

NUMBERED MEMO CC24-036

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

FROM: Jonnell Carpenter, *NCCCS General Counsel*

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

DATE: July 23, 2024

On July 19, 2024, the State Board of Community Colleges voted to adopt State Board Code, **1C SBCCC 300.5 – Presidential Reelection Approval Process**. The adoption would create a new State Board approval process for community college president reelections, including contract renewals and extensions.

The amendment will be effective August 1, 2024. The new rule will be published in the North Carolina Community College System’s website, [State Board Code - NCCCS \(ncccommunitycolleges.edu\)](https://ncccommunitycolleges.edu). For your convenience, a copy of the code in its final form is attached to this memorandum.

CC24-036

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State Board of Community Colleges Code
TITLE 1. COMMUNITY COLLEGES



CHAPTER C. PERSONNEL

SUBCHAPTER 300. EMPLOYMENT / HIRING PRACTICES

1C SBCCC 300.5 PRESIDENTIAL REELECTION APPROVAL PROCESS

- (a) When a local board of trustees reelects its college president by the renewal or extension of an existing employment contract with its college president (the “Existing Presidential Contract”), such board of trustees shall request that the State Board of Community Colleges (SBCC) approve such reelection by taking the following actions:
- (1) The local board of trustees shall ensure that any motion to approve a proposed presidential contract renewal or extension notes that such reelection is contingent upon the approval of such reelection by the SBCC.
 - (2) The Chair of the local board of trustees shall submit on college letterhead a letter of intent notifying the SBCC of its approval of a proposed presidential contract renewal or extension at least ninety (90) days prior to the expiration of the Existing Presidential Contract. The letter of intent shall include the following:
 - (A) The expiration date of the Existing Presidential Contract;
 - (B) The new expiration date resulting from the proposed presidential renewal or extension;
 - (C) Any contractual provision empowering the local board of trustees to renew or extend the Existing Presidential Contract and thereby enter into the proposed presidential contract renewal or extension;
 - (D) Any new contractual provision, or modification of any contractual provision allowing for the amendment of the Existing Presidential Contract, that allows for the Existing Presidential Contract’s subsequent renewal or extension;

- (E) An affirmation that the local board of trustees approved the proposed presidential contract renewal or extension at a properly noticed and scheduled meeting;
 - (F) An affirmation that the proposed presidential contract renewal or extension includes a clause conditioning its effectiveness upon the approval of the reelection of the college president by the SBCC;
 - (G) An affirmation that the local board of trustees has completed the college president's evaluation in compliance with 1C SBCCC 300.2;
 - (H) An affirmation that the local board of trustees has complied with the requirements for sound fiscal management practices, as codified in 1A SBCCC 200.4; and
 - (I) A request that the SBCC approve the reelection of the college president.
- (3) The SBCC may request additional materials or information from the local board of trustees as it may reasonably deem necessary to consider the approval of the reelection of the college president.
- (b) If a local board of trustees reelects its college president but does not have an Existing Presidential Contract with such college president, such board of trustees shall request that the SBCC approve the reelection of such college president by taking the following actions:
- (1) The local board of trustees shall, at a properly noticed and scheduled meeting each calendar year, vote to request that the SBCC approve the reelection of such college president.
 - (2) The local board of trustees shall ensure that any motion to approve such request notes that the reelection of such college president is contingent upon the approval of such reelection by the SBCC.
 - (3) If the local board of trustees approves such request, the Chair of the local board of trustees shall submit on college letterhead a letter of intent notifying the SBCC of its request that the SBCC approve the reelection of the college president at least ninety (90) days prior to the end of such community college's fiscal year. The letter of intent shall include the following:

- (A) Whether the local board of trustees is actively negotiating the terms of a future contract with such college president;
 - (B) An affirmation that the local board of trustees approved the request to approve the reelection of the college president at a properly noticed and scheduled meeting;
 - (C) An affirmation that the local board of trustees has taken substantial measures to memorialize any binding understandings between the board of trustees and the college president with respect to such college president's employment and a detailed description of such measures;
 - (D) An affirmation that the local board of trustees has completed the college president's evaluation in compliance with 1C SBCCC 300.2; and
 - (E) An affirmation that the local board of trustees has complied with the requirements for sound fiscal management practices, as codified in 1A SBCCC 200.4.
- (4) The SBCC may request additional materials or information from the local board of trustees as it may reasonably deem necessary to consider the approval of the reelection of the college president.
- (c) Following the request of a local board of trustees that the SBCC approve the reelection of its college president, the SBCC shall take the following actions:
- (1) The SBCC shall add the approval of the reelection of such college president on the agenda for the regularly scheduled SBCC meeting following receipt of the local board's letter of intent; provided that, such letter of intent is received by the SBCC not less than five (5) business days prior to such meeting. The SBCC may delegate initial consideration of such letter of intent to its Personnel Committee.
 - (2) Following the approval or denial of the approval of any college president's reelection by the SBCC, the System Office President or their designee shall convey the SBCC's decision in writing to the Chair of the local board of trustees within five (5) business days of such decision.
 - (3) The decision of the SBCC to approve or deny the approval of the reelection of a college president is final; provided, however, that:

- (A) nothing in this section may preclude the withdrawal of an approval request and resubmission thereof prior to a final decision by the SBCC (notwithstanding anything contained in this subsection, any resubmission of an approval request must comply with the requirements of this code provision as though it were a new approval request);
- (B) nothing in this section may preclude the postponement of action by the SBCC on any approval request (notwithstanding anything contained in this subsection, the SBCC may not postpone action on any request to approve a reelection beyond the expiration of an Existing Presidential Contract under subsection (a) or the end of the applicable fiscal year under subsection (b)); and
- (C) any decision by the SBCC not to approve a local board of trustees' request to approve the reelection of a college president or extend or renew such college president's contract shall have no effect on the enforceability of an Existing Presidential Contract (or the existing terms and conditions of employment in the absence of an Existing Presidential Contract), which will, in each case, remain in force in accordance with its terms.
- (d) The SBCC shall not approve the reelection of a college president unless it has received a request to approve such college president's reelection from the applicable local board of trustees, in compliance with this Section.
- (e) In consideration of the approval of the reelection of a college president, it shall be the intent of the SBCC to ensure that such decision is properly supported by the materials submitted to the SBCC. It shall not be the intent of the SBCC to substitute its judgment for that of the local board of trustees in such local board of trustees' reelection of its college president.

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

Eff. [August 1, 2024](#)