4 of this Chapter is malfeasance in office for purposes of G.S. 123-5.

(e) The willful failure of a legislator, other than the Lieutenant Governor, to comply with Articles 1, 3, or 4 of this Chapter is grounds for sanctions under G.S. 120-103.1.

(f) Nothing in this Chapter affects the power of the State to prosecute any person for any violation of the criminal law.

(g) The Commission may seek to enjoin violations of G.S. 138A-34. (2006-201, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

Appendix 8 - Attorney General's Opinion Regarding NC Open Meetings Law



**State of North Carolina
Department of Justice**

Roy Cooper, Attorney General

October 5, 2005

Dear Public Official:

From time to time our office has received inquiries about compliance with North Carolina's open meetings and public records laws. I believe that strict compliance with the law is critical to good government.

Enclosed you will find a North Carolina Attorney General's Advisory Opinion that gives an overview of these laws, including details on important public notice requirements and the limited circumstances when public bodies are allowed to close meetings.

The public's right to hear and see public business is of utmost importance and I hope you will weigh carefully the need to close a meeting against the people's right to know. I encourage you to use this information and I thank you for the work you do for the people of North Carolina.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

RAC/sm

Department of Justice, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001
Phone: (919) 716-6400 Fax: (919) 716-0803

October 5, 2005

Advisory Opinion on Compliance with North Carolina's Open Meetings Law

The General Assembly has made it the public policy of this State that hearings, deliberations and actions of public bodies should be conducted openly and with notice. North Carolina's open meetings law, Chapter 143, Article 33C of the General Statutes, sets out the requirements for notifying the public of official meetings and describes the limited circumstances under which closed meetings may be held. Clarification of public notice requirements and closed session requirements may serve to assist public bodies in complying with their responsibility to conduct public business in the open.

Closing a Public Meeting

Public bodies may, but are not required to, go into a closed session for limited purposes. Those limited purposes are set forth in N.C.G.S. §§143-318.11(a)(1)-(9) and include:

- Preventing the disclosure of privileged or confidential information
- Preventing the premature disclosure of certain awards
- Consulting with the public body's attorney in order to maintain the attorney-client privilege
- Discussing economic incentives
- Establishing negotiating strategies for terms of employment contracts or the purchase of real property
- Consideration of qualifications for employment of an employee or applicant, or hearing a grievance
- Discussions surrounding criminal investigations
- Formulating plans for emergency responses by local boards of education
- Discussions regarding public safety as it relates to potential terrorist activities

A public body can only enter into a closed session while it is meeting in public. To go into a closed session, a motion to do so must be made during an open session. The motion, made in public, must specifically cite the provision under the law that provides the basis for entering into the closed session. So for example if a public body intends to discuss the award of an honorary degree to certain individuals it must do so in public

unless a member of the public body makes a motion to go into closed session. The public body must vote on the motion and if the motion carries the body can enter into a closed session for that limited purpose and no other. N.C.G.S. §143-318.11(c)

Once the purpose of entering into the closed session is completed, the public body must then re-open the meeting. During the closed session, the public body cannot engage in any other activities that are not related to the stated basis for the motion to enter into the closed session. Motions to adjourn or recess are not permissible activities that can take place in a closed session. Motions to enter into a closed session for some other purpose are not permissible activities that can take place in a closed session. Establishing future meeting dates or times and places for reconvening meetings are not authorized activities that can take place in a closed session. These activities must take place in an open session. Only those limited activities enumerated by statute and identified in a valid public motion that passes can take place in a closed session. All other activities must take place in public. Id. Similarly, as discussed below, if the activities for which the closed session was entered into are not complete and the public body wishes to recess and continue the closed session at a later time, the public body must give public notice of that decision including the time and location for the reconvened meeting.

Some motions to close a session must include additional information to be validly acted on. Specifically, if the reason to go into a closed session is to protect confidential information, the motion must cite the specific statute or law that protects the information from public disclosure. Without such information, the public body cannot entertain the motion. Id.

If the reason to go into closed session is to protect the attorney-client privilege, the motion must identify the parties to the litigation that is to be discussed. Without such information, the public body cannot entertain the motion. Id.

Finally, while in a closed session, the public body must still maintain full and accurate minutes of the session. N.C.G.S. §143-318.10(e). "When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired." Id. This can be achieved through recording the meeting or through a written narrative. Id. These recordings or narratives are public records but may be withheld from public inspection so long as inspection would frustrate the purpose of the closed session.

Public Notice Requirements

In general, a public body which has established a regular schedule of meetings is required to keep a copy of the schedule on file. Any change to this schedule must be filed seven days in advance. Official meetings, other than emergency meetings, to be held other than on a regular schedule require 48 hours notice, by posting and mail or delivery to news media and other persons who have filed written requests for notification.

Emergency meetings require immediate notice to persons who have requested emergency meeting notification.

These requirements hold true when a public meeting is recessed without adjournment. Closed sessions held to evaluate prospective employees should be adjourned with notice as to when and where the continued meeting will be held, rather than reconvened at another location without further notice to the public.

Regardless of the reason for the closed session, a meeting reconvened without notice violates the open meetings law. N.C.G.S. §143-318.12(b) clearly states that if a public body recesses a meeting it is sufficient public notice for the time and place at which the meeting will be continued to be announced in open session. Otherwise, 48 hours notice must be given as in the case of any other non-regularly scheduled meeting.

It is critically important that the public business of our state be conducted openly. Providing notice of official meetings is a necessary element of this process. This is a general advisory opinion and is not intended to respond to any specific questions regarding compliance with the law.

JB Kelly
General Counsel

Grayson Kelley
Chief Deputy AG

Appendix 9 - Contact Listing for System Office Senior Staff

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Appendix 10 - Parliamentary Procedure Quick Reference Chart

Parliamentary Procedure Quick Reference Chart						
Rank	Motion	Interrupt Speaker	Second Required	Debatable	Amendable	May be Reconsidered Vote Required
1.	Fix time to adjourn		✓		✓	✓ 1/2
2.	Adjourn		✓			1/2
3.	Recess		✓		✓	1/2
4.	Question of privilege	✓	✓ ¹	✓	✓	✓ 1/2
5.	Orders of the day	✓				2/3 ²
6.	Table		✓			1/2
7.	Previous Question		✓			✓ ³ 2/3
8.	Limit/extend debate		✓		✓	✓ 2/3
9.	Postpone to a set time		✓	✓ ⁴		✓ 1/2 ⁵
10.	Refer		✓	✓ ⁶	✓	✓ ⁷ 1/2
11.	Amend		✓	✓	✓ ⁸	✓ 1/2 ⁹
12.	Postpone indefinitely		✓	✓		✓ ¹⁰ 1/2
13.	Main motion		✓	✓	✓	✓ 1/2

¹If a formal motion is made.

²Must be enforced by demand of any member unless agenda is set aside by two-thirds vote, majority if chair's ruling challenged.

³Can be reconsidered but only before the previous question has been put.

⁴Only as to propriety or advisability of postponing and of postponing to a certain time.

⁵Needs two-thirds majority if postponed to a later time in the same meeting, simple majority if postponed to a later meeting.

⁶Only as to propriety or advisability of referral.

⁷Can be reconsidered if the group to which the matter has been referred has not started work on the matter.

⁸An amendment to an amendment is not itself amendable.

⁹A motion to amend the agenda requires a two-thirds majority.

¹⁰Can be reconsidered only if the motion is passed.

Parliamentary Procedure Quick Reference Chart						
Rank	Motion	Interrupt Speaker	Second Required	Debatable	Amendable	May be Reconsidered Vote Required
1.	Fix time to adjourn		✓		✓	✓ 1/2
2.	Adjourn		✓			1/2
3.	Recess		✓		✓	1/2
4.	Question of privilege	✓	✓ ¹	✓	✓	✓ 1/2
5.	Orders of the day	✓				2/3 ²
6.	Table		✓			1/2
7.	Previous Question		✓			✓ ³ 2/3
8.	Limit/extend debate		✓		✓	✓ 2/3
9.	Postpone to a set time		✓	✓ ⁴		✓ 1/2 ⁵
10.	Refer		✓	✓ ⁶	✓	✓ ⁷ 1/2
11.	Amend		✓	✓	✓ ⁸	✓ 1/2 ⁹
12.	Postpone indefinitely		✓	✓		✓ ¹⁰ 1/2
13.	Main motion		✓	✓	✓	✓ 1/2

¹If a formal motion is made.

²Must be enforced by demand of any member unless agenda is set aside by two-thirds vote, majority if chair's ruling challenged.

³Can be reconsidered but only before the previous question has been put.

⁴Only as to propriety or advisability of postponing and of postponing to a certain time.

⁵Needs two-thirds majority if postponed to a later time in the same meeting, simple majority if postponed to a later meeting.

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⁸An amendment to an amendment is not itself amendable.

⁹A motion to amend the agenda requires a two-thirds majority.

¹⁰Can be reconsidered only if the motion is passed.

Appendix 11 - Directory of Raleigh Restaurants Close to the Longleaf Hotel

42nd Street Oyster Bar and Grill
508 W. Jones Street
(919) 831-2811

Long a favorite among capital dwellers and visitors, 42nd Street offers some of the best seafood in town, in addition to steaks and other land lover delights. The food is moderately priced, with generous portions, and the service is good. Typically, there is a good crowd in the evenings, so while reservations are not required, they are recommended. Check out the license plates on the wall. My personal favorites are the flounder and mahi-mahi, and the she-crab soup is excellent when it's available.

Armadillo Grill
439 Glenwood Avenue
(919) 546-0555

The Armadillo is a fine Mexican restaurant that is moderately priced. The service is fast and friendly, and burritos and tacos are all made to order. The atmosphere is good and you will see lots of families eating here. If you like Mexican, then the Armadillo is a place you will enjoy.

Eastern Style Barbecue

No restaurant guide for Raleigh would be complete without a recommendation for barbecue done eastern North Carolina style. Personally, Bill's and Parker's in Wilson, and Wilbur's in Goldsboro, are my favorites. But if you are looking for something closer, there are few in Raleigh worthy of mention. **Clyde Cooper's at 327 S. Wilmington Street** is just 5 minutes from the Longleaf Hotel and is one of the best, but you have to get there before they close at 5:00 pm unless you want to hear your stomach growling with frustration over your procrastination. **The Pit Authentic Barbecue** is a top pick located **at 323 W. Davie Street** and is less than 5 minutes from Longleaf Hotel. **Smithfield B-B-Q** has a Raleigh location at **7911 Fayetteville Road** from US 40 which is about 20 minutes from the Longleaf Hotel.

Caffe Luna
136 East Hargett Street
(919) 832-6090

This has to be one of the finest Italian restaurants in all of Raleigh. Located in a historic building that is about a 15-minute walk from the Clarion, the Caffe Luna features a wonderful menu of appetizers, salads, and entrees that make you salivate just from reading the selections. There are nightly specials that complement the extensive wine list that is always available. If you want to sit down for a good meal and conversation, then I

highly recommend Caffè Luna. They won't push you out the door once you finish your plate, and the owner personally greets each table and takes a genuine interest in his customers. If you thought customer service was dead, then Caffè Luna will restore your faith and tantalize your palate.

Char-Grill
618 Hillsborough Street
(919) 821-7636

Char-Grill has the best burgers, fries and other favorites at any of their locations including the one on **618 Hillsborough Street** which is less than a 5-minute drive from Longleaf Hotel. The menu includes choices from burgers, hot dogs, barbecue sandwiches, specialty sandwiches, milkshakes and more. Parking is available on the premises.

Hibernian Restaurant and Irish Pub
311 Glenwood Avenue
(919) 833-2258

You will find good food at this very popular neighborhood tavern. The prime rib sandwich with fries is simply amazing, and you will find many other selections sure to please most any palate. I have seen a few Carolina Hurricanes players there from time to time, along with members of NC State's men's basketball team. While reservations are not required, I would recommend them at Hibernian's. The restaurant can be crowded and quite noisy in the evenings, but then again it is one of the most popular taverns in Raleigh. Definitely worth checking out.

Mellow Mushroom
601 West Peace Street (corner of Glenwood and Peace)
(919) 832-3499

The Mellow Mushroom has a very colorful interior that will take you back to the memorable days of the 1960's, but don't let that fool you. The pizza is, in my opinion, the best there is in the Triangle, but since I am still eating my way across Raleigh, that assertion is not yet carved in stone. Try the "Mighty Meaty", or any of their calzones, hoagies, salads, or pretzels. The service is excellent, and the food is extremely good with generous portions. Tie-dyed shirts are optional.

If you want to venture a little farther out and do some shopping.....

The Cheesecake Factory
4325 Glenwood Avenue (at Crabtree Valley Mall)
(919) 781-0050

A large dining floor featuring stone columns and painted frescoes may cause you to think of Italian food, but The Cheesecake Factory offers much more. This is always a busy place and you frequently see people waiting to be seated (so reservations are a good idea), but once you sit down, you will know why it draws such a crowd. It has a dinner menu featuring a selection of entrees from various parts of the world but very reasonably priced, and you can always get a good sandwich here that is certain to satisfy any appetite. Their salads are amazing (Mary still talks about the Luau salad she has had the last couple of times), but the real feature of this restaurant is its dessert menu. As the name suggests, The Cheesecake Factory has a display case filled with more varieties of cheesecake than you can even imagine existed in the universe. You will see the entrance as you approach the Mall from Glenwood Avenue and there is even valet parking for those who want to make use of it.

Kanki Japanese House of Steak and Sushi
4325 Glenwood Avenue (located in Crabtree Valley Mall)
(919) 782-3222

Kanki features authentic Japanese food in an atmosphere straight from the Land of the Rising Sun. You can sit at a table or the sushi bar if you like, or around a grill and watch as your food is prepared. Even if you think you don't like sushi, try some at Kanki's – you will return to your hotel room as a changed person. The prices are very reasonable, the service is good, and the portions are more than generous, so don't be bashful about asking for a box. Kanki's is located on the lower level of Crabtree Mall and has been voted "Best Japanese Restaurant" in the Triangle for 14 consecutive years. Need I say more?

P.F. Chang's
4325 Glenwood Avenue
(919) 7787-7754

For iconic, authentic Asian and Chinese fare, P. F. Chang's offer dine in, take out or online ordering for delivery or takeout. It has everything you need from chopsticks to dessert. It also has great desserts. P.F. Chang has a 5-star rating and is conveniently located near your favorite shops at the Crabtree Mall.

Thai Villa

1319 Buck Jones Road (9 miles from Downtown off Exit 293)

(919) 462-9010

Thai Villa offers made-to-order dishes just as you like them, from mild to extra hot, with all-natural ingredients. Thai Villa is located in a small plaza, but once you walk in, you are pleasantly surprised. Beautiful chandeliers and table settings make the restaurant fancy, and prices are moderate. Try the Pad Thai or the Red Curry Chicken – yummy!! The service is quick, and you got to love those waterfalls.