



**COMMUNITY COLLEGE OF ALLEGHENY COUNTY  
POLICY MANUAL**

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## **PREFACE**

The *CCAC Policy Manual* sets forth the Board of Trustees-approved policies that govern the operation of the institution. The Board of Trustees approves Board Policies as outlined in the *Board of Trustees Bylaws*. Board Policy represents the voice of the Board of Trustees and defines the general goals and acceptable practices for the operation of the College. It implements federal and state laws and regulations, and sets forth the Board's philosophies, expectations and priorities. The Board of Trustees, through policy, delegates authority to and through the College President to govern the College. The College President and the College's administration are responsible to reasonably interpret Board Policy and other relevant laws and regulations that govern the operation of the College. Administrative Regulations describe the manner in which Board Policies and other legal requirements applicable to the College will be implemented, and are developed and revised, as needed, by the administration with the approval of the College President. Administrative Regulations do not require Board of Trustee action.

This *Policy Manual* does not represent a contract between the Community College of Allegheny County and any employee, student or third-party. Instead, the *Policy Manual*, along with other published administrative regulations, procedures or handbooks, constitutes a good-faith effort to outline the policies, rules, regulations and procedures currently in force at the College.

**SECTION I. GOVERNANCE AND BOARD OPERATIONS**

I.01: Name and Authority

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>I.01</b>
<b>TITLE</b>	<b>Name and Authority</b>
<b>APPROVAL DATE</b>	<b>6/2/2016</b>
<b>REVISION DATE(S)</b>	

The Community College of Allegheny County (the College) is a locally sponsored public college duly organized, approved and established under the Community College Act of 1963, 24 P.S. § 19-1901-A et. seq. (the “Act”).

The terms “Community College of Allegheny County” and “CCAC” and their associated and trademarked logos and trade dress constitute the property of the College and may not be used by any person or entity without the expressed written permission of the College.

**REFERENCES**

Board of Trustees Meeting Minutes [https://www.ccac.edu/Board\\_Meeting\\_Minutes.aspx](https://www.ccac.edu/Board_Meeting_Minutes.aspx)

I.02: Board of Trustees/Powers and Duties

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>I.02</b>
<b>TITLE</b>	<b>Board of Trustees / Powers and Duties</b>
<b>APPROVAL DATE</b>	<b>6/2/2016</b>
<b>REVISION DATE(S)</b>	

The Board of Trustees of the Community College of Allegheny County (hereafter, the “Board”) constitutes the governing body of the College, and is empowered to govern, operate and maintain the College under and in accordance with the Act and the policies, standards, rules and regulations which may be adopted, from time to time, by the Pennsylvania Department of Education. The specific powers and duties of the Board are set forth in the Act, 24 P.S. § 19-1905-A, as may be amended from time to time, and incorporated herein by reference.

It is the Policy of the Board to recognize and maintain the distinction between those activities which are appropriate to the Board as the legislative, governing body of the College and those administrative activities which are to be performed by the President and his/her staff in the exercise of authority delegated by the Board. Policies approved by the Board are to be used by individual trustees, college personnel, students and the public to define relationships and outline responsibilities relative to the operation of the College. Board Policies create administrative structures, set priorities, delegate authority, assign responsibility, ensure accountability, and establish standards for legal, regulatory and ethical compliance. Board Policies may be adopted or amended by a vote of the majority of the Board at a regular meeting. The Board may also adopt bylaws, rules and regulations in furtherance of these policies and to otherwise govern its internal functions and operations, which shall carry the same force and effect, and be binding upon individual trustees, college personnel, students and the public, to the same extent as those policies appearing in the Board Policy Manual.

Board Policies shall, unless otherwise specified in the Policy itself, become effective immediately upon adoption or amendment by the Board and, once adopted or amended, will supersede and have control over any rule, regulation or procedure that conflicts or is inconsistent with the provisions or requirements of that policy. The official minutes of the Board shall be considered an extension of Board Policy and subsequent Board actions of record shall, in case of conflict, take precedence over any policy which bears an earlier approval or revision date.

In accordance with the authority granted to it under the Act, the Board hereby delegates authority to the President of the College to develop, promulgate and implement administrative regulations and procedures as may be necessary to implement and carry out the objectives of Board Policy and administer the College’s operations. Administrative regulations set forth requirements, directives, standards and guidelines on matters of College-wide concern that are not specifically addressed in Board Policies and for which uniform compliance is necessary in order to meet fiscal, academic, research, human resources and other management standards and requirements imposed by federal, state or local laws or external administrative agency rule. Administrative regulations

do not require Board action, and may be adopted or revised by the administration of the College upon approval of the President and in accordance with any applicable Governance processes now or as may be in effect at the College.

In addition to the foregoing, the College may issue procedures, handbooks and guidelines which set forth or describe operational details needed to implement policies and/or administrative regulations or which otherwise address matters within the functional responsibility or authority of an operational unit of the College. Procedures, handbooks, guidelines and other similar informational materials may supplement but not conflict with Board Policies or approved administrative regulations. The College President may delegate authority to the administrator or executive officer with responsibility for a specific operating unit to approve procedures for that unit.

### **REFERENCES**

Board of Trustees Bylaws

Board of Trustees Meeting Minutes [https://www.ccac.edu/Board\\_Meeting\\_Minutes.aspx](https://www.ccac.edu/Board_Meeting_Minutes.aspx)

Employee Manual

Fiscal Administration Regulations

Facilities Management Regulations

Environmental Health and Safety Regulations

Public Safety and Security Operational Plan

Information Technology Services Regulations

I.03: Mission, Vision and Goals

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>I.03</b>
<b>TITLE</b>	<b>Mission, Vision , Values and Goals</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016; 10/17/2016</b>

**MISSION**

The Community College of Allegheny County prepares individuals to succeed in a complex global society by providing affordable access to high quality career and transfer education delivered in a diverse, caring, and innovative learning environment.

**VISION**

The Community College of Allegheny County will be the region’s preferred gateway to a more prosperous future. Through our commitment to learning, innovation, and positive social change, CCAC will advance individual and community success.

**VALUES**

***Learning*** – We are committed to high academic standards and quality services provided in a caring, innovative and professional learning environment that places the success of students first.

***Community*** – We strive to serve the educational, economic and social needs of the community as One College through creative collaboration and teamwork.

***Diversity*** – We honor and embrace diversity by creating a positive, inclusive college culture that respects individual differences and values the unique experiences and perspectives of all students, faculty and staff.

***Integrity*** – We promote an honest and open exchange of information and ideas, accountability for the effective use of resources placed in our trust and the fair and consistent treatment of all individuals.

**GOALS**

- CCAC will increase academic success, college completion and equity in the region by providing every student with the motivation and support they need to achieve their individual goals.



- CCAC will become a global learning community that stands on the pillars of proactive, intentional access, inclusion, diversity, social justice and respect, to positively impact the vitality of the region.
- CCAC will become the region's premier provider of workforce training and increase prosperity and opportunity throughout the region by preparing individuals to meet the emerging workforce needs of the community and employers.
- CCAC will incorporate innovative uses of technology to advance the delivery of instruction and services, and support the region's 21<sup>st</sup> Century economy.

I.04: Educational Foundation

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>I.04</b>
<b>TITLE</b>	<b>Educational Foundation</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The Board of Trustees has granted its consent for the use of the name “Community College of Allegheny County Educational Foundation” to an organization incorporated under the Non-Profit Corporation Law of Pennsylvania, contingent upon the terms and conditions listed below, and with the express provision that the use of this name be subject to termination at the sole discretion of the Board (hereinafter “the Foundation”).

- A. The purposes for which the Foundation is organized are exclusively educational and charitable, as follows:
1. To aid the Community College of Allegheny County -- by solicitation for the benefit of said College, and only for the purposes established by the Board as of the time of said solicitation -- gifts of real or personal property, or personal services, or any combination of such gifts from individuals, associations, corporations or other entities;
  2. To collect and receive gifts, bequests, devises or things of value;
  3. To accept the same, subject to such conditions and trusts as may be imposed thereon, and subject to the utilization of the same exclusively for the purposes established by the Board for the benefit of the College; and to manage, invest, reinvest and/or dispose of the same all for the benefit of the College and pursuant to objectives established by the Board.
- B. The Foundation shall conduct itself so as to carry out this purpose.
- C. The Foundation shall not solicit or make expenditure (in any manner) for the benefit of the College for purposes other than those expressly authorized or approved by the Board.

**REFERENCES**

Board Policy I.05 - Code of Ethics  
Board Policy II.04 – Conflicts of Interest  
Fiscal Administration Regulations

I.05: Code of Ethics

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>I.05</b>
<b>TITLE</b>	<b>Code of Ethics</b>
<b>APPROVAL DATE</b>	<b>6/04/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The Board of Trustees of the Community College of Allegheny County (the “College”) recognizes that members of the College’s Board of Trustees, the College President, members of the President’s Cabinet, and other Senior Administrators (hereinafter referred to individually and collectively as “Trustees,” “Officers” or “Administrators”), must observe high standards of ethical conduct in order to fulfill the College’s mission with integrity and to assure public confidence in the institution. The Board of Trustees, in the exercise of its leadership role for the College, must also model recognized best practices associated with policy development and institutional governance.

Accordingly, and in order to provide a framework for guiding ethical conduct, the Board of Trustees of the Community College of Allegheny County adopts the following standards of conduct for Trustees, Officers and Administrators to uphold. In the event of a conflict between the terms of this policy and the Pennsylvania Public Official and Employee Ethics Act (the “Ethics Act”), the Ethics Act shall control. If a topic referenced herein has also been addressed in another Board policy or in a College regulation, then the procedures and statements contained in such policies or regulations shall be deemed to be affirmed and made a part hereof for all purposes.

**DEFINITIONS**

The term “Senior Administrators” shall refer to administrative employees of the College with the rank or title of President, Provost/Executive Vice President, Campus President, Chief Executive Officer, Vice President, Assistant Vice President, Executive Director, Director, Dean, Associate Dean, Assistant Dean and Coordinator.

“Interest” shall include a monetary and financial benefit or other personal material benefit.

“Affiliate” will include a business, association, corporation or other legal entity in which a Trustee, Officer, Administrator or his/her immediate family member is a director, trustee, officer, partner, joint venturer, principal, employee, owner and/or holder of five percent (5%) or more of voting stock or a controlling interest.

As used herein, “immediate family member” refers to a spouse or civil union partner, child, parent, sibling, or such relations by marriage or civil union partnership, a person claimed as a dependent for federal income tax purposes (wherever residing), and any relative residing in the same household.

## **STANDARDS OF CONDUCT**

The Board of Trustees hereby adopts the following standards of conduct for all Trustees, Officers and Administrators.

### **Trustees will:**

1. Devote sufficient time, thought and study to their duties and responsibilities as a Trustee of the College so as to render effective and creditable service.
2. Recognize their fiduciary duty to serve the public trust, and ensure that all of their actions and decisions as Trustees are based solely on promoting the best interests of the College, its students and the public good.
3. Recognize that, as individuals, they have no legal authority to act outside of official meetings of the Board, nor to individually direct the activities or actions of College personnel.
4. Distinguish between issues relating to governance and policy, which are appropriately within the purview and authority of the Board, and issues relating to the College's day-to-day operations, which shall be left to the purview of the President and the President's staff.
5. Maintain consistent and vigilant oversight of the College's operations and educational programs, and monitor progress toward achievement of established goals and the College's compliance with Board policies and applicable laws.
6. Keep well-informed on Board-related issues, and attend and participate actively in meetings of the Board and its committees.
7. Serve as stewards of and advocates for the College and its policies and programs.
8. Encourage open, honest and civil discussion in making Board decisions, and offer opportunities for differences of opinion to be heard.
9. Work collaboratively and collegially with each other and the College's Officers, Administrators, employees, students and the community at large to support and implement the mission, vision and goals of the College.
10. Recognize the Board chair or his or her designee as the Board's official spokesperson to the media.
11. Read, understand and follow the policies, procedures and guidelines set forth in the Board of Trustees Handbook, as then in effect, including the Board's Bylaws.
12. Honor and support actions that are made and duly approved by the Board in accordance with procedures established in the Board's bylaws and under applicable law.

### **Trustees, Officers and Administrators will:**

1. Support the highest ethical and professional standards in the course of performing their respective duties and responsibilities.
2. Maintain knowledge and understanding of the requirements of all Board policies and Bylaws.
3. Identify and disclose all actual or potential conflicts of interest, including those described in Section III below, and act at all times for the general good of the College and regardless of personal friendships, relationships or interests or the interests or influences of third parties.
4. Maintain the confidentiality of information which is privileged, proprietary or otherwise not generally available to the public and which is received or acquired in the course of his/her official duties.

5. Interact with each other and all members of the College community in a manner that creates and sustains mutual respect.
6. Maintain and implement processes to identify and resolve issues or complaints regarding noncompliance with this Code of Ethics, and impose appropriate consequences for substantiated instances of noncompliance.
7. Timely complete and submit the Statement of Financial Interests form mandated by the provisions of the Ethics Act to the College's Human Resources Office.
8. If uncertain as to whether a particular relationship, transaction or situation may constitute or create a conflict of interest, consult with the College's general counsel.
9. Abstain or recuse themselves from participating in or otherwise attempting to influence any action, transaction or decision in which an actual or potential conflict of interest has been identified.

### **CONFLICTS OF INTEREST**

It is the Policy of the College that Trustees, Officers and Administrators may not have direct or indirect interests that will conflict with the proper discharge of that individual's duties to the College. In order to implement this Policy, the Board of Trustees adopts the standards and guidelines set forth in this Section.

#### **Trustees, Officers and Administrators should not:**

1. Accept or solicit any gift, favor, service or benefit that might reasonably tend to influence the individual in the discharge of his or her official duties or that the individual knows or should know is being offered with the intent to influence his or her official conduct.
2. Accept employment or engage in a business or professional activity that the individual might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her position with the College.
3. Accept other appointments or any employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties.
4. Intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

#### **Examples of Potential Conflicts of Interest**

The following examples illustrate situations that may constitute a conflict of interest. This list is not comprehensive and does not limit the scope of this Policy.

1. Knowingly voting upon, approving or authorizing a contract or transaction between the College and an immediate family member or affiliate, or any other matter in which the Trustee, Officer or Administrator has an interest.
2. Exerting influence on the decision to purchase or lease property, equipment or materials for the College from an immediate family member or affiliate of the Trustee, Officer or Administrator.

3. Using College students, staff, resources or facilities for personal gain or benefit or for the benefit of an immediate family member or affiliate.
4. Using confidential information for personal gain or benefit or for the benefit of an immediate family member or affiliate.
5. Establishing specifications for a product or service in a manner that would preclude persons or entities other than affiliates or immediate family members of the Trustee, Officer or Administrator from submitting a competitive bid for an equivalent item.
6. For a Trustee, Officer or Administrator, or any immediate family member thereof, to accept from an organization, firm or individual doing or seeking to do business with the College any of the following: commissions; a share in profits; gifts in cash; gifts of merchandise of more than nominal value; loans or advances (other than from established banking or financial institutions); materials, services, repairs or improvements at no cost or at unreasonably low prices; excessive or extravagant entertainment; and travel.
7. For an affiliate or immediate family member of any Trustee, Officer or Administrator to enter into any contract with the Board or the College, except with the prior knowledge and consent of the Board of Trustees.
8. For an Officer or Administrator to receive additional compensation through a grant program or other third party funding source for performing work that is an integral part of said individual's normal job duties and responsibilities.
9. Direct or indirect involvement in the hiring, supervision, performance evaluation, compensation or retention of an immediate family member.

#### **DISCLOSURE OF PERSONAL OR PRIVATE INTEREST**

A Trustee, Officer or Administrator who has an actual or potential conflict of interest with respect to a measure, proposal or decision pending before the Board of Trustees shall promptly disclose such interest to the Chairperson of the Board, along with any other relevant information. The Chairperson shall be responsible for informing the other members of the Board of the conflict. If the Chairperson has a conflict, then he or she shall notify the Vice Chairperson.

The Board of Trustees may consider such measure, proposal or decision, but any member having such an interest shall not vote or otherwise participate in such deliberation or action of the Board of Trustees. The abstention of said member, and the reasons therefore, will be recorded in the Board minutes.

While the College may do business with an affiliate with one of its Trustees, no preference may be given to the Trustee's company. Further, any trustee who may have either a direct or indirect interest in the business entity would be excluded from all participation in decisions, discussions and any matter related thereto.

#### **VIOLATIONS**

##### Trustees

Reported, alleged or suspected violations of this Code of Ethics by a member of the Board of Trustees will be directed to the Board Chairperson. If the Board Chairperson is the subject of the

report or alleged violation, then the report will be directed to the Vice Chairperson. The Board Chairperson (or Vice Chairperson, if applicable) may appoint a Special Ad Hoc Committee of the Board to examine the matter and recommend further course of action to the Board. The committee may conduct a fact-finding process in an effort to determine if the report can be substantiated, and may consult with or engage the services of legal counsel or other third party to assist in completing an investigation. The committee shall complete its investigation and report its findings to the Board within a reasonable period of time. If the report is substantiated, sanctions may be recommended by the committee, and may include a recommendation of censure and/or referral to outside agencies or investigative authorities, where applicable.

### Officers and Administrators

Reported, alleged or suspected violations of this Code of Ethics by College Officers and Administrators will be addressed in accordance with the procedures set forth in Board policies and established College Regulations, Handbooks and Procedures.

### REFERENCES

Board of Trustees Bylaws  
Board Policy II.04 – Conflicts of Interest  
Board Policy II.05 – Reporting Policy Violations  
Board Policy V.08 – Fraud, Waste and Abuse  
Employee Manual  
Fiscal Administration Regulations  
Information Technology Services Regulations

I.06: Naming of College Facilities, Spaces & Programs

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>I.06</b>
<b>TITLE</b>	<b>Naming of College Facilities, Spaces &amp; Programs</b>
<b>APPROVAL DATE</b>	<b>3/26/2007</b>
<b>REVISION DATE(S)</b>	<b>9/2/2010; 2/1/2018</b>

**Introduction**

The Board of Trustees of CCAC has the sole authority to name college facilities, spaces (including defined spaces within buildings, geographic areas and academic schools or complexes), endowed chairs and programs to honor those who have (i) rendered extraordinary service to the college or who, by their personal or professional achievements, have significantly enhanced the reputation of the college; or (ii) made significant financial contributions to CCAC or the CCAC Educational Foundation. However, because naming opportunities are integral to the fund-raising process and an important part of donor recognition, the granting of naming rights shall be jointly coordinated by the CCAC Board of Trustees and the CCAC Educational Foundation Board of Directors.

No commitment for naming recognition shall be made prior to approval of the proposed name in accordance with the requirements of this Policy. However, in the instance of a major fundraising campaign approved by the Board of Trustees, the naming of small objects and features, such as equipment, shrubbery, bricks, and similar items may be approved solely by the CCAC Educational Foundation and need not be separately approved by the CCAC Board of Trustees.

**Criteria for Selection of Honorees**

Individuals, corporations and other organizations may be considered for naming recognition if they have made significant financial contributions to the College. A bequest or revocable planned gift from a donor who is still alive will not normally be considered for a naming opportunity. However, an irrevocable gift from a donor who is still alive will be given consideration consistent with this Policy. Determination of what constitutes a significant financial contribution will be made on a case-by-case basis, taking into consideration the total cost of the project, the availability of other funds, and the following general guidelines:

- New facilities - 50% of new construction costs
- Renovated facilities - 75% of the cost of renovating a facility
- Existing facilities - 75% of fair market value
- Portable items - 50% of the value of the collection
- Tribute markers (i.e trees, gardens) - 50% of the cost
- Programs – determined on a case-by-case basis
- Endowed chairs – determined on a case-by-case basis



Nothing herein shall require the financial contribution to be used to acquire the named object.

Nothing herein shall preclude the Board from establishing additional or different criteria for a specific fundraising campaign or in connection with efforts to raise funds to finance the construction of new or renovated facilities.

## **Procedures**

### *Review*

The procedure for the designation/authorization of a college facility, space, endowed chair or program as a naming opportunity will be as follows:

1. Individuals or groups who have an interest in designating a facility, space, endowed chair or program as a naming opportunity shall communicate that interest to the college president.
2. The college president will present the proposed naming opportunity to the CCAC Educational Foundation for review and then to the CCAC Board of Trustees for final approval. The college president shall include a description of the facility, space, endowed chair or program to be named, the proposed gift opportunity (if any), the merits of the individual or organization to be recognized, and the method of recognition.
3. Only the CCAC Board of Trustees shall have the authority to approve naming opportunities of college facilities, spaces, endowed chairs or programs.
4. All proposed names shall be held in confidence during the review and approval process and disclosed only to those individuals who are part of that process.
5. Final approval of naming recognition for a College facility or space will generally be contingent upon execution of a legally enforceable gift/naming agreement.

### *Affixing Values*

The initial valuation of facilities, spaces, endowed chairs and programs that are proposed for a naming opportunity will be developed by the College president, with input from the College's academic affairs, facilities management, finance, and operational services departments, and then submitted to the CCAC Educational Foundation for review. The actual cash value for each naming opportunity will be recommended to the CCAC Board of Trustees by the CCAC Educational Foundation in accordance with sound principles and practices of fund-raising and the guidelines established by this Policy. All final values for naming opportunities shall be determined and approved by the CCAC Board of Trustees.

## **Campaigns**

Whenever there is a major fundraising effort or campaign, the CCAC Educational Foundation will develop a plan which lists naming criteria and funding amounts for various components of the campaign. This plan will be submitted to the CCAC Board of Trustees for its approval before specific individuals or organizations are approached for specific naming recognition opportunities.

## **Named Funds**

Gifts establishing named funds, either endowed or current expenditure, do not require special approval unless the fund is an endowed chair or the gift exceeds \$1 million dollars. Naming opportunities for endowed chairs and gifts exceeding \$1 million must be approved by the Board of Trustees following the procedures set forth in this Policy for facilities, spaces, endowed chairs or programs.

## **Terms of Agreement**

The naming of a college facility, space, endowed chair or program neither implies nor constitutes legal ownership of that facility, space, endowed chair or program by the individual, corporation, organization or group for whom it has been named. The naming of a facility, space, endowed chair or program also does not imply any legal duty or obligation to the named individual or group beyond the maintenance of the commemorative identification of said facility, space, endowed chair or program in accordance with this Policy.

If donor names must be removed from a facility or space for remodeling, renovation or repair due to a natural disaster or other such cause, recognition shall be replaced according to the original agreement. If the facility, space, endowed chair or program is removed, discontinued or experiences a change in purpose or use, CCAC reserves the right to add to, alter or provide new naming opportunities for any new or replacement facility, space or program. In such a case, commemoration of the original naming recognition shall be within the sole discretion of CCAC.

Unless otherwise approved by the CCAC Board of Trustees or specified in the naming/gift agreement, the naming of a CCAC facility, space or program shall be for a time period equal to the reasonable useful life of the facility, space or program.

CCAC reserves the right to remove any naming recognition as a result of the non-payment of a gift or pledge. In addition, CCAC reserves the right to refuse a naming request or to reverse or rescind naming recognition previously granted should CCAC determine that the individual or organization after which the facility, space or program is named no longer reflects the educational, ethical, and philosophical ideals of CCAC.

## **SECTION II. GENERAL INSTITUTION**

### **II.01: Non-Discrimination, Title IX and Equal Opportunity**

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.01</b>
<b>TITLE</b>	<b>Non-Discrimination, Title IX and Equal Education and Employment Opportunity</b>
<b>APPROVAL DATE</b>	<b>10/02/2014</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College and its Board of Trustees are committed to the principle of equal opportunity in education and employment for all. The College believes that creating, supporting and sustaining a diverse community will prepare its students to be effective in the world outside of CCAC.

#### **NON-DISCRIMINATION STATEMENT**

The College does not discriminate and prohibits discrimination against any individual based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, use of a service animal due to disability, marital status, familial status, genetic information, veteran status, age or other classification protected by applicable law in matters of admissions, employment, services or in the educational programs or activities that it operates. Harassment that is based on any of these characteristics, whether in verbal, physical or visual form, constitutes a form of prohibited discrimination. This includes harassing conduct which affects tangible job benefits, unreasonably interferes with an individual's academic or work performance or which creates what a reasonable person would perceive to be an intimidating, hostile or offensive work or educational environment.

Employees, students, third-party vendors and guests may report conduct that is believed to be in violation of this Policy or applicable law by contacting the College's Office of Human Resources, the Title IX Coordinator/Civil Rights Compliance Officer or such other officials as may be designated in other Board policies or administratively issued regulations and procedures. The College prohibits and will not engage in retaliation against any person who in good faith reports a violation of this Policy, provides information in an investigation of a potential violation or otherwise engages in protected activity under the law.

#### **TITLE IX NOTIFICATION**

It is the further policy of the College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination based on gender or sex in the College's educational programs and activities, as well as the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Campus Sexual Violence Elimination Act (SaVE Act). Conduct prohibited under Title IX, the Clery Act and the SaVE Act includes sexual harassment, sexual misconduct and acts of sexual violence, including sexual assault, domestic violence, dating violence and stalking. In furtherance of this Policy, the College

will designate a Title IX Coordinator whose responsibilities will include overseeing the College's response to Title IX reports and complaints and identifying and addressing patterns or systemic issues revealed by such reports and complaints. With the exception of staff designated by the College to provide confidential professional counseling services to victims of such conduct, College employees are required to inform the Title IX Coordinator of incidents or suspected incidents of sex or gender discrimination, sexual harassment, or sexual violence against a student, employee, vendor or guest of which they become aware.

Questions or complaints regarding Title IX issues may be directed to the College's Title IX Coordinator or the United States Department of Education's Office of Civil Rights as follows:

**CCAC Civil Rights Compliance  
Officer/Title IX Coordinator**

808 Ridge Avenue  
Byers Hall – Room 317  
Pittsburgh, PA 15212  
Telephone: 412.237.4535  
Email: [smisra@ccac.edu](mailto:smisra@ccac.edu)

**Office for Civil Rights  
US Department of Education,  
Philadelphia Office**

100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Facsimile: 215.656.8605  
Telephone: 215.656.8541  
Customer Service Hotline #: (800) 421-3481  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)  
Web: <http://www.ed.gov/ocr>

**ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES**

The College recognizes its responsibility to provide academic and nonacademic services and programs equally to individuals with and without disabilities. To this end, the College will provide reasonable accommodations for qualified students and employees with identified disabilities consistent with the requirements of the Americans with Disabilities Act, Sections 503 and 504 of the Rehabilitation Act, and other federal, state and local laws and regulations.

The College will maintain an Office of Supportive Services at each campus location to receive, review, and evaluate requests from students who require an accommodation with respect to their educational program. The College's Civil Rights Compliance Officer/Title IX Coordinator will have overall responsibility for coordinating disability services across all College campus locations. Contact information for these resources is as follows:

**CCAC Civil Rights Compliance  
Officer/Title IX Coordinator**

808 Ridge Avenue  
Byers Hall – Room 317  
Pittsburgh, PA 15212  
Telephone: 412.237.4535  
Email: [smisra@ccac.edu](mailto:smisra@ccac.edu)

**Boyce Campus**

Director, Disability Services  
North Wing–Room N560  
Telephone: 724.325.6604  
TTY: 724.325.6733

**Allegheny Campus**

Director, Disability Services  
Library Building–Room 114  
Telephone: 412.237.4612  
TTY: 412.237.4552

**North Campus**

Director, Disability Services  
Room 1008  
Telephone: 412.369.3649  
TTY: 412.369.4110

**South Campus**

Director, Disability Services  
Building B–Room 311  
Telephone: 412.469.6207  
TTY: 412.469.6005

The College's Office of Human Resources is designated to receive, review and evaluate employee requests for accommodations in the workplace due to an identified disability.

**DELEGATION OF AUTHORITY**

The Administration shall develop, implement and maintain procedures which ensure that all aspects of the College's operations comply with the requirements of this Policy and applicable law. This authority includes the development of procedures that provide for the prompt, fair and impartial investigation and resolution of Title IX complaints, the availability of protective measures and accommodations to individuals who report violations of Title IX, appropriate sanctions for individuals determined to have engaged in prohibited conduct and the delivery of prevention and awareness education to students, employees and other members of the College community.

The College's Office of Human Resources and Office of Institutional Diversity and Inclusion shall be jointly responsible for developing and providing Title IX and unlawful harassment prevention and awareness training to both students and new and current employees, and for disseminating this Policy and its requirements to the College community on an annual basis.

**REFERENCES**

Board Policy II.02 - Unlawful Harassment  
Civil Rights Complaint Procedure  
Employee Manual  
Student Handbook  
Student Code of Conduct

II.02: Unlawful Harassment

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.02</b>
<b>TITLE</b>	<b>UNLAWFUL HARASSMENT</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

The College is committed to providing a safe working and learning environment for all members of the College community. To that end, the unlawful harassment of employees, students and/or third parties working at or visiting the College is expressly prohibited and will not be tolerated.

Unlawful harassment consists of unwelcome conduct, whether verbal, written, physical or graphic, that is based upon an individual's race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, use of a service animal due to disability, marital status, familial status, genetic information, veteran status, age or other classification protected by applicable law, and which: (1) is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or hostile working or learning environment; (2) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or (3) otherwise adversely affects an individual's employment or education opportunities.

**SEXUAL HARASSMENT**

Sexual harassment is a form of prohibited unlawful harassment, and consists of unwelcome sexual advances, requests for sexual favors or other verbal, written, graphic or physical conduct of a sexual nature, when:

1. Submission to such conduct is either implicitly or explicitly made a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct is used as the basis for employment or educational decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating, hostile or offensive work or educational environment.

Sexual harassment may take many forms, including deliberate or careless use of offensive, vulgar or demeaning terms connected with a person's gender or sexual orientation; sexually suggestive comments, compliments, jokes, innuendos, questions or flirtations; offensive or sexually

suggestive objects, graffiti, pictures, or graphic displays; sexual gestures or unwanted touching; pressuring or asking an individual for dates or sexual favors; or any other conduct that has the effect of unreasonably interfering with an individual's ability to work or learn.

### Romantic Relationships

Romantic relationships in the workplace or within the educational environment also raise concerns for the College community, particularly in cases in which one party to the relationship possesses supervisory or evaluative authority over the other or may reasonably be perceived to possess such authority. Given the power differentials between the parties, such relationships carry the inherent risk that the subordinate employee or student will be determined to have lacked the ability to provide effective consent to the relationship. In addition, the existence of such relationships may raise questions regarding the academic and operational integrity of the supervisor's decisions, create actual or perceived conflicts of interest relative to the parties' interactions with fellow students and/or co-workers, and create the potential for sexual harassment and retaliation charges. In light of these concerns, and in the interest of mitigating the risks inherent to such relationships, the following requirements will apply:

- No employee shall be permitted to date or engage in a romantic or sexual relationship with an employee that s/he supervises, whether directly or indirectly.
- No employee shall be permitted to date or engage in a romantic or sexual relationship with a student that s/he supervises or evaluates, or with respect to whom s/he provides professional services or for whom s/he may have any foreseeable professional responsibility, authority or influence. Examples of prohibited relationships include but are not limited to instructor/current student, work study student/supervisor, advisor/advisee, tutor/student, coach/athlete and administrator/student.
- If employees choose to enter into a consensual dating or romantic relationship with each other and one party has supervisory responsibilities over the other, it shall be the responsibility of the senior person to report the relationship to his/her supervisor and to the Human Resources Office at the onset of the relationship. In such situations, the College may transfer one or both employees or take such other action as may be necessary to eliminate the conflict.
- If employees choose to enter into a consensual dating or romantic relationship with each other and neither party has any direct or indirect supervisory authority over the other, it shall be the responsibility of both employees to immediately report the existence of the relationship to their respective supervisor(s) and the Human Resources Office at the onset of the relationship. In the event it is determined that the relationship creates or would foreseeably create a distraction in the workplace or interfere with the productivity and efficiency of the employees in question and/or their other co-workers, the College may transfer one or both employees or take such other action as may be necessary to eliminate the disruption.

- Employees who are contemplating entering into a romantic relationship with an individual who is enrolled as a student at the College, but whom the employee does not evaluate or supervise, are required to notify their supervisor prior to entering into or commencing any relationship. The College reserves the right to transfer the employee or to take such other action as may be necessary to eliminate any potential for the employee to be in a position to supervise, evaluate, exercise authority over or otherwise influence the student or any academic, financial or employment-related decisions that may affect the student.

### **REPORTING VIOLATIONS**

Employees, students, third-party vendors and guests may report conduct that is believed to be in violation of this Policy to the College's Office of Human Resources, the Title IX Coordinator/Civil Rights Compliance Officer, or such other officials as may be designated in other Board policies or administratively issued regulations and procedures. Employees must promptly report acts of unlawful harassment that they witness or of which they become aware. The College prohibits and will not engage in retaliation against any person who in good faith makes a report of unlawful harassment, provides information in connection with the investigation of a report or complaint of unlawful harassment, or who otherwise engages in protected activity under the law.

All complaints and reports of unlawful harassment shall be promptly investigated, and appropriate and necessary corrective action will be taken to prevent its recurrence. Confidentiality of all parties shall be maintained to the fullest extent possible under the circumstances, consistent with the College's legal and investigative obligations.

Substantiated violations of this Policy will result in disciplinary action, up to and including termination of employment or, in the case of students, expulsion from the College, in accordance with procedures and due process rights provided under applicable law, College policies and collective bargaining agreements.

### **DELEGATION OF AUTHORITY**

The Administration shall implement and maintain regulations and procedures which ensure that all aspects of the College's operations comply with the requirements of this Policy and applicable law. This authority includes, but is not limited to, the development of procedures that provide for the prompt, fair and impartial investigation and resolution of unlawful harassment complaints; the availability of protective measures and accommodations to individuals who report violations of unlawful harassment; and the imposition of appropriate sanctions for individuals determined to have engaged in prohibited conduct.

The College's Human Resources Office and Office of Institutional Diversity and Inclusion shall be jointly responsible for developing and providing sexual and unlawful harassment prevention and awareness training to both students and new and current employees, and for disseminating this Policy and its requirements to the College community on an annual basis.



## **REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity  
Board Policy II.05 – Reporting Policy Violations  
Civil Rights Complaint Procedure  
Employee Manual

II.03: Student Absence for Religious Holiday Observance

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.03</b>
<b>TITLE</b>	<b>Student Absence for Religious Holiday Observance</b>
<b>APPROVAL DATE</b>	<b>2/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College will make reasonable efforts to accommodate students who must be absent from classes or miss scheduled exams in order to observe a religious holiday or participate in some other form of religious observance. Students shall be provided, whenever possible, with reasonable opportunity to make up academic assignments missed due to such absences, unless doing so would create or impose an undue burden on other students or the College. It shall be the student's responsibility to provide written notice to every instructor for each course in which an accommodation is being requested

**DELEGATION OF AUTHORITY**

The Administration shall develop procedures to implement the requirements of this Policy.

**REFERENCES**

Board Policy II.01 - Non-Discrimination, Title IX and Equal Education and Employment Opportunity  
Student Handbook

II.04: Conflicts of Interest

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.04</b>
<b>TITLE</b>	<b>Conflicts of Interest</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

In dealing with suppliers, contractors or other organizations and individuals doing or seeking to do business with the College, all employees of the College are required to discharge their responsibilities in a manner that avoids any conflict between their private or personal interests, activities or associations and the interests of the College, and in a manner which comports with the standards and requirements set forth in the College's Code of Ethics.

**DELEGATION OF AUTHORITY**

The Administration may promulgate regulations further clarifying or specifying particular transactions or circumstances which may give rise to an actual or apparent conflict of interest.

**REFERENCES**

Board Policy I.05 – Code of Ethics  
Employee Manual

II.05: Reporting Policy Violations

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.05</b>
<b>TITLE</b>	<b>Reporting Policy Violations</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>1/15/2015; 6/2/2016</b>

All employees are responsible for ensuring that the College maintains the highest ethical, legal and professional standards. Any employee observing or having knowledge of a violation or suspected violation of Board policies, the College's fiscal regulations, procedures or other misuse or misappropriation of College funds or assets, or of the violation of any law applicable to the College's operations, is responsible for promptly reporting that violation so that an investigation can be promptly conducted and appropriate corrective action implemented, if the investigation substantiates that a violation has occurred.

Reports can be made, verbally or in writing, and at the employee's option, to any of the following persons:

- The employee's supervisor;
- The College's Internal Auditor;
- The employee's Campus President;
- The College President;
- The Vice President of Administration; or
- Any phone or e-mail reporting hotlines established by the College to facilitate confidential reporting of suspected violations.

In addition to the above, reports involving alleged violations of the College's Non-Discrimination, Title IX and Equal Education and Employment Opportunity Policy and Unlawful Harassment Policy, including but not limited to incidents of unlawful discrimination or sexual or other unlawful harassment, sexual assault or other acts of sexually-related violence may be made, verbally or in writing, and at the employee's option, to any of the following persons:

- The College's designated Equal Employment Opportunity Officer;
- The College's designated Title IX Coordinator/Civil Rights Compliance Officer; or
- Any phone or e-mail reporting hotlines established to facilitate confidential reporting of suspected violations.

Except in the case of a privilege recognized under applicable law that would prohibit such disclosure, College employees who become aware of an incident or suspected incident of gender or sex discrimination, sexual harassment, sexual assault or other act of sexually-related violence against a student, employee, vendor or guest are required to report those incidents to the Title IX Coordinator/Civil Rights Compliance Officer, regardless of whether such incident or suspected

incident has been reported to any other officer or individual designated in this or in any other Policy.

Employees will not be disciplined or suffer retribution for reports made in good faith. Employees may submit reports anonymously, though anonymous reports may limit the College's ability to follow up and investigate the report. All reports will be kept confidential to the fullest extent possible to conduct an appropriate investigation and to the extent permitted by law. Retaliation against any individual who reports a violation in good faith in accordance with this policy is expressly prohibited. Forms of prohibited retaliation include demotion, discipline, suspension, threat, harassment, discrimination and discharge based on the making of a good faith report under this Policy.

### **REFERENCES**

Board Policy I.05 – Code of Ethics

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity

Board Policy II.02 – Unlawful Harassment

Board Policy II.04 – Conflicts of Interest

Board Policy V.08 – Fraud, Waste and Abuse

Civil Rights Complaint Procedure

Employee Manual

Fiscal Administration Regulations

II.06: Legal Services and Review

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.06</b>
<b>TITLE</b>	<b>Legal Services and Review</b>
<b>APPROVAL DATE</b>	<b>5/07/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

This Policy establishes the responsibilities of the College’s General Counsel for providing legal services to other units of the College, and identifies those matters that require legal review by the General Counsel. This Policy extends to all College-related matters for which any employee of the College might want or need to consult an attorney.

Compliance with this Policy will enable the College to minimize the risk of litigation; reduce uncertainty and disruption in its affairs; and take advantage of its legal rights, protections and opportunities.

General Counsel, for purposes of this Policy, includes the College’s in-house General Counsel and staff, the Allegheny County Solicitor’s Office and any outside counsel engaged by the College to represent it in connection with one or more specific matters.

**GENERAL**

The major responsibility of the General Counsel is to ensure that the legal rights and opportunities of the College and its employees are protected, and that their legal obligations are met. Any employee who suspects that an attorney’s advice might be helpful or necessary on a particular matter should promptly submit that matter for review to the General Counsel.

In addition, the following matters require advance notice to and review of the General Counsel:

- Material contracts and agreements (as defined below)
- Incoming subpoenas, Right to Know Requests and other legal papers
- Proposed actions entailing a substantial risk of civil or criminal liability
- Involuntary termination or separation of any employee
- Proposed reductions in force, layoffs or furloughs (voluntary or involuntary)
- Proposed actions based on the results of employment-related background checks or clearances
- Student disciplinary matters where the possible sanction may involve a suspension or expulsion
- Governmental investigations or audits

- Pending or threatened litigation, administrative claims and grievances under the College's applicable collective bargaining agreements
- Press inquiries regarding pending or potential litigation
- Transactions or negotiations in which the other party is represented by counsel
- New or revised College or Board Policies
- Any other situation in which legal or quasi-legal issues may be involved

The General Counsel will manage all litigation and other legal proceedings on behalf of the College and its employees, and will advise on all other legal matters. The General Counsel cannot and will not provide legal services to employees or students in their individual or personal capacities.

### **MATERIAL CONTRACTS AND AGREEMENTS**

The following types of contracts and agreements require review by the General Counsel prior to entering into the engagement:

- Employment Agreements
- Offers of employment that do not utilize an approved standard form or which materially revise the terms of an approved standard form
- Contracts or agreements that do not utilize an approved standard form or which materially revise the terms of an approved standard form
- Contracts which specify a term in excess of one (1) year
- Contracts or agreements of any type which convey or purport to convey exclusive rights to any third party
- Bid Specifications
- Construction Contracts
- Engineering/Architect/Professional Design Services Contracts
- Professional Consulting Agreements
- Contracts for the purchase or lease of real estate
- Letters of Intent
- Collective Bargaining Agreements
- Memorandums of Understanding
- License agreements for use of software or other intellectual property from third parties
- Agreements to license College name, logos or other intellectual property to a third party
- Agreements requiring approval and signature of the College President or Board of Trustees

Standard form agreements previously approved by the General Counsel for use by other College departments, such as form agreements utilized by the Procurement and Contracts Departments, do not require prior review by the General Counsel.

### **PROCEDURE**

Except for agreements involving employment-related matters, proposed contracts and agreements should initially be referred to the College's Director of Contracts for review and/or drafting as far

as possible in advance of negotiations with the other party. The Director of Contracts will be responsible for the following:

- Confirming that the substance of the agreement, including its financial and business terms, has been approved by the administrator responsible for the subject matter of the agreement;
- Reviewing and/or drafting the initial agreement;
- Reviewing and/or revising agreements prepared a third party;
- Reviewing and/or responding to new or revised terms proposed by a third party;
- Obtaining review and/or support from the General Counsel as needed and/or as required under the terms of this Policy;
- Coordinating signatures necessary for execution of the final agreement;
- Providing an original signed copy of the agreement to the responsible custodian, as identified in the College's Record Retention Schedule, and maintaining a copy for contract administration and tracking purposes.

Contracts or agreements involving employment-related matters, including memorandums of understanding or agreements with collective bargaining units or representatives, will initially be reviewed by the Office of Human Resources, which will be responsible for coordinating review by the General Counsel as needed or required hereunder.

#### **GOVERNMENT INVESTIGATIONS**

If investigators from a government agency, including but not limited to the Equal Employment Opportunity Commission (EEOC), the Office of Civil Rights (OCR), the Department of Veterans Affairs, the federal or state Departments of Education, the state Auditor General, the Family Policy Compliance Office (FPCO), the Office of Federal Contract Compliance Programs (OFCCP), the Pennsylvania Human Relations Commission (PHRC), or the City of Pittsburgh Commission on Human Relations, contact or request an interview with a College employee, or seek data, documents, or access to files, the investigator(s) in question should be advised that the College will generally cooperate, but only after consultation with its attorneys. The employee should immediately then contact the General Counsel for advice and instructions.

#### **DEFENSE AND INDEMNIFICATION OF EMPLOYEES**

The College will generally defend and/or indemnify employees in connection with actual or threatened legal proceedings that arise out of the employees' actions within the scope of their College duties and authority, subject to the conditions and limitations established by the Board of Trustees.

#### **OUTSIDE COUNSEL**

The General Counsel will determine whether specific legal matters require the assistance of outside counsel and, if so, will select outside counsel and will supervise and approve outside counsel's services and fees. All outside counsel engaged by the College must acknowledge and agree to comply with the Case and Matter Management Guidelines established by the General Counsel as



a condition of the engagement. Employees may not contact outside counsel directly on College business without the prior permission of the General Counsel.

### **CONFIDENTIALITY AND PRIVILEGE**

For both legal and ethical reasons, confidentiality is of utmost importance in many matters referred to attorneys. In order to preserve confidentiality and legal privilege for oral and written communications between the General Counsel (or outside counsel) and other College employees, all matters involving counsel should be treated confidentially, unless they are obviously suitable for disclosure to the public. Administrators in their correspondence with counsel should state explicitly if they are "requesting legal advice," "anticipating litigation," or furnishing counsel "confidential information," since these points are important to creating and maintaining a legal privilege for the communications. Employees should also keep legal files segregated from open files. Legal files should be disclosed only on the strictest need-to-know basis and only within the College to authorized personnel. In sensitive matters, employees should not create unnecessary documents and should follow the College's established Record Creation and Management Guidelines.

### **REFERENCES**

Board of Trustees Bylaws  
Board Policy II.08 - Records Management  
Board Policy V.02 - Contracts  
Records Management Plan (Administrative Regulation)  
Record Retention Schedule (Administrative Regulation)

II.07: Protection of Children

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.07</b>
<b>TITLE</b>	<b>Protection of Children</b>
<b>APPROVAL DATE</b>	<b>5/07/2015</b>
<b>REVISION DATE(S)</b>	<b>1/7/16; 6/2/2016</b>

This policy establishes measures to protect children on the College’s campuses, centers and other facilities from child abuse, including the measures that the College will take to comply with the requirements of Pennsylvania’s Child Protective Services Law (“CPSL”).

The requirements of this policy apply to all programs, activities and services sponsored by the College, including credit and non-credit course offerings, programs operated by the College in College owned or leased facilities, and programs under the direction and authority of the College conducted at locations off campus. In addition, all programs subject to state licensure are required to comply with applicable laws and regulations relating to child protection, clearances, mandatory reporting, and training.

Except for the reporting of child abuse, the requirements of this policy do not apply to: (1) events on College property that are open to the general public and which minors attend at the sole discretion of their parents or legal guardians; (2) private events where minors attend under parental or legal guardian supervision; or (3) other programs or activities that are designated as exempt from these requirements by the College president or his or her designee.

**DEFINITIONS**

“Direct contact with children” as used herein shall mean providing care, supervision, guidance, or control of children, or routine interaction with children.

“Child” or “children” as used herein refers to any person under 18 years of age.

“Child abuse” as used herein shall have the meaning set forth in Section 6303 of the CPSL, and includes intentional, knowing or reckless actions or omissions that cause or create a likelihood of bodily or mental injury to a child, the sexual abuse or exploitation of a child, and serious physical neglect of a child.

“Matriculated student” shall refer to a student enrolled at the College who is pursuing a program of study that will result in a post-secondary diploma, certificate or other credential.

“Prospective student” shall refer to a child who is visiting the College or one of its campuses or facilities.

“Routine interaction” means regular and repeated contact with children that is integral to an individual’s employment or volunteer responsibilities.

### **CLEARANCES**

Except to the extent otherwise provided by this policy or the CPSL, clearances will be required before any individual may be hired, appointed, employed, assigned, reassigned, or otherwise placed or permitted by the College to serve in a position that involves direct contact with children. Clearances will not be required, however, for those individuals whose direct contact with children is limited to matriculated students or prospective students.

Individuals that have routine interaction with students who are still enrolled in a secondary school, such as dual enrollment students, will be required to obtain clearances in accordance with this Policy and the requirements of the CPSL. This may include faculty and other staff members who, as part of their job responsibilities, visit or provide services in a public and private elementary and secondary school; faculty and staff who work in clinical settings that provide services to children, faculty that teach courses in which dual enrollment students are registered, and staff members who provide professional or support services to dual enrollment students.

Required clearances include the following:

- FBI Criminal Background Check
- Pennsylvania Department of Human Services Child Abuse History Clearance
- Pennsylvania State Police Criminal Background Check

Additional clearances relating to contact with children may be required to the extent required by law or by a third party as a condition of access to that third party’s facilities.

Clearances will be subject to periodic renewal in accordance with the requirements of the CPSL.

No individual will be permitted to work or participate in a program, activity or service involving direct contact with children if said individual’s clearances indicate a conviction for a criminal offense or a founded report of child abuse that would disqualify the individual from working with children under Section 6344(c) of the CPSL.

### **Internships/Work Study Students**

Students who are employed by the College as interns or in work study assignments that involve direct contact with children will not be required to obtain clearances under this policy if they remain in the immediate vicinity of a cleared employee during the program, activity or service in which the contact will occur.

Students who serve as unpaid volunteers in connection with an activity or program that may involve direct contact with children will not be required to obtain clearances if each of the following apply:

1. The volunteer is enrolled in the College;
2. The volunteer will not be responsible for the care or welfare of a child;
3. The event or program will be held on College grounds;
4. The event or program is sponsored by the College; and
5. The event or program is not for children who are in the care of a child-care service.

Students may be required to submit clearances in order to enroll in a specific course or program or to complete degree requirements that involve access to a third party's facility or that otherwise involve a significant likelihood of direct contact with children.

### **REPORTING OF ARRESTS AND CONVICTIONS**

All employees, volunteers and other individuals covered by this policy must provide written notice to the College's Human Resources Office if they are: (1) arrested for, or convicted of, an offense that would constitute grounds for denial of employment or participation in a program, activity, or service under Section 6344(c) of the CPSL; or (2) are named as a perpetrator in a founded or indicated report under the CPSL. The employee, volunteer, or program administrator shall provide such written notice within 72 hours of arrest, conviction, or notification that the person has been listed as a perpetrator in the statewide database. Willful failure to make a written notification as required herein may result in disciplinary action, including termination of employment or assignment. Violation(s) for failure to report may also result in referral to law enforcement for criminal prosecution under the CPSL.

If the College receives information which establishes a reasonable belief that an employee or volunteer has been arrested or convicted of a reportable offense or was named as perpetrator in a founded or indicated report under the CPSL, then the employee or volunteer in question will be required to submit current clearances in accordance with established College procedures and the requirements of Section 6344.3 of the CPSL.

### **INDEPENDENT CONTRACTORS & THIRD PARTY SERVICE PROVIDERS**

Independent contractors, vendors and other third parties which provide programs, activities or services to or on behalf of the College shall be required to comply with the requirements of the CPSL, including, at a minimum, obtaining required clearances from their agents and employees who will have direct contact with children and reporting suspected child abuse to the appropriate authorities.

### **MANDATORY REPORTING**

In accordance with Pennsylvania law, any employee, volunteer or independent contractor who has reasonable cause to suspect child abuse, including but not limited to sexual abuse, shall make an immediate and direct report to ChildLine, either electronically at <http://www.compass.state.pa.us/cwis> or by calling 1-800-932-0313. Immediately thereafter, the individual must also make an immediate and direct report to the College's Civil Rights Compliance Officer or the College's General Counsel. Retaliation is strictly prohibited against

anyone who makes a good faith report of suspected child abuse or who participates in a related investigation.

### **DELEGATION OF AUTHORITY**

The Administration will develop and implement regulations and procedures to implement the requirements of this policy and the CPSL.

### **REFERENCES**

Board Policy II.05 – Reporting Policy Violations  
Clearance Procedures (Administrative Regulation)  
Mandatory Reporting of Child Abuse (Administrative Regulation)  
Classroom/Campus Visitation Requests (Administrative Regulation)  
Employee Manual  
Pennsylvania Child Protective Services Law, 23 Pa. C.S. § 6301 et seq.

II.08: Records Management

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.08</b>
<b>TITLE</b>	<b>Records Management</b>
<b>APPROVAL DATE</b>	<b>2/04/2016</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

The Board recognizes the importance of establishing and maintaining a Records Management Plan that defines employee responsibilities and complies with federal and state laws and regulations governing the preservation and retention of records, whether in written or electronic form.

All College records shall be retained in accordance with state and federal law and regulations and the College’s Records Management Plan and Records Retention Schedule. All College employees shall be responsible for creating, managing, preserving and disposing of records in accordance with the requirements of this Policy, the Records Management Plan and the Records Retention Schedule.

For purposes of this Policy, the term “records” refers to any recorded information, regardless of physical form or characteristics, that documents a transaction or activity of the College and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the College. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and any data-processed or image-processed document. E-mail messages, in and of themselves, do not constitute records. Retention and disposition of e-mail messages depends upon the function and content of the individual message. Records on College e-mail systems will be retained and disposed of in the manner proscribed in the Records Management Plan.

**DEFINITIONS**

“Records Management Plan” refers to the administrative regulations implemented by the College for the retention, retrieval and disposition of all records generated by College operations.

“Records Retention Schedule” refers to the administrative regulations implemented by the College which list the retention periods and official custodians for, and the proper disposition method of, specific types of records.

**DELEGATION OF AUTHORITY**

The President of the College and/or his or her designee(s) will be responsible for the development, periodic review and update, as needed, of the College’s Records Management Plan and Records Retention Schedule. The Records Management Plan will include procedures to immediately

suspend the disposition of all records relevant to a current or potential claim or investigation and ensure that all such records are preserved, maintained and collected in accordance with the requirements of applicable law.

The College's public records will be made available for access and duplication to requesters, in accordance with the requirements of law, Board Policy and Administrative Regulations.

#### **REFERENCES**

Records Management Plan (Administrative Regulation)  
Record Retention Schedule (Administrative Regulation)  
Public Records and Release of Information (Administrative Regulation)  
Pennsylvania Right to Know Law, 65 P.S. §67.101 et seq.

## II.09: Use and Ownership of Intellectual Property

<b>SECTION</b>	<b>GENERAL INSTITUTION</b>
<b>POLICY NO.</b>	<b>II.09</b>
<b>TITLE</b>	<b>Use and Ownership of Intellectual Property</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

Except as otherwise described below, the College will own all intellectual property rights in and to patentable inventions and copyrightable works that are created or developed by College employees in the course and scope of their employment or through substantial use of College funds, personnel, equipment or technological resources. Copyrightable works created by College employees in the course and scope of their employment shall be considered “works made for hire” in accordance with applicable copyright law.

The ownership of intellectual property rights in academic and other scholarly works created by teaching faculty will be determined in accordance with the provisions of the Collective Bargaining Agreements in effect between the College and its full-time and adjunct faculty unions, which shall supersede and control over any inconsistent terms or provisions set forth herein.

The College will not be deemed to own the intellectual property rights in or to an invention or copyrightable work created by an employee(s) in the following circumstances:

1. The invention or copyrightable work was created by the employee on his or her own time and without substantial use of College resources. For purpose of the foregoing, a use of College resources that is incidental and not essential to the development of the invention or copyrightable work does not constitute substantial use.
2. The College and the employee have entered into a separate written agreement which allocates or conveys the intellectual property rights in the invention or work to the employee, in whole or in part.
3. The invention or work was developed or created utilizing funds provided under a contract, grant or other arrangement between the College and a third party, in which case the ownership rights will be determined according to the terms of grant or other agreement between the College and such third party.

### **DEFINITIONS**

An “invention” refers to a new and useful discovery, process, machine, manufacture or composition of matter, or any new and useful improvement thereof.

A “copyrightable work” refers to an original work of authorship that is reduced to tangible form, including literary works, computer software, data sets, musical works and sound recordings, dramatic works, artistic works (pictorial, graphic, and sculptural), motion pictures and other audiovisual works, and architectural works.



## **DELEGATION OF AUTHORITY**

The College will implement administrative regulations which set forth guidelines and procedures relating to the use of copyrighted materials for educational or other College-related purposes.

## **REFERENCES**

Board Policy VII.03 – Software Copyrights  
Copyright and Fair Use Guidelines (Administrative Regulation)  
Full-Time and Adjunct Faculty Collective Bargaining Agreements

### **SECTION III. ACADEMICS AND STUDENT SERVICES**

#### **III.01: Information Regarding Academic Programs and Policies**

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.01</b>
<b>TITLE</b>	<b>Information Regarding Academic Programs and Policies</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College will publish information regarding its credit and non-credit course offerings, programs of study and requirements, its academic calendar and grading, admissions, tuition, refund and other academic policies and procedures, and such other consumer information as may be required by law, on its website and/or through media approved by the administration.

#### **REFERENCES**

Student Handbook

Course Catalog

Higher Education Opportunity Act, 20 U.S.C. §1001 et seq.

III.02: Accreditation

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.02</b>
<b>TITLE</b>	<b>Accreditation</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College shall strive to maintain the standards of excellence necessary to maintain accreditation by the Middle States Commission on Higher Education (“MSCHE”). The College will regularly analyze its operations and offerings through self-studies, periodic reviews, evaluation visits and other means of assessment in accordance with the standards promulgated by the MSCHE.

Degree programs requiring approval by a state or federal agency will be designed and operated to meet the requirements of such agency.

The College will strive for and maintain accreditation of individual programs whenever the program under consideration is within the financial resources of the College and will meet the needs of the students.

All faculty, staff and employees of the College are expected to comply with standards established by applicable accrediting agencies, and to participate in the accreditation process as and to the extent required.

### III.03: Grading and Academic Progress Requirements

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.03</b>
<b>TITLE</b>	<b>Grading and Academic Progress Requirements</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College will establish criteria and standards for satisfactory academic progress. Student outcomes will be monitored in an effort to support appropriate progress toward the achievement of student educational goals.

Students will be notified of the grading system and requirements for academic credit courses by publication in the course outline, course catalogs and student handbooks and/or other means of communication approved by the administration. Students will be responsible for being cognizant of grading policies and requirements, and changes or revisions made to such requirements, in the instructional program or programs in which they are enrolled.

#### **DELEGATION OF AUTHORITY**

The Administration will develop and implement regulations and procedures to implement the requirements of this Policy.

#### **REFERENCES**

Student Handbook  
Program Handbooks  
Course Catalog

III.04: Award of Honorary Degrees

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.04</b>
<b>TITLE</b>	<b>Award of Honorary Degrees</b>
<b>APPROVAL DATE</b>	<b>4/21/1997</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College may award, upon recommendation of the President and approval of the Board of Trustees, the honorary degree of Associate of Arts (A.A.) to outstanding individuals on the basis of meritorious service and/or significant contributions to the College or to the community at large.

III.05: Admissions

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.05</b>
<b>TITLE</b>	<b>Admissions</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>2/05/2015; 6/2/2016</b>

The College generally admits all persons who are high school graduates, hold GED (General Education Development) Certificates or who demonstrate an ability to benefit from post-secondary education. The College requires degree-seeking students without college degrees or adequate college-level course work to be tested to determine the appropriate entry-level mathematics, reading and writing courses. Individual and specialized degree programs may establish independent admission standards and requirements relative to admission to such programs.

**DELEGATION OF AUTHORITY**

The Administration will establish regulations and procedures to implement this Policy.

**REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity  
Student Handbook  
Program Handbooks  
Course Catalog  
Pennsylvania Community College Act, 24 P.S. §19-1905-A  
22 Pa. Code §35.29a

### III.06: Felony Reporting

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.06</b>
<b>TITLE</b>	<b>Felony Reporting</b>
<b>APPROVAL DATE</b>	<b>2/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

In accordance with Board Policy III.05, the College endeavors to provide educational and rehabilitative opportunities to individuals with prior criminal records, and will generally and/or provisionally admit prospective students without regard to such status. However, the College also recognizes its obligation to provide a safe learning and working environment for all members of the College community through the process of conducting effective threat assessments and the issuance of timely warnings. As part of that effort, applicants for admission may be asked to provide information related to prior felony convictions, prior charges or convictions for behaviors involving violence or harm to others, and disciplinary or institutional misconduct charges brought or issued against the applicant by any other college, university or school. Currently enrolled and previously enrolled students are required to provide written notice to the Dean of Student Development for their campus of any felony conviction or criminal charge involving an act of violence or harm to others which occurs subsequent to the submission of the student's original application for admission.

The College, in its discretion, may defer or place conditions on a student's enrollment, continued enrollment or re-enrollment based upon its evaluation of information regarding the student's prior or current criminal convictions, violent behavior or acts of institutional misconduct. As appropriate and required by law, the College will issue a timely warning notice if it determines, based upon its evaluation of such information, that a serious or on-going threat to the safety of the College community exists. The College reserves the right to suspend, dismiss or deny admission to any individual if the College determines that a student's enrollment will pose a significant and unreasonable level of danger or risk of harm to other members of the College community, the terms and conditions of the student's post-release supervision cannot reasonably be accommodated; or that the student failed to disclose or falsified information regarding prior felony convictions, crimes or misconduct that was requested in accordance with this policy.

In accordance with Board Policy II.01, all enrollment decisions hereunder will be made without discrimination against any individual based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, use of a service animal due to disability, marital status, familial status, genetic information, veteran status, age or other classification protected by applicable law.

**DELEGATION OF AUTHORITY**

The Administration will establish regulations and procedures to implement this Policy.

**REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity  
Board Policy III.05 – Admissions



III.07: Drug and Alcohol Policy for Students

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.07</b>
<b>TITLE</b>	<b>Drug and Alcohol Policy for Students</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, the Community College of Allegheny County shall implement a program to prevent the illicit use of drugs and the abuse of alcohol by students. This program will include publication of an annual notice to students that contains the following information:

1. That the CCAC Student Behavioral Code of Conduct specifically prohibits the possession, sale, use, manufacturing, distribution, and/or being under the influence of illegal controlled substances or alcohol on the College's campuses, centers and facilities or at College-sponsored activities off campus.
2. That students are subject to applicable legal sanctions, which may include fines and/or imprisonment under applicable local, state and federal laws, for the unlawful possession, sale, use, manufacturing, and/or distribution of illegal controlled substances or alcohol. In addition, students will be subject to disciplinary action under the Student Behavioral Code of Conduct, which may include warning, probation, suspension or dismissal from the College.
3. That alcoholism and other chemical dependencies are progressive diseases that can destroy one's physical, emotional and spiritual well-being. Initial effects include altered levels of consciousness resulting in poor judgment and increased risk of accidents and injury. Long-term health effects of substance abuse include increased incidents of heart disease, pancreatitis, cirrhosis of the liver, gastric ulcers and malnutrition. Those impaired gradually cease being productive members of their families and society at large. They lose valuable time due to illness and frequently have difficulty performing duties requiring accuracy and sound judgment.
4. That numerous resources offering assistance in Allegheny County are available to provide therapy and counseling to those suffering from alcohol or substance abuse, and that College counselors will provide confidential referrals to such agencies to students.
5. That the College will conduct a biennial review of all programs designed to respond to the abuse of controlled substances and alcohol to determine the effectiveness and need, if any, for changes as well as to ensure that sanctions are being consistently enforced.

**REFERENCES**

Student Handbook  
Student Behavioral Code of Conduct  
Course Catalog  
Drug-Free Schools and Communities Act, 20 U.S.C §1011i

III.08: Student Development Program, Fees and Funds

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.08</b>
<b>TITLE</b>	<b>Student Development Program, Fees and Funds</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College will offer student development programming that will provide students with the opportunity to grow personally, socially, academically and professionally through activities that help students become self-directed learners and problem-solvers. To this end, the Board of Trustees has adopted a College Fee to support this programming.

College Fee funds shall be used to support programs in the following areas:

- A. Clubs and organizations
- B. Cultural and personal development
- C. Publications/media
- D. Personal physical fitness and intramurals
- E. Intercollegiate Athletics

**DELEGATION OF AUTHORITY**

The Administration may establish regulations and/or procedures to implement this Policy.

**REFERENCES**

Student Development Fund (Administration Regulation)  
Student Handbook  
Course Catalog

III.09: Student Records

<b>SECTION</b>	<b>ACADEMICS AND STUDENT SERVICES</b>
<b>POLICY NO.</b>	<b>III.09</b>
<b>TITLE</b>	<b>Student Records</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College collects, maintains, secures, and makes disposition of student records for the educational welfare and advancement of its students. Access to and dissemination of student education records shall at all times comply with applicable federal and state laws and regulations, including without limitation the requirements of the Family Educational Rights and Privacy Act (FERPA).

In accordance with FERPA, personally identifiable information contained in student education records shall not be disclosed without a student's prior written consent, except in cases in which FERPA authorizes disclosure without such prior consent. Such cases include disclosures that are made to:

- College officials with a legitimate educational interest in the information;
- Other schools to which a student is transferring or seeks to enroll;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- Comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to state law; and
- Victims of violent crimes and certain sex offenses, in accordance with the requirements of Title IX.

The College may further disclose information that has been designated as directory information, in its discretion and without the student's prior consent, unless the student has previously notified the College in writing that the student does not want his or her directory information to be disclosed.

The College shall provide annual notification to students of their rights concerning student records. The notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English, and include all information required by FERPA, including the following:

1. The right to inspect and review the student's education record within forty-five (45) days of the College's receipt of the request for access;

2. The right to request amendment of the student's education records that the student believes are inaccurate, misleading or otherwise violate the student's privacy rights;
3. The right to a hearing if a request to amend a student's education records is denied;
4. The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent;
5. The right to file a complaint with the U.S. Department of Education's Family Policy Compliance Office concerning alleged failures by the College to comply with the requirements of FERPA.

### **DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy. Such regulations and procedures shall, at a minimum, describe and/or identify the following: the means by which annual FERPA notices shall be provided to students; the custodian(s) of and retention periods for student education records; the procedure(s) through which students may request access to and/or challenge information contained in their education records; the types of information which the College has designated as directory information, and the process by which students can opt out of disclosures of directory information; the types of records and information that are not maintained or required to be maintained as part of the student's education record or to which the student does not otherwise have a right of access under FERPA; and the circumstances in which personally identifiable information contained in the student's education records may be disclosed without the student's prior consent.

### **REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX & Equal Education and Employment Opportunity  
Civil Rights Complaint Procedure  
Review and Release of Information in Student Records (Administrative Regulation)  
Student Handbook  
Course Catalog  
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g

**SECTION IV. PERSONNEL AND EMPLOYMENT**

IV.01: Recruitment, Search and Selection

<b>SECTION</b>	<b>PERSONNEL AND EMPLOYMENT</b>
<b>POLICY NO.</b>	<b>IV.01</b>
<b>TITLE</b>	<b>Recruitment, Search and Selection</b>
<b>APPROVAL DATE</b>	<b>3/18/1991</b>
<b>REVISION DATE(S)</b>	<b>2/19/1996; 6/5/2014; 6/2/2016</b>

Community College of Allegheny County endeavors to attract, identify and hire well-qualified and diverse candidates who are the best fit for position vacancies. In keeping with the College’s mission, CCAC is committed diversity at all levels and seeks applications from candidates who share this commitment. The College is an equal opportunity employer and complies with all applicable federal, state and local laws regarding hiring practices and with applicable collective bargaining agreements. All prospective new hires will be required to successfully complete a background check, including a criminal records check and verification of education and work experience, as a condition of employment. Additionally, individuals seeking employment in positions that involve a significant likelihood of regular contact with minors will be required to provide the College with criminal record and child abuse clearances, and comply with such other requirements as may be established under applicable law. For positions at the College for which educational degrees are required, only educational degrees from accredited institutions are acceptable. Appropriate and adequate funding must be identified and approved for each position prior to vacancy posting.

**CONFIDENTIALITY**

To protect the privacy of candidates and to preserve the integrity of employment recruitment, search and selection process, all search committee members and staff involved in the process are required to maintain confidentiality throughout and after the conclusion of the recruitment process. Confidential information includes the names of applicants and matters discovered or discussed during the recruiting process. All information relating to the search may only be discussed with other search committee members, the Human Resources Department or administrators in the chain of command of the hiring department. Employees who violate this requirement for confidentiality will be subject to disciplinary action in accordance with collective bargaining agreements and/or the College administrative disciplinary action policy.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy.

## **REFERENCES**

Recruitment, Search and Selection Procedures (Administrative Regulation)  
CCAC Hiring Guidelines  
Faculty and SEIU Collective Bargaining Agreements

IV.02: Compensation

<b>SECTION</b>	<b>PERSONNEL AND EMPLOYMENT</b>
<b>POLICY NO.</b>	<b>IV.02</b>
<b>TITLE</b>	<b>COMPENSATION</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College recognizes the necessity of maintaining competitive compensation for its employees and of preserving equitable relationships among the several functional groups of employees and among organizational levels.

Compensation for employees belonging to unions is established through collective bargaining agreements approved by the Board of Trustees.

Compensation for administrative and other employees not included in a collective bargaining unit is determined by reference to equivalent educational and industry standards and maintained through compensation programs approved by the Board of Trustees.

**REFERENCES**

Employee Manual  
Salary and Timekeeping Guidelines  
Faculty and SEIU Collective Bargaining Agreements

IV.03: Drug Free Workplace

<b>SECTION</b>	<b>PERSONNEL AND EMPLOYMENT</b>
<b>POLICY NO.</b>	<b>IV.03</b>
<b>TITLE</b>	<b>Drug Free Workplace</b>
<b>APPROVAL DATE</b>	<b>10/17/2010</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College prohibits the unlawful manufacture, distribution, sale, possession and/or use of illegal drugs, unauthorized controlled substances, alcohol, or similar activity at any College facility or College event. Violations of this Policy will result in appropriate corrective and/or disciplinary action up to and including termination.

In compliance with the *Drug-Free Workplace Act of 1988*, the *Drug-Free Schools and Communities Act of 1989*, and other legislative requirements, all employees of the College must abide by this Policy and the regulations and procedures which implement this Policy as a condition of employment.

The College will implement all the requirements of the *Drug-Free Workplace Act of 1988* and the *Drug-Free Schools and Communities Act of 1989* including a drug and alcohol awareness program.

Conviction under Criminal Drug Statute

An employee must provide written notice to the College's chief human resources officer of a conviction of a crime involving the use, sale, or distribution of drugs within five (5) days of such conviction. If the conviction involves a federal grant employee, the College's chief human resources officer will notify the appropriate federal contracting agency within ten (10) days of receiving notification of such conviction.

Standards of Conduct

In accordance with the foregoing, the following conduct is expressly prohibited:

1. Use, possession, control, storage, manufacture, distribution, dispensation or sale of or solicitation to buy or sell illegal drugs, drug paraphernalia, or unauthorized controlled substances on College premises, at College events, on College business, in College vehicles, or anytime an employee is working for the College or being paid by the College.
2. Manufacture, dispensation or sale of, solicitation to buy or sell alcohol, or unlawful possession of alcohol on College premises, in College vehicles, or anytime the employee is actively at work.
3. Legal use of alcohol on College premises is limited to special occasions specifically and expressly approved by the President of the College.
4. Use of an unauthorized controlled substance, illegal drug or alcohol so as to adversely affect the employee's work performance, the employee's safety or the safety of others.



5. Refusing to participate in or successfully complete a required drug or alcohol counseling or rehabilitation program and/or job performance remediation plan.
6. Conviction under any criminal drug statute or for any criminal offense involving controlled substances, illegal drugs or alcohol.
7. Failure to notify the College of conviction under any criminal drug statute for violations occurring in the workplace within five (5) days of conviction.

#### Employee Awareness and Assistance Programs

The College will develop programs and materials which provide information describing the danger of drugs and alcohol in the workplace, and identifying resources to assist employees who are dealing with drug and alcohol related problems.

#### **REFERENCES**

Employee Manual  
Drug and Chemical Dependency Testing Protocol and Procedures  
20 U.S.C. §1011i  
41 U.S.C. §8101 et seq.

IV.04: Military Leave

<b>SECTION</b>	<b>PERSONNEL AND EMPLOYMENT</b>
<b>POLICY NO.</b>	<b>IV.04</b>
<b>TITLE</b>	<b>Military Leave</b>
<b>APPROVAL DATE</b>	<b>10/18/2001</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

Military leave shall be granted in accordance with applicable federal and state law and collective bargaining agreements.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy and to ensure that the military leave, benefit continuation and return to work requirements of applicable law are provided to employees who are called to active military duty.

**REFERENCES**

Employee Manual

Faculty and SEIU Collective Bargaining Agreements

Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §4301 *et seq.*

Family and Medical Leave Act of 1993, 29 U. S. C. §2601 et seq.

**SECTION V. FISCAL AND BUSINESS AFFAIRS**

V.01: Fiscal Control

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.01</b>
<b>TITLE</b>	<b>FISCAL CONTROL</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

Operating and internal controls shall be established at appropriate points in the financial system to ensure that fiscal as well as legal and other regulatory requirements are satisfied.

The College’s annual operating budget shall be prepared by the President following an established budgeting process, and presented for review and approval to the Board in accordance with that process.

The College’s accounts shall be audited on an annual basis by an independent certified public accounting firm selected by the Board, which shall render an opinion on the College’s financial statements.

The College will establish and maintain an internal audit function that will be responsible for independently examining fiscal activities at the College and recommending necessary and appropriate corrective actions to ensure compliance with applicable laws, Board policies and financial accounting standards.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy.

**REFERENCES**

- Board of Trustees Bylaws
- Board Policy V.05 – Operating and Capital Budgets
- Board Policy V.05.02 – Budget Process
- Fiscal Administration Regulations

V.02: Contracts

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.02</b>
<b>TITLE</b>	<b>CONTRACTS</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>03/08/2001; 01/24/2005; 11/20/2006; 6/2/2016</b>

The College President is delegated authority to enter into and execute contracts on behalf of the Community College of Allegheny County, including contracts associated with grants and awards, as may be necessary to carry out the mission of the College, subject to limitations set forth in the College's approved annual capital and operating budgets, applicable law and Board policy. Notwithstanding the foregoing, the following types of contracts and agreements will require prior approval of the Board, upon recommendation by the President:

1. Contracts or agreements involving the sale, acquisition or disposition of the College's ownership interest or other possessory rights in real property, in whole or in part.
2. Real estate and/or capital equipment leases for a term in excess of one-year.
3. Selection of the demand depository institutions for College funds.
4. Selection and engagement of an independent public accounting firm to conduct the College's annual audit.
5. Construction project change orders that exceed 10% of the approved project budget.
6. Individual employment contracts for a definite and defined term and related relocation expenses.
7. Collective bargaining agreements.
8. Other types of contracts or agreements reserved to the authority of the Board by application of law, regulation, Board policy or Board bylaws.

Contracts and agreements entered into by the College will be subject to legal review in accordance with established Board policy and bylaws.

Contracts for construction or repair work and for the purchase of services shall be made and awarded through a competitive bid and/or solicitation processes, as and to the extent required by applicable law.

The President of the College may further delegate the signing authority granted to him/her hereunder to College employees holding the rank of vice president or higher for contracts within their respective areas of responsibility.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy.

## **REFERENCES**

Board of Trustees Bylaws  
Board Policy II.06 – Legal Services and Review  
Fiscal Administration Regulations  
Community College Act, 24 P.S. §19-1901-A et seq.  
22 Pa. Code §35.1 et seq.

V.03: Receipt and Disbursement of Funds

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.03</b>
<b>TITLE</b>	<b>RECEIPT AND DISBURSEMENT OF FUNDS</b>
<b>APPROVAL DATE</b>	<b>06/17/2004</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

College revenues shall be received by campus business offices or such other offices as may be designated by the College's chief financial officer. Revenues shall be deposited in designated bank accounts by the end of each business day. Revenues include tuition and fees received from students and sponsors, reimbursable operating and capital expenditures from State and County governments, financial aid and scholarship funds received from government and private agencies, restricted grants and other miscellaneous revenues. The College's chief financial officer shall approve in writing the types of payments and funds that may be received by the campus business offices and any other office designated or authorized to collect revenues hereunder.

College revenues received by other employees shall be transmitted to the designated location to receive and record revenues before the end of each business day.

College disbursements shall be made through checking accounts, electronic funds transfers or other means approved by the College's chief financial officer. Incidental disbursements may be made through duly authorized petty cash accounts.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this Policy, including procedures for approving and documenting disbursements of College funds.

**REFERENCES**

Fiscal Administration Regulations

V.04: Cash Advancements and Expense Reimbursement

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.04</b>
<b>TITLE</b>	<b>CASH ADVANCEMENTS AND EXPENSE REIMBURSEMENT</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College will reimburse Board members and employees for reasonable and necessary expenses that are incurred in connection with the transaction of College business. Reimbursement of expenses will be made subject to and in compliance with applicable law and regulations and procedures promulgated by the College under authority of this Policy.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations governing reimbursement of business-related expenses, including expenses incurred in connection with business-related travel.

**REFERENCES**

Fiscal Administration Regulations  
Employee Manual  
Community College Act, 24 P.S. §19-1901-A et seq.  
22 Pa. Code §35.1 et seq.

V.05: Operating and Capital Budgets

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.05</b>
<b>TITLE</b>	<b>OPERATING AND CAPITAL BUDGETS</b>
<b>APPROVAL DATE</b>	<b>11/08/2008</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016; 1/11/2018; 1/10/2019</b>

**OPERATING BUDGET DEVELOPMENT**

The College's annual Operating Budget shall be developed by the President prior to, or at the beginning of, each fiscal year. The budget shall be presented to the Audit, Finance, and Facilities Committee of the Board. Upon approval of the Audit, Finance, and Facilities Committee, the Chairman shall present it to the Board for final approval. The operating budget shall represent the operating plans of the College, expressed in quantitative and monetary terms. The budget shall be prepared in sufficient detail to show planned revenues and expenses for the fiscal year according to major areas and subsidiary departments or activities of the College. Planned revenues and expenses shall be presented according to classifications provided for in the College Chart of Accounts.

The College will strive to maintain an Unrestricted Reserve Fund that includes undesignated reserves that are equal to at least 15% of the actual fund operating revenues for the then current fiscal year as determined or confirmed in the Final Audit for that fiscal year. In addition to the undesignated reserves that are within the Unrestricted Reserve Fund, the College may also establish reserve funds that are designated for specific purposes.

Taking into consideration the actual or expected audit results for the preceding fiscal year, the annual operating budget process shall include a provision that up to three percent (3%) of annual revenues be set aside into the Unrestricted Reserve Fund to provide a reserve for future years for either Undesignated reserves or for Designated reserves for ongoing facilities maintenance, renovations, construction and other emergencies or compelling needs, including but not limited to: legal, technological, safety/risk management, academic or other financial imperatives. This provision can be waived by the Administration in any year that the total undesignated reserve balance per the last audited financial statements already equals or exceeds fifteen percent (15%) of the actual current fund operating revenues for the audited fiscal year, and the current year's operations are not expected to erode that percentage.

No funds within the undesignated reserves shall be encumbered without specific review and approval by the Finance Committee or Board of Trustees and no funds shall actually be expended from the undesignated reserves for specific projects without, at that time, a review by the Finance Committee and subsequent approval or ratification by the Board of Trustees. At the time such encumbrance or transfer is presented to the Finance Committee or Board of Trustees, staff shall also provide a detailed accounting of the actual value of the current Fund Operating reserves including any expenditures or encumbrances since the time of the last audit.



## **CAPITAL BUDGET DEVELOPMENT**

The Capital Expenditures Budget shall be developed by the President prior to, or at the beginning of, each fiscal year. The budget shall be presented to the Audit, Finance, and Facilities Committee. Upon approval by the Audit, Finance, and Facilities Committee, the Chairman shall present it to the Board of Trustees for final approval. The Capital Expenditures Budget shall show capital expenditure plans by major areas and subsidiary departments, where applicable, according to individual categories of expenditures or individual capital expenditure projects. Planned capital expenditures of a recurring nature, such as leases or equipment, shall be budgeted by category of expenditure rather than by individual project. Planned nonrecurring capital expenditures, such as building programs, shall be budgeted by individual project.

## **TRANSFERS**

After approval of the annual Operating and Capital Expenditure Budgets by the Board of Trustees, any subsequent transfer of budget amounts between major areas or between categories of expenditures or individual projects (in the case of Capital Expenditures Budget) shall be approved, in advance, by the Audit, Finance, and Facilities Committee, and then presented to the Board of Trustees for final approval.

Transfer of budget amounts within a major area or within any individual category of recurring capital expenditures shall be approved by the College's chief financial officer. Transfer of budget amounts from any budgeted contingency classification shall be approved, in advance, by the Audit, Finance, and Facilities Committee.

## **MODIFICATION OF BUDGETS**

The Audit, Finance, and Facilities Committee shall approve any budget modifications that increase the total amounts of the annual budgets. Upon approval of such modifications by the Audit, Finance, and Facilities Committee, the Chairman shall present proposed modifications to the Board of Trustees for final approval.

The President shall submit monthly financial reports to the Audit, Finance, and Facilities Committee. These reports shall be submitted no later than one (1) month after the close of each monthly period. As a minimum requirement, such reports shall present for each major area and for each category of Capital Expenditures or individual project (in the case of Capital Expenditure): (1) Initially approved annual budget amounts; (2) modified annual budget amounts; (3) actual revenues and expense for the year to date; (4) outstanding total amounts of commitments or encumbrances, where individual amounts exceed \$500; and (5) unexpended annual budget amounts (or deficits), after giving recognition to commitments and encumbrances.

Substitutions to a Board approved capital project and/or acquisition may be made to the extent of 10% of the total project or less without Board approval subject to availability of funds in the approved capital budget.

## **REFERENCES**

Board of Trustees Bylaws  
Board Policy V.05.01 – Auxiliary Enterprise Fund  
Board Policy V.05.02 – Budget Process  
Fiscal Administration Regulations

V.05.01: Auxiliary Enterprise Fund

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.05.01</b>
<b>TITLE</b>	<b>AUXILIARY ENTERPRISE FUND</b>
<b>APPROVAL DATE</b>	<b>09/14/2014</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

The purpose of this Policy is to set forth requirements governing the use and disbursement of Auxiliary Enterprise Funds.

**GENERAL**

The College maintains an Auxiliary Enterprise Fund as part of the Operating Budget. The Auxiliary Enterprise Fund consists of revenues received or derived by the College from enterprises that predominantly exist to furnish goods and services to students, faculty and staff for a fee or price. These enterprises directly support the College's educational programs, activities and mission, and may include foodservice dining, café and vending related operations; the sale of textbooks, supplies and other goods at the College's bookstores; facility usage rentals; and parking and similar services for which the user is charged a fee. Auxiliary enterprises may be operated directly by the College or by contracted service providers that pay a negotiated commission to the College based on revenues generated by the enterprise.

**REQUIREMENTS GOVERNING USE OF AUXILIARY ENTERPRISE FUNDS**

Auxiliary enterprises are intended to be self-supporting, and prices, fees and contracted services will be structured to ensure the recovery of all costs necessary to operate that enterprise. The use of College operating funds or other financial resources to subsidize an auxiliary enterprise will require prior approval of the President.

Excess funds generated or received from auxiliary enterprises shall be utilized to support activities that benefit students or to meet other College needs, subject to and in accordance with the following requirements:

1. Twenty-five percent (25%) of net proceeds received from the operation of the College's bookstores, or such other amount or percentage as may be specified in Board Policy or administrative procedures, will be credited to the Student Development Fund.
2. Auxiliary Enterprise Funds may be utilized to fund activities and initiatives which support or serve to promote the College's mission and for which funding is not available in the general operating budget. Such activities include, but are not limited to, advertising initiatives;

technology upgrades; social or special events; and maintenance, repair and renovation of College facilities.

3. All expenditures of Auxiliary Enterprise Funds must be approved by the President and the College's chief financial officer, and comply with all College fiscal policies and procedures applicable to the type of expenditure approved.
4. The transfer of funds from the Auxiliary Enterprise Fund to any other area or category of the Operating Budget or the Capital Expenditure Budget shall be approved in accordance with policies and procedures applicable to other budget transfers.
5. The Auxiliary Enterprise Fund shall maintain a reserve equal to at least \$3.5 million. This reserve will be counted towards the fund balance reserve requirements established under Board Policy V.05-Operating and Capital Budgets, and may only be utilized in accordance with the process and procedures applicable to the utilization of fund balance provided therein.

The Administration is delegated authority to implement regulations and procedures to further implement this Policy.

#### **REFERENCES**

Board Policy V.05 – Operating and Capital Budgets  
Fiscal Administration Regulations

V.05.02: Budget Process

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.05.02</b>
<b>TITLE</b>	<b>BUDGET PROCESS</b>
<b>APPROVAL DATE</b>	<b>10/02/2014</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

The purpose of this Policy is to ensure that the College’s operating and capital budgets are aligned with the College’s strategic goals and timely submitted to the Board of Trustees for their review and approval prior to the start of a new fiscal year.

**GENERAL**

The budget process will begin in October of the year prior to the budget year, based upon a schedule proposed by the College’s chief financial officer and reviewed by the President's Cabinet and approved by the President. The final schedule will be submitted to the Board of Trustees Audit, Finance, and Facilities Committee and the full Board of Trustees for their approval.

Budget instructions and materials will be distributed prior to the Thanksgiving Holiday and budget requests returned prior to the Winter Holiday break.

The chief financial officer will begin meeting in November with members of the College community including deans, faculty and staff to review and discuss the budget process, schedule and forms.

Budget requests will focus on achieving the College’s strategic goals, with the input from the President’s Cabinet, faculty and staff. The requests will specify how the total budget, as well as how new staff, equipment and other resources align and support the strategic goals.

The budget request will include specific dollar amounts by line item, staffing by position title, as well as performance measures including measures for the upcoming budget year.

Deans will review, discuss and submit their budget requests through their respective campus presidents.

The chief financial officer will review and discuss the preliminary budget requests at the January faculty convocation and on each campus.

Alternative revenue forecasts will be prepared in January based on alternative levels of State and local sponsor aid.

The Board of Trustees, President and the President's Cabinet will receive regular updates throughout the budget development process. The chief financial officer will provide a budget update and present the draft budget to the Board of Trustees at the February and March Board meetings. A final draft budget document that includes assumptions for revenues and expenditures, staffing and performance measures and capital expenditures will be reviewed and discussed in detail with the Audit, Finance and Facilities Committee and the entire Board of Trustees at the April board meeting. The budget message will specify how resources closely align with strategic goals.

The Board of Trustees will approve the operating and capital budgets at its May meeting, upon approval and recommendation of the Audit, Finance, and Facilities Committee. Copies of the approved operating and capital budgets will be provided to the Allegheny County Council and County Executive.

The approved budget will be available on the College's web site, with a limited number of printed copies.

#### **REFERENCES**

Board Policy V.05 – Operating and Capital Budgets  
Board Policy V.05.01 – Auxiliary Enterprise Fund

V.06: Investments

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.06</b>
<b>TITLE</b>	<b>Investments</b>
<b>APPROVAL DATE</b>	<b>11/20/2003</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

The College is authorized to invest cash reserves in the following instruments:

- U.S. Treasury Bills.
- Obligations of the United States of America and related agencies, and of the Commonwealth of Pennsylvania.
- A-1, P-1-rated commercial paper, or equivalent instruments.
- Fully collateralized, per Act 72, time deposits, certificates of deposit, and repurchase agreements of financial institutions which have a short-term rating by Moody's (or equivalent) of "P-1" or better and whose long-term senior debt rating is "A-2" or better, and which have combined capital and surplus and undivided profits of not less than \$1,000,000,000.
- Money market mutual funds/investment companies that are AAA-rated by Moody's (or equivalent), managed to a \$1.00 NAV, and are in compliance with Section 2A-7 of SEC rules, and which restrict their investments to instruments described above.

No more than \$5 million of the College's cash reserves may be invested in instruments with maturities of more than one-(1) year, and in no event may any investment have a maturity of more than five (5) years.

**REFERENCES**

Fiscal Administration Regulations  
Community College Act, 24 P.S. §19-1901-A et seq.  
22 Pa. Code §35.1 et seq.

V.07: MWDBE Procurement

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.07</b>
<b>TITLE</b>	<b>MWDBE Procurement</b>
<b>APPROVAL DATE</b>	<b>11/17/2006</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

In recognition of its commitment to the community and in keeping with the principals set forth in its mission statement, strategic plan, and Non-Discrimination, Title IX and Equal Education and Employment Opportunity Policy, the College will provide eligible minority, women-owned and disadvantaged business enterprises (“MWDBE”) with equal opportunity to participate fully and fairly in the College’s procurement and contract award processes.

**DEFINITIONS**

“Disadvantaged Business Enterprise” (DBE), shall mean an eligible sole proprietorship, partnership or corporation operated by socially and economically disadvantaged group members that have at least fifty-one (51%) ownership.

“Minority Business Enterprise” (MBE), shall mean an eligible sole proprietorship, partnership or corporation operated by minority group members that have at least fifty-one (51%) ownership. The minority group member must have operational and managerial control, and an interest in capital and earnings that is consistent with their percentage of ownership. Minority means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans or Asian-Indian Americans and any other disadvantaged individuals as defined by the Small Business Administration pursuant to Section 8(a) of the Small Business Act, as amended.

“Women Business Enterprise” (WBE), shall mean an eligible sole proprietorship, partnership or corporation operated and controlled by women who have at least fifty-one (51%) ownership. The women must have operational and managerial control, and an interest in capital and earnings that is consistent with their percentage of ownership.

“Eligible MWDBE” shall refer to a firm that is certified by one or more of the following agencies: the Small Business Administration (SBA), the Pennsylvania Department of General Services (DGS), the Pennsylvania Unified Certification Program (PA UCP), or other similar certifying agency recognized by the federal government or the Commonwealth of Pennsylvania.

**OBJECTIVES**

The objectives of this Policy are to promote and encourage full and open competition of MWDBE firms in the procurement of goods and services by the College, to strive to increase purchases from MWDBE firms to not less than 15% of CCAC’s total non-salary and non-utility expenditures, and to encourage all College personnel involved with procurement to recognize the College’s



commitment to actively promote the development and utilization of eligible MWDBE firms. All College employees who are involved in the purchase or procurement of goods and services on behalf of the College are responsible for complying with the requirements of this Policy and facilitating the attainment of the objectives stated herein. The College shall further promote and encourage participation of eligible MWDBE firms in all contract awards and/or purchases that require a competitive bid and/or solicitation process under applicable law or College policies and regulations.

In connection with its efforts to achieve these objectives, the College will, at a minimum, undertake the following actions:

1. Inform the College community about this Policy and its objectives;
2. Update and distribute an MWDBE approved vendor list to departments, administrators and other staff members who are involved in the purchase of goods and services on behalf of the College;
3. Promote opportunities to do business with the College amongst and to MWDBE firms and related professional or business organizations and associations;
4. Require contractors on construction projects to submit written reports detailing the amounts subcontracted to or purchased from eligible MWDBE firms;
5. Monitor and enforce the terms of Project Stabilization Agreements, as and where applicable;
6. Participate in local, state and/or federal contracts awarded to eligible MWDBE firms, where applicable and available;
7. Undertake efforts to increase the number of eligible MWDBE firms on the College's approved vendor lists;
8. Impose appropriate sanctions on contractors or vendors that fail to demonstrate good faith compliance with agreed upon MWDBE participation goals or otherwise misstate or misrepresent MWDBE participation in their contracts and agreements with the College.

#### **DELEGATION OF AUTHORITY:**

The College's Procurement Department and Office of Institutional Diversity and Inclusion shall be jointly responsible for administering this Policy and monitoring compliance therewith.

#### **REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity  
Board Policy II.05 – Reporting Policy Violations  
Board Policy V.02 – Contracts  
Fiscal Administration Regulations  
Community College Act, 24 P.S. §19-1901-A et seq.  
22 Pa. Code §35.1 et seq.

V.08: Fraud, Waste and Abuse

<b>SECTION</b>	<b>FISCAL AND BUSINESS AFFAIRS</b>
<b>POLICY NO.</b>	<b>V.08</b>
<b>TITLE</b>	<b>FRAUD, WASTE AND ABUSE</b>
<b>APPROVAL DATE</b>	<b>1/15/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

It is the Policy of the College to fully comply with all federal, state and local laws, rules and regulations pertaining to the operation of its educational programs and activities, including the requirements of all agencies which provide funding to the College or which operate programs in which the College participates. In accordance with this Policy, the College expressly prohibits the commission or concealment of acts of Fraud, Waste or Abuse of College funds and resources, including funds and resources received from federal, state and/or local governmental entities. Employees who violate this Policy will be subject to corrective action, up to and including termination of employment. Contractors and agents of the College who violate the requirements of this Policy will be subject to termination of their agreements or contracts with the College.

**DEFINITIONS**

As used in this policy, the term “Fraud” refers to the intentional misstatement of financial information and to the theft or other misappropriation of assets. Fraud is an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or another person or entity. Examples of potential acts of fraud include, but are not limited to, the following:

- Submitting a bill or invoice for a service that was not provided;
- Misstating the amount of time expended or services provided or other acts of “padding” a bill or invoice;
- Charging or invoicing for services that do not meet the requirements of applicable federal or state regulations or recognized standards;
- Intentional misrepresentation or falsification of financial statements, accounts or other financial information of the College;
- Acts of embezzlement.

The term “Waste” means the thoughtless or careless expenditure, consumption, mismanagement, use or squandering of College funds or resources or funds or resources allocated to the College by federal, state or local governmental agencies. The term “Waste” includes instances in which a College employee incurs unnecessary costs on behalf of the College as a result of inefficient or ineffective practices or controls, including costs incurred as a result of a failure to follow the College’s established fiscal controls, regulations and procedures.

The term “Abuse” means the excessive or improper use of College funds or resources, or the use of funds or resources in a manner contrary to College policies and procedures or in contravention of federal, state or local laws and regulations. Abusive acts would include any practice that is inconsistent with recognized fiscal, business or industry practices and which result in the imposition or assumption of unnecessary costs to the College. Examples of abuse prohibited by this policy include, but are not limited to:

- Intentionally billing or invoicing for services not rendered;
- Overbilling for services rendered;
- Expending College funds for personal use;
- Forgery or alteration of financial documents;
- Theft, unauthorized removal or willful destruction of records or property;
- Misappropriation of funds, equipment, supplies or other College assets;
- Inappropriate use of College property for personal use;
- Authorizing or receiving payments for goods not received or services not performed;
- Misuse of authority for personal gain;
- Manipulation, alteration, falsification or destruction of data stored on College computer systems, databases and other technologies for fraudulent purposes;
- Engaging in other activities that would violate Board Policy I.05-Code of Ethics, Board Policy II.04-Conflicts of Interest, or the College’s fiscal regulations and procedures.

#### **DELEGATION OF AUTHORITY**

The Office of Internal Audit will be responsible for enforcement of this Policy, including development and implementation of internal review and audit procedures to prevent and detect accounting errors or omissions, and receiving and investigating reported incidents or suspected incidents of Fraud, Waste and Abuse.

The Administration will ensure that this Policy is distributed to all employees of the College, and implement and maintain regulations, procedures and training programs designed to detect and prevent accounting errors and omissions in accordance with the requirements of this Policy and Policy V.01 – Fiscal Control.

#### **REPORTING FRAUD, WASTE AND ABUSE**

All employees have an obligation to comply with the law and this policy by reporting actual or suspected incidents of Fraud, Waste and Abuse. Reports may be made to the employee’s supervisor, the Internal Auditor or to any other office or resource designated in Board Policy II.05 – Reporting Policy Violations. Employees will be subject to corrective action for failure to report known incidents of Fraud, Waste or Abuse.

Employees will not be disciplined or suffer retribution or retaliation for reports made in good faith. Employees may submit reports anonymously, though anonymous reports may limit the College’s ability to follow up and investigate the report. All reports will be kept confidential to the fullest extent possible to conduct an appropriate investigation and to the extent permitted by law.

Retaliation against any individual who reports a violation in good faith in accordance with this policy is expressly prohibited. Forms of prohibited retaliation include demotion, discipline, suspension, threat, harassment, discrimination and discharge based on the making of a good faith report under this Policy. The Pennsylvania Whistleblower Law, 43 P.S. § 1422 *et seq.*, provides further protection from retaliation to employees who make good faith reports or participate or provide information in connection with investigations of waste and other wrongdoing. Employees who believe they have been subjected to discrimination or retaliation in violation of this law may have a right to file a private right of action or to file a complaint with the Pennsylvania Secretary of Labor and Industry.

#### **REFERENCES**

Board Policy I.05 – Code of Ethics  
Board Policy II.04 – Conflicts of Interest  
Board Policy II.05 – Reporting Policy Violations  
Board Policy V.01 – Fiscal Control  
Fiscal Administration Regulations  
Pennsylvania Whistleblower Law, 43 P.S. §1422 et seq.

**SECTION VI. FACILITIES AND SECURITY**

VI.01: Facilities and Public Safety

<b>SECTION</b>	<b>FACILITIES AND SECURITY</b>
<b>POLICY NO.</b>	<b>VI.01</b>
<b>TITLE</b>	<b>Facilities and Public Safety</b>
<b>APPROVAL DATE</b>	<b>11/21/1988</b>
<b>REVISION DATE(S)</b>	<b>2/19/1996; 6/2/2016</b>

Physical facilities of the College, including new construction and renovation and the alteration or repair of existing facilities, shall meet all applicable fire, safety, building, sanitary, heating, ventilation, environmental, lighting, energy and handicap accessibility standards, regulations and codes.

The College will further establish and maintain a public safety and security program for each of its campus and centers in accordance with the requirements of applicable law and Board policies.

**DELEGATION OF AUTHORITY**

The Administration shall develop and maintain regulations and procedures to implement the requirements of this policy, including but not limited to the development and maintenance of facilities management, public safety and security and emergency response plans for all campus and center locations, procedures for issuing timely warnings and emergency notifications, and preparation and publication of an Annual Security Report and campus crime statistics, as required by the applicable law.

**REFERENCES**

Facilities Management Regulations  
Operational Plan for Safety & Security  
*CCAC Annual Security Report*  
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C §1092(f)  
34 C.F.R. 668.46

VI.02: Environmental Health and Safety

<b>SECTION</b>	<b>FACILITIES AND SECURITY</b>
<b>POLICY NO.</b>	<b>VI.02</b>
<b>TITLE</b>	<b>Environmental Health and Safety</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>5/07/2015; 6/2/2016</b>

In order to establish and maintain a safe working and learning environment for students, staff and other members of the College community, the College will develop and maintain an environmental health and safety program for its campuses and centers. The program will include, but not be limited to, workplace safety and accident prevention programs and facility maintenance and pest control procedures, systems and processes. All employees of the College are responsible for understanding health and safety-related policies, procedures and practices, participating in any required safety training, and for reporting unsafe situations to designated College officers.

**DELEGATION OF AUTHORITY**

The Administration will establish regulations and procedures to implement this Policy.

**REFERENCES**

Facilities Management Regulations  
Environmental Health & Safety Regulations

VI.03: Weapons/Firearms on Campus

<b>SECTION</b>	<b>FACILITIES AND SECURITY</b>
<b>POLICY NO.</b>	<b>VI.03</b>
<b>TITLE</b>	<b>Weapons/Firearms on Campus</b>
<b>APPROVAL DATE</b>	<b>2/19/1996</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

Except to the extent expressly authorized herein, the possession of a weapon by any person is expressly prohibited in all buildings, facilities and vehicles owned, leased or operated by the College and at any event or activity sponsored by the College, whether occurring on or off of College property. Violations of this Policy will result in the immediate removal of the violator and weapon from College property and/or the activity or event at which the violation occurred. Violations of this Policy may also result in disciplinary sanctions for students or employees.

**DEFINITIONS**

As used in this Policy, the term “weapon” includes any knife, cutting instrument, explosive device, cutting tool, nunchaku, firearm, shotgun, rifle, or any other tool, instrument or implement capable of inflicting serious bodily injury, and any replica of such a weapon.

The term “replica” refers to an object that could reasonably be misidentified as a real weapon, including but not limited to props or toys that look like actual firearms, knives or explosives.

The term “possession” includes having a weapon on one’s person, or in a vehicle or bag brought onto College property.

**AUTHORIZED EXCEPTIONS**

The prohibition set forth in this Policy shall not be deemed to apply to weapons that are under the control of certified, commissioned and sworn law enforcement officers who are engaged to provide security services by or on behalf of the College, or who enter upon College property or are present at College-sponsored activities at the College’s request or in connection with authorized law enforcement activities. This prohibition shall also not be deemed to apply to equipment or tools that are authorized for use by College employees or contractors in connection with the performance of their job duties and responsibilities.

Faculty, staff and students may request permission to use a replica weapon in connection with an approved and authorized activity, including ROTC military exercises, intercollegiate athletic events, dramatic plays and other similar artistic displays and activities, classroom instruction and presentations, and other educational purposes. Requests will be subject to the written approval of the campus president or his or her designee. Replicas approved for use hereunder must be stored in designated locations and not provided or made accessible to any unauthorized person.

Additional exceptions to this Policy may be made upon recommendation to and express written approval by the College President.

#### **DELEGATION OF AUTHORITY**

The Administration may develop regulations, procedures and forms to implement the requirements of this Policy.

#### **REFERENCES**

Student Code of Behavioral Conduct  
Student Handbook  
Employee Manual  
Facilities Management Regulations  
Operational Plan for Safety & Security



VI.04: Energy Management

<b>SECTION</b>	<b>FACILITIES AND SECURITY</b>
<b>POLICY NO.</b>	<b>VI.04</b>
<b>TITLE</b>	<b>ENERGY MANAGEMENT</b>
<b>APPROVAL DATE</b>	<b>11/5/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

The College embraces sound energy management principles, and seeks to develop programs and strategies that will reduce the College’s energy consumption and expenditures through cost-effective means that enhance the financial stability of, and align with the mission of, the College.

All members of the College community, including students, administrators, faculty, and support staff, are expected to act in accordance with energy reduction regulations, guidelines, and programs that are developed and implemented in accordance with this policy. The College shall make major strategic decisions (e.g., acquisitions, technology choices, and facility location) with energy cost, use, and supply in mind and shall consider energy use as a lever for positive growth and change and not simply an inherent cost.

**DELEGATION OF AUTHORITY**

The Administration will establish regulations to implement this policy, including development of an energy management program and guidelines and procedures to regularly track and report energy costs and consumption across the College.

**REFERENCES**

Facilities Management Regulations

VI.05: Smoke Free, Tobacco Free Environment

<b>SECTION</b>	<b>FACILITIES AND SECURITY</b>
<b>POLICY NO.</b>	<b>VI.05</b>
<b>TITLE</b>	<b>Smoke Free, Tobacco Free Environment</b>
<b>APPROVAL DATE</b>	<b>02/19/1996</b>
<b>REVISION DATE(S)</b>	<b>1/12/2017</b>

To promote the health, well-being and safety of all students, faculty, staff and visitors, the College prohibits the use of smoke and tobacco products in or on College property.

This Policy applies to all persons on College property, including but not limited to faculty, staff, credit students, non-credit students, guests, contractors, subcontractors, vendors, visitors, volunteers and contractors working on construction projects on College property.

The College will not accept donations, gifts, money or materials intended to promote the use of smoke and tobacco products, and will not participate in any activity that promotes the use of smoke or tobacco products. The sale of smoke and tobacco products or related merchandise on College property is further prohibited

**DEFINITIONS**

For purposes of this Policy, “smoke and tobacco products” include, but are not limited to, cigarettes, cigars, pipes, hookahs, smokeless tobacco, chewing tobacco, dip, snuff, electronic cigarettes, vaping devices and any other product packaged for smoking, the simulation of smoking or that may be considered to provide a gateway to smoking or tobacco use.

“College property” means all property owned by, leased or under the control of the College, including but not limited to all grounds, parking lots, sidewalks, classrooms, academic and administrative buildings, restrooms, stairwells, facilities and theaters, and all vehicles leased, rented, owned, or under the control of the College or which are parked on College property.

**DELEGATION OF AUTHORITY**

The College will develop and maintain regulations and procedures to implement the requirements of this Policy. These regulations and procedures will include information about smoking cessation programs and resources that may be available to students and employees through the College or in the community, compliance and enforcement monitoring activities, and imposition of appropriate sanctions for individuals who are found to have violated this Policy.

## **REFERENCES**

Student Code of Behavioral Conduct  
Student Handbook  
Employee Manual  
Facilities Management Regulations

## **SECTION VII. INFORMATION TECHNOLOGY SERVICES**

### **VII.01: Acceptable Use of Information Technology Resources**

<b>SECTION</b>	<b>INFORMATION TECHNOLOGY SERVICES</b>
<b>POLICY NO.</b>	<b>VII.01</b>
<b>TITLE</b>	<b>Acceptable Use of Information Technology Resources</b>
<b>APPROVAL DATE</b>	<b>10/6/2011</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

#### **PURPOSE**

The College provides and will continue to provide Information Technology Resources for use by its students, employees and other authorized users in order support the attainment of the College’s mission and goals and to meet the educational and instructional needs of its students. The purpose of this Policy is to set forth the requirements governing and the responsibilities attendant to the use of these resources. Use of the College’s Information Technology Resources signifies the User’s agreement to comply with the requirements of this Policy.

#### **DEFINITIONS**

As used in this Policy, the term “Information Technology Resources” includes, but is not limited to, College issued or provided computers, laptops, tablets, personal devices and other similar computing equipment; e-mail accounts and servers; telephones, voice mail systems; facsimile machines; scanners; mobile or cellular telephones or smartphones and related components; systems, networks and devices; Internet and Wi-Fi service; digital storage and other electronic storage devices; web applications, content management systems and instructional tools; and computer software, hardware, networks, databases and servers.

The term “User” or “Users” shall refer to any employee, student, contractor, guest or other third party who is issued, provided or granted permission to use any Information Technology Resource.

#### **REQUIREMENTS**

Users of the College’s Information Technology Resources are responsible for:

1. Protecting their user ID, passwords and other authentication credentials from unauthorized access or use;
2. Reporting lost or stolen devices, including devices that contain confidential information, to the College’s Information Technology Services department as soon as possible, but no later than within 24 hours of discovery of the loss;
3. Promptly reporting any inappropriate or prohibited use of the College’s Information Technology Resources of which they become aware;
4. Adhering to the terms of applicable software licenses and other contracts;

5. Adhering to the requirements of all applicable laws and College policies, regulations and/or collective bargaining agreements.

Users of the College's Information Technology Resources are prohibited from:

1. Providing false or misleading information to obtain a College computing account, or hiding or disguising their identity in an attempt to avoid responsibility for inappropriate or prohibited use of the College's Information Technology Resources;
2. Attempting to gain or gaining unauthorized access to any of the College's Information Technology Resources or to the accounts, data or files of another user;
3. Performing any act(s) that impedes or interferes with the normal operation or functioning of any of the College's Information Technology Resources or their respective security mechanisms, including but not limited to the intentional upload or download of viruses, spyware, malware or other programs designed to hack into, vandalize or damage the College's computer accounts, systems, networks or servers or the data or files of any other user;
4. Destroying, deleting, or modifying software, programs, data and/or files contained, loaded or stored on the College's Information Technology Resources without appropriate authorization;
5. Engaging in the unauthorized or illegal installation, distribution, publication, reproduction, or use of copyrighted material, or infringing in any way upon another party's intellectual property rights, including through use of illegal data file sharing;
6. Utilizing the College's Information Technology Resources in a manner which disrupts College operations or programs or which interferes with the User's job performance or with the job or educational performance of another employee or student;
7. Utilizing the College's Information Technology Resources to:
  - a. Engage in or conduct activities for personal monetary gain or commercial enterprise;
  - b. Engage in product advertising
  - c. Solicit funds or contributions for non-College related fundraisers or activities;
  - d. Advocate or promote political or religious beliefs or causes;
  - e. Publish, post, access, download, store or transmit any data, information or communications, including images, that are sexually explicit, obscene, pornographic, hateful, derogatory, defamatory or which otherwise violate the College's Non-Discrimination, Title IX and Equal Opportunity Policy, the Unlawful Harassment Policy, or applicable law;
  - f. Publish, post or transmit abusive, threatening, or harassing communications or materials, including chain letters, spam, or other communications prohibited by state or federal law;
  - g. Disclose confidential information pertaining to students or employees of the College without legal authorization or consent; or
  - h. Engage in any other activity or conduct prohibited by law or College policy or regulation.

## **MONITORING AND ENFORCEMENT**

All Information Technology Resources provided or issued by the College, including without limitation all data, documents, messages and other information created, stored upon, received by or transmitted on or through the use of such technologies, constitutes the property of the College. While the College recognizes the role of privacy in an institution of higher learning, no User has a right or expectation of privacy in any information or data created, stored upon, received by or transmitted on or through the use of such technologies, including e-mail, except to the extent such right is created or established by applicable law.

The College reserves the right to monitor the use of its Information Technology Resources for compliance with the requirements of this Policy and applicable law, and to provide information stored on such resources to someone other than the user as a result of court order, lawfully issued subpoena, internal or external investigatory process or in response to a request authorized under Pennsylvania's Right-to-Know Law (65 P.S. §67.101 et seq.). Information stored on or in the College's Information Technology Resources may also be viewed by technical staff working to resolve technical issues. The College further reserves the right to utilize filtering software or services, usage logs, virus scanning software and other means to prevent its Information Technology Resources from being utilized in a manner that violates the requirements of this Policy or applicable law.

## **CONSEQUENCES OF PROHIBITED USE**

Permission to use the College's Information Technology Resources represents both a privilege and a responsibility, and all Users are expected and required to comply with the requirements of this Policy, any administrative regulations issued hereunder, and all applicable local, state and federal laws related to the use of these resources. Violation of this Policy will result in appropriate sanctions imposed in accordance with the College's applicable disciplinary processes, ranging from denial of access to any or all Information Technology Resources services up to and including termination (for an employee) or expulsion (for a student). In addition, improper or illegal use of Information Technology Resources may subject the User to civil or criminal liability. Users may also be held financially responsible for damages caused to the College's Information Technology Resources by their deliberate or willful acts.

## **DELEGATION OF AUTHORITY**

The Administration will develop and maintain regulations and procedures to implement the requirements of this Policy, including procedures and systems to authorize and monitor access to and protect the integrity and security of the College's Information Technology Resources. The Department of Information Technology Services shall be responsible for implementing this Policy and monitoring compliance therewith.

## **REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity

Board Policy II.02 – Unlawful Harassment  
Board Policy II.05 – Reporting Violations  
Board Policy VII.02 – Information Technology Security  
Employee Manual  
Information Technology Services Regulations  
Student Code of Behavioral Conduct  
Student Handbook

VII.02: Information Technology Security

<b>SECTION</b>	<b>INFORMATION TECHNOLOGY SERVICES</b>
<b>POLICY NO.</b>	<b>VII.02</b>
<b>TITLE</b>	<b>Information Technology Security</b>
<b>APPROVAL DATE</b>	<b>10/06/2011</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

All information gathered and maintained by employees of the College for the purpose of conducting College business is considered institutional information and, as such, each individual who uses, stores, processes, transfers, administers and/or maintains such information by or through the College's Information Technology Resources or through authorized personal devices is responsible and held accountable for its appropriate use. Users are further responsible for complying with all security procedures and protocols required by the College's Information Technology Services department, including but not limited to maintaining the security of passwords and other authentication credentials and promptly reporting inappropriate use and system security breaches to the Information Technology Services department.

The College does not endorse or guarantee the accuracy of content obtained from third-party websites accessed through the College's Information Technology Resources. The College shall not be responsible for any personal information that may be lost, damaged or unavailable when using the College's Information Technology Resources or for any information that is retrieved via the Internet. The College shall not be responsible for any charges or fees resulting from the unauthorized use of technologies, including unauthorized access to Internet web sites or the unauthorized procurement or license of computer software or hardware.

**REFERENCES**

Board Policy VII.01 - Acceptable Use of Information Technology Resources  
Information Technology Services Regulations  
Employee Manual



VII.03: Software Copyright

<b>SECTION</b>	<b>INFORMATION TECHNOLOGY SERVICES</b>
<b>POLICY NO.</b>	<b>VII.03</b>
<b>TITLE</b>	<b>Software Copyrights</b>
<b>APPROVAL DATE</b>	<b>10/06/2011</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

All software utilized or downloaded on the College's Information Technology Resources must be licensed for use by the College. Users of software owned or licensed by the College shall be responsible for complying with the terms of the software licensing or subscription agreement in effect between the College and the owner, publisher or other licensor of the software

Software that is not owned or licensed by the College cannot be installed or introduced on any of the College's Information Technology Resources without prior approval from the Information Technology Services department. All software license and subscription agreements will be subject to prior review and approval by the Information Technology Services department in order to ensure that the license and software meet the College's standards and compatibility guidelines.

In accordance with Board Policy VII.01 - Acceptable Use of Information Technology Resources, the illegal use, distribution or copying of copyrighted software by students, employees and authorized third party users is prohibited. Any data uploaded to or downloaded from the College's Information Technology Resources shall be subject to fair use guidelines, and individual Users shall be responsible for ensuring their compliance with such guidelines.

**REFERENCES**

Board Policy VII.01 – Acceptable Use of Information Technology Resources  
Board Policy VII.02 – Information Technology Security  
Information Technology Services Regulations  
Employee Manual

#### VII.04: Accessibility of Information Technology Resources

<b>SECTION</b>	<b>GOVERNANCE AND BOARD OPERATIONS</b>
<b>POLICY NO.</b>	<b>VII.04</b>
<b>TITLE</b>	<b>Accessibility of Information Technology Resources</b>
<b>APPROVAL DATE</b>	<b>06/07/2018</b>
<b>REVISION DATE(S)</b>	

CCAC strives to ensure that people with disabilities have access to the same services and content that are available to people without disabilities, including services and content made available through the use of the College's Information Technology Resources. The Information Technology Resources procured, developed, maintained, and used by the College should therefore provide substantially similar functionality, experience, and information access to individuals with disabilities as it provides to others. Examples of resources covered by this policy include College-maintained web sites, software systems, electronic documents, videos, and electronic equipment such as information kiosks, telephones, and digital signs, and other Information Technology Resources as defined in Board Policy VII.01.

#### **DELEGATION OF AUTHORITY**

The Administration will develop and maintain regulations and procedures to implement the requirements of this Policy, including procedures to regularly monitor accessibility of the College's Information Technology Resources and to solicit feedback from users of such resources. The Department of Information Technology Services and the Civil Rights Compliance Office shall be responsible for implementing this Policy and monitoring compliance therewith.

#### **REFERENCES**

Board Policy II.01 – Non-Discrimination, Title IX and Equal Education and Employment Opportunity  
Board Policy VII.01 – Acceptable Use of Information Technology Resources  
Information Technology Services Regulations  
Americans with Disabilities Act of 1990 and 2008 Amendments

**SECTION VIII.****GRANTS AND RELATED CONTRACTS**

## VIII.01: Administration of Budget Monitoring

<b>SECTION</b>	<b>GRANTS AND RELATED CONTRACTS</b>
<b>POLICY NO.</b>	<b>VIII.01</b>
<b>TITLE</b>	<b>Administration of Budget Monitoring</b>
<b>APPROVAL DATE</b>	<b>3/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

To define College Policy concerning the College’s system of controls for monitoring federal grant budgets and expenditures in order to assure proper spending and to maintain compliance with federal regulations.

**POLICY STATEMENT**

Grant funded expenditures must be reasonable, allocable and allowable. They must be fully aligned with the budget within the guidelines of the funder and occur within the approved project period. The Principal Investigator (PI) or Program Director (PD) is responsible for budget administration and ensuring that each charge is allowable according to the grant award guidelines and the applicable Office of Management and Budget (OMB) regulations. In order to track and manage grant awards, a separate account number will be established by the Restricted Funds Accountant.

**PROCEDURE**

1. Once grant funds are awarded and an approved contract received, the Restricted Funds Accountant is notified and a new General Ledger (GL) account will be established for the project. The Restricted Funds Accountant, working with the PI/PD, assigns a GL account to the project. The approved budget is input into this account.
2. The PI/PD is responsible for budget administration and authorizing expenses related to the grant project. The PI/PD has the responsibility to ensure that charges to the grant award are allowable.
3. The PI/PD must monitor charges to ensure that the costs are reasonable, allocable and consistently applied and the charges are aligned with the grant budget. The PI/PD must also ensure that the costs occur within the approved project timeframe.
4. The Restricted Funds Accountant generates an award monitoring spreadsheet and provides this report to the Principle Investigator for a grant award. The periodic reports of expenditures are compiled monthly and report cumulative expenditures through the prior month end business. This budget report is provided to the PI/PD to aid budget monitoring. The PI/PD is responsible

for the review of the budget and approval of all transactions related to spending of grant funds. The Restricted Funds Accountant assists the PI/PD in understanding the budget reports generated from the office.

5. Budget revisions require that an updated budget is presented to the Restricted Funds Accountant. To ensure compliance with the grant's guidelines, either expanded authority must apply to the revision or the PI/PD must provide written proof that the funding agency's Program Manager has approved the budget revision.
6. For all budget items, a detailed justification must describe the purpose for the costs and the way in which the costs will directly benefit the proposed project's scope of work.
7. The PI/PD is responsible for reviewing project budget reports, transactions and source documents to ensure that the participant support funds are being expended according to federal regulations and the terms of the agreement.
8. Each request for disbursement of funds (i.e., initiation of a voucher or purchase order) requires the approval of at least two persons, one of who must be a primary approver. Approvals must be submitted electronically, via the College's financial and accounting software system.

Primary Approvers – Primary Approvers may consist of the following persons:

- PD/PI
- Campus Deans of Administration
- Assistant Campus Directors of Business Affairs, or, if none exists, ONE substitute
- Designee of the Campus Dean of Administration
- The Director of Accounting
- Director of Procurement
- Budget Analyst
- Director of Accounting
- Accounts Payable Supervisor
- Restricted Funds Accountant

#### **DELEGATION OF AUTHORITY**

**Revision Responsibility:** Contracts & Grants

**Responsible Executive Officer:** Director, Contracts & Grants

VIII.02: Administration of Cost Transfers

<b>SECTION</b>	<b>GRANTS AND RELATED CONTRACTS</b>
<b>POLICY NO.</b>	<b>VIII.02</b>
<b>TITLE</b>	<b>Administration of Cost Transfers</b>
<b>APPROVAL DATE</b>	<b>03/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

In accordance with The Office of Management and Budget’s Cost Principles for Educational Institutions (OMB Circular A-21), it is necessary to explain and justify transfers of charges onto federally-funded sponsored awards, where the original charge was previously recorded elsewhere on CCAC’s General Ledger. Timeliness and completeness of the explanation of the transfer are important factors in supporting allowability of the transfer to the grant budget.

**POLICY STATEMENT**

Administrators overseeing grant projects, along with the PI/PD, must conduct a timely review of their grant expenditures. When purchasing an item or when transferring a cost, administrators and the PI/PD should ensure the item/cost will directly benefit the project onto which the expenditure will be charged.

**PROCEDURES**

1. A cost transfer (CT) is a journal entry that transfers an expense onto a federally-funded sponsored award that was previously recorded elsewhere on CCAC’s General Ledger and requires institutional approval before it can be posted to the General Ledger. If payroll does not accurately reflect how an individual’s effort is spent by the degree of tolerance +/-5%, an adjustment to the effort report is necessary. This is accomplished by completing a Journal Entry. All grant related journal entries are generated and approved by the PI/PD and his/her supervisor.
2. Items purchased at the end of a project (e.g., within the last 90 days) are subject to even greater scrutiny during an audit. Review of post award expense transactions conducted regularly will reduce the need for cost transfers, and, in most cases, a journal adjustment within the same month of the original expense will immediately correct erroneous transactions.

### VIII.03: Administration of Participant Support Cost

<b>SECTION</b>	<b>GRANTS AND RELATED CONTRACTS</b>
<b>POLICY NO.</b>	<b>VIII.03</b>
<b>TITLE</b>	<b>Administration of Participant Support Cost</b>
<b>APPROVAL DATE</b>	<b>3/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

#### **PURPOSE**

To define College Policy concerning participant support costs as related to grant funded programs; this Policy is based on National Science Foundation (“NSF”) requirements.

#### **POLICY STATEMENT**

The NSF participant support cost budget category is to be used for direct costs for items such as stipends or subsistence allowances, travel allowances and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with meetings, conferences, symposia or training projects. Participant support allowances may not be paid to individuals receiving compensation from other federal sources while participating in the NSF project. The participant support cost budget category is also excluded from the indirect cost calculation.

#### **DEFINITIONS**

##### **Participant Support**

Participant support refers to the costs of transportation, per diem, stipends, and other related costs for participants or trainees (but not college employees) in connection with NSF-sponsored conferences, meetings, symposia or training programs.

##### **Participant Support Costs**

Participant support costs are amounts paid to or on behalf of participants or trainees in connection with formal meetings, conferences, symposia or training programs. The costs include stipends, subsistence allowances, travel allowances and registration fees paid by the conference or training organizer to defray the personal costs of participants while participating in a conference or training activity. Participant support costs must be specifically identified to a participant(s) but cannot include payments for college employees.

#### **PARTICIPANT SUPPORT COSTS PROCEDURES**

If participant support costs are proposed in the budget, a detailed justification must describe the purpose for the costs, the procedures utilized to select participants, and the way in which the costs will directly benefit the proposed project’s scope of work. If the award includes Participant support costs, the Principle Investigator (PI) or Project Director (PD) will be notified of the specific restrictions governing the expenditure of these funds. Participant support costs provided by

sponsors other than NSF will follow the same requirements as specified in this policy unless an award specifies otherwise.

## **I. Participants**

1. Any individual who is attending training provided at a workshop, conference, seminar, symposia or other short-term instructional or information sharing activity funded by a sponsored project. CCAC employees may not be participants. Participants are not required to deliver any deliverable or service to CCAC in return for participant support costs. Participants perform no work or service for the project or program other than for their own benefit.
2. Participant payments are costs used to pay program participant small non-compensatory stipends and possibly reimbursement of travel costs or other out-of-pocket costs incurred to support attendance at a training funded by a sponsored project.
3. Selection of participants shall be made in accordance with Board Policy II.01-Non-Discrimination, Title IX & Equal Education and Employment Opportunity Policy.

## **II. Managing Participant Support Costs**

1. To track and manage participant support activity, a separate account number will be established by the Restricted Funds Accountant for any awards containing a participant support cost budget allocation. Indirect Costs recovery is not permitted on participant support costs.
2. The PI/PD is responsible for reviewing project budget reports, transactions, and source documents to ensure that the participant support funds are being expended according to federal regulations and the terms of the agreement.
3. Evidence that a participant actually participated in the event must be maintained with project records in the department (e.g., registration list, sign-in sheets). This list is to be used to support the actual invoice payment. The final list of attendees must be submitted with the request for payment.
4. To help defray costs while participating in a conference or training activity, participants may be reimbursed actual expenses for lodging and meals with provided itemized receipts or per diem with departure and arrival times provided. Other reimbursable expenses include airfare with an itinerary provided, registration fees, and mileage using the college allowed rates. Documentation will be maintained with project records.
5. Participant support costs are restricted and cannot be re-budgeted into other categories without prior approval from the funding agency. Any unexpended participant support costs must be returned to the funding agency. Participant support allowances may not be paid to trainees who are receiving compensation, either directly or indirectly, from other Federal government sources while participating in the project. Local participants may participate in conference meals and coffee breaks, however, project funds may not be used to pay per diem or similar expenses for these participants.

**AUTHORITY**

This Policy implements the NSF's Participant Support requirements. (NSF Proposal Award Policies and Procedures Guide effective February 24, 2014 NSF 14-1)



#### VIII.04: Salaries and Wages for Grant Sponsored Employees

<b>SECTION</b>	<b>GRANTS AND RELATED CONTRACTS</b>
<b>POLICY NO.</b>	<b>VIII.04</b>
<b>TITLE</b>	<b>Salaries and Wages for Grant Sponsored Employees</b>
<b>APPROVAL DATE</b>	<b>3/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

#### **PURPOSE**

To define College Policy concerning positions that are funded through grants, including requirements for time and effort reporting, overtime and cost transfers as related to grant funded programs, including, specifically, programs funded through the National Science Foundation (“NSF”).

#### **POLICY STATEMENT**

##### **1. Review of Positions**

Positions specified in or created by a grant are approved on a year to year basis. When these positions are to be filled, the individuals recommended for full-time or part-time positions (with benefits) must be reviewed and approved by the Office of Human Resources.

##### **2. Transfer of Grant Personnel to Operating Budget**

When a grant is terminated, individuals who are being recommended by the administration for transfer to the College’s regular payroll to fill an existing vacancy in an approved position must be reviewed by the Office of Human Resources and approved by the Chief Financial Officer.

##### **3. Approval Process**

If a grant position is terminated and the individual is to be transferred to a new regular College position, the additional new position must first be identified and approved through the same procedures as set forth above.

##### **4. Position Classification and Salary**

- a. The Office of Human Resource office will evaluate the position description and assign the position a salary/pay grade in accordance with the College’s Employee Manual, its salary and timekeeping guidelines, and collective bargaining agreement requirements, if applicable. All hiring decisions will be made in accordance with the College’s established Hiring Guidelines and other personnel regulations and procedures. In the event that grant funding is insufficient to pay the salary as determined by the College’s established procedures, the grant manager will request reallocation of grant budget funds. If

insufficient grant funds are available to pay the computed salary, the salary will be limited to funds available from the grant.

i. Classification Criteria

All College personnel shall be classified according to standard criteria approved by the President and published in the College's Administrative Regulations and/or Salary and Timekeeping Guidelines outlining those criteria.

b. Plan for Administrators

The College shall have, in addition to the personnel classifications covered by collective bargaining agreements, a classification plan for "Administrators." The classification plan for Administrators shall include for each approved position type:

- Position title
- Classification grade
- Salary range
- General characteristics

c. Status

Employees paid 100% through grant funds and not subject to a collective bargaining agreement are employed in one of the following employment statuses:

- Temporary Full Time – Provided with College-authorized benefits
- Temporary Part Time – Not provided with College-authorized benefits

## **5. Pay Periods**

Employees are paid pursuant to section 5.9.1 Classification of Employees in the Employee Manual.

## **6. Annual Salary Increases**

Grant-funded employees who are classified temporary full time will receive the same consideration as might be received by regular full time College personnel or as dictated by the grant and as long as the increases are built into the grant.

## **7. Records**

Adequate records of attendance and leave whether with or without pay shall be maintained on all employees and in accordance with the federal Fair Labor Standards Act for nonexempt employees and other applicable laws. These records will be maintained on forms prescribed by the Human Resources Office of the College and shall be retained in the Campus Business Office for nonexempt employees and in the College's Office of Human Resources for all other employees.

## **8. Employee Benefits**

Employee benefits for grant-funded employees will generally be the same as those provided for non-grant-funded employees in the same job classification, subject to limitations of the applicable grant, including, but not limited to, budgetary limitations. Limitations of employee benefits for grant-funded employees include the following:

### Annual Leave

Grant-funded employees will accrue annual leave at the same rate as regular College employees; however, carryover of annual leave for grant-funded employees should be limited to 37.5 hours. Grant-funded employees should work with their supervisor to use annual leave during the College fiscal year so that accumulated annual leave at the end of the grant year of does not exceed 37.5 hours. In all cases, annual leave must be used in a manner so that grant activities are not adversely impacted.

## **9. Separation from the College**

An employee who anticipates resignation or separation from employment is responsible for working with his/her supervisor to use accumulated annual leave prior to termination of employment.

## **PROCEDURES**

1. Once grant funds are awarded and an approved contract received, the Restricted Funds Accountant is notified and a new General Ledger (GL) account will be established for the project. The Restricted Funds Accountant, working with the PI/PD, assigns a GL account to the project. The GL account will include a department number with the title of the grant, funding source and college location. The approved budget is input into this account, including salary and benefits to be paid through this account.
2. For each employee who is funded through this grant project, payroll information including the department number with the title of the grant, funding source and college location will be completed and filed with Human Resources and Payroll departments.
  - a. For employees who are in regular full time and part-time salaried positions, an A-1 Personnel Action and Payroll Authorization Form will be completed by the College Administrator each year of the grant's funding. The A-1 form is for processing the following information for the above positions: 1) new hires, changes of address, 2) salary changes, promotions and transfers, 3) leaves of absence, sabbaticals, 4) any situation that officially changes the status of the employee. These individuals will be required to submit a signed monthly "Exempt Staff Attendance Report" to their immediate supervisor for approval. Both the employee and supervisor will sign this form. The form is then submitted to Human Resources and Payroll for processing. A copy of approved timecards will be kept with grant files.
  - b. Employees who are classified as temporary part time are paid on an hourly basis are classified as non-exempt employees and will be set up in the College's Kronos timekeeping

system. Maximum hours are limited to 25 hours per week for these employees. These employees are required to clock in and clock out daily using Kronos time management system. Supervisors will log into Kronos to approve their time cards on a weekly basis.

### **REFERENCES**

Board Policy VIII.02 – Administration of Cost Transfers  
Board Policy VIII.06 – Administration of Time and Effort Reporting  
CCAC Salary and Timekeeping Guidelines  
CCAC Hiring Guidelines  
Employee Manual

### **INDEX OF EXHIBITS**

1. A-1 Personnel Action Payroll Authorization Form
2. A-2 Personnel Action Payroll Authorization Form
3. Kronos Time Management System
4. Exempt Staff Attendance Report

## VIII.05: Administration of Subawards

<b>SECTION</b>	<b>GRANTS AND RELATED CONTRACTS</b>
<b>POLICY NO.</b>	<b>VIII.05</b>
<b>TITLE</b>	<b>Administration of Subawards</b>
<b>APPROVAL DATE</b>	<b>3/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

### **PURPOSE**

To define College policy concerning subrecipients/subawards for sponsor funded programs.

### **POLICY STATEMENT**

CCAC is responsible for monitoring the programmatic and financial activities of its subrecipients in order to ensure proper stewardship of sponsor funds. This policy addresses institutional responsibilities and assists Principal Investigators or Project Directors and staff to ensure that, in addition to achieving performance goals, subrecipients comply with Federal laws and regulations and with the provisions of any agreements that govern the subaward.

### **PROCEDURES**

A subaward is an agreement with a third-party organization performing a portion of CCAC's sponsored project or program. The terms of the relationship (sub-grant/subcontract) are influenced by the prime agreement, and all subawards must be monitored to ensure that the subrecipient complies with these terms. Federal regulations for subrecipient monitoring are found in OMB Circular A-133 "Audits of State, Local Governments, and Non-Profit Organizations." A subrecipient works collaboratively with the prime award recipient to carry out the statement of work.

#### **I. Pre-Award**

1. The project director/principal investigator (PD/PI) should ask each potential subrecipient to complete a Letter of Commitment and submit a subrecipient's proposal to include the following:
  - a. Subrecipient's Statement of Work (SOW), including a clear description of the work to be performed, the proposed timelines and deliverables, biosketches of subrecipient key personnel, etc.
  - b. Subrecipient's Budget and Budget Justification, including the subrecipient's direct and indirect costs, calculated using subrecipient's approved facilities and administrative (F&A) and fringe benefit rates, and verifying any committed cost sharing. (A copy of the rate agreement is needed to verify the amount of indirect cost requested and to support costs in the event of an audit).

- c. The Subrecipient's budget is included in CCAC's budget as a direct cost. When calculating CCAC's F&A costs, the amount that exceeds \$25,000 of each subaward should be excluded from the calculation, in accordance with the OMB Circular A-21. F&A costs on the first \$25,000 are calculated using the on-campus rate applicable to the award.
2. The Subrecipient's proposal and Letter of Commitment should be signed by a designated business official of the Subrecipient. This individual should be someone who is authorized to commit the Subrecipient's resources toward the completion of the subaward.
3. A Fair and Reasonable Cost Analysis Form (see Exhibit 1), signed by the PD/PI must also be included when submitting proposal. The PD/PI must select a subrecipient based upon his/her assessment of the potential subrecipient's ability to perform the technical and administrative tasks satisfactorily. This includes an analysis of the subrecipient's past performance to ensure that they have not been debarred or suspended from receiving Federal grants or contracts, technical resources and financial viability, and an assessment of the reasonableness of the subrecipient's proposed costs in light of the work to be performed. To meet audit requirements, CCAC is required to retain documentation of this latter assessment for subawards proposed under a contract. Project directors are responsible for documenting this assessment via completion and submission of the Fair and Reasonable Cost Analysis for each proposed subrecipient.

## **II. Award**

1. The Research Subaward Agreement, issued only after a fully executed award is received by the Contracts & Grants (C&G) from the prime sponsor (see Exhibit 2), is designed to accommodate the majority of subawards prepared by C&G. However, changes may be made to adhere to the prime award agreement's terms and conditions and applicable Federal and NSF regulations as flow-through provisions. Provisions that should be included in the subaward agreement beyond the statement of work, payment, and deliverables are:
  - a. CCAC's (as prime awardee) right to audit the subrecipient and access the subrecipient's financial records.
  - b. CCAC's right to perform technical and administrative site visits.
  - c. Cost principles (2 CFR 220, 2 CFR 225, 2 CFR 230, or FAR Part 31) and administrative requirements (2 CFR 215 or 45 CFR 602).
  - d. Non-performance and termination or other legal remedies.
  - e. Statutory or regulatory requirements-such as conflict of interest, non-discrimination, drug-free workplace, animal rights, human subjects, and a number of grant terms and conditions.
2. When preparing to issue a subaward, C&G gathers information about the subrecipient and creates a profile that provides information about the subrecipient's financial status and internal controls. The C&G will draft subaward agreement and adhere to the prime award agreement's terms and conditions and flows down the appropriate clauses.

3. The Internal Auditor will review the draft subaward and make modifications to CCAC's standard subaward and establish a monitoring plan for it based upon application of the criteria in the Subrecipient Risk Assessment (see Exhibit 3). The monitoring plan and activities will be based upon the Internal Auditor's assessment of identified risk factors, including the following:
  - a. Subrecipient financial status and internal controls.
  - b. Amount of subaward.
  - c. Percentage of award passed through to subrecipient.
  - d. Program complexity.
4. After the subaward draft is complete the C&G sends it unsigned to the subrecipient for review. The subrecipient may request changes or clarification of terms and conditions. The C&G negotiates the changes and may coordinate requested changes with PD/PI, where appropriate.
5. Once negotiations are complete and the signed subaward is received along with the most recent A-133 audits for the Subrecipient, the C&G executes it on behalf of CCAC. Subawardees not subject to an A-133 audit will be required to complete an Audit Questionnaire (see Exhibit 4).
6. C&G will forward one original fully executed subaward to the Subrecipient; distribute copies internally to the PD/PI, College Administrator, and Restricted Funds Accountant; and scan a copy of the fully executed subaward and all supporting documentation on the "Grants" sharable folder.
7. If a subrecipient is designated as elevated risk, then the PD/PI will be responsible for specific monitoring and approvals (see Exhibit 5).

### **III. Post-Award**

#### Technical Monitoring

1. As prime award recipient, CCAC assumes full responsibility for the conduct and completion of the project. Subrecipient progress reports should be reviewed thoroughly by CCAC's PD/PI and discussed with the Subrecipient as needed. The Subrecipient's progress report will usually be incorporated into the progress report submitted by CCAC to the Sponsor. Copies of the Subrecipient's transmittal letter sending the progress report to CCAC's PD/PI should be provided to the C&G for inclusion in official College files.
2. On a quarterly basis, C&G will confirm that files for the most recent audits are available from the subrecipient. C&G will also cross-check a list of those subrecipients where receipt of the most recent A-133 audit is pending. Reminders will be sent out to the subawardee at this time.

3. The C&G will send an annual certification letter to all subrecipients receiving federal funding during the prior fiscal year (see Exhibit 6).

#### Financial Monitoring

1. In accordance with the Payment article of the subaward, Subrecipient's invoices are to be sent to the PD/PI for review, approval and processing.
2. Prior to approval by the PD/PI, the invoice should be reviewed to determine that the amount being requested for payment is consistent with the amount of effort performed during the billing period and for compliance with the requirements of the monitoring plan established for the subrecipient. Normally, the PD/PI would most likely be familiar with effort performed by the Subrecipient through telephone conversations, technical meetings, progress reports or site visits. If there are problems noted in the invoice, such as equipment purchased without required prior approval or more labor charged than College's PD/PI feels was expended, the invoice **SHOULD NOT BE APPROVED**. The PD/PI may consult C&G to resolve any problems with the Subrecipient. Once the PD/PI is satisfied with the invoice, the PD/PI shall process payment(s) through the College's financial and accounting software system. Examples of specific documentation that must support the invoices include:
  - Payroll costs – copy of payroll summary report (proof of payroll distributed)
  - Purchases – copy of vendor check and invoices and debarments. An inventory report is required for equipment purchases
  - Travel expenditures – a copy of the travel expense report along with receipts. An initial copy of their travel policy is required.
  - A copy of subrecipient's General Ledger
3. Any problems encountered during the life of the subaward should be appropriately coordinated with the PD/PI, C&G and Internal Auditor.
4. The Subrecipient shall be required to furnish all reports identified in the subaward agreement document.

#### **IV. Subaward Amendment**

Should it be necessary to change any portion of a subaward agreement, the PD/PI should contact the C&G immediately. Common examples of issues that might need amendments to an agreement include providing additional funding, extending the period of performance or modifying the reporting schedule. Some changes, such as the statement of work being performed or the change of the subaward recipient may require the prior approval of the prime sponsor.

#### **V. Closing Requirements**



1. Each subaward recipient is required to submit a final technical report and final invoice at completion of the agreement. Additional reports might be necessary as required by the prime sponsor agreement. These may include a final inventory of property or an invention report. PD/PI should not approve final payments until all reports have been received.
2. The PD/PI will complete the Subaward Closeout Checklist (see Exhibit 7) to ensure compliance with the terms of the subaward and audit requirements. A copy of this form will be kept on file with the related subaward documents. (This form will be completed for all subawards issued).

## **INDEX OF EXHIBITS**

1. A Fair & Reasonable Cost Analysis Form
2. Research Subaward Agreement
3. Subrecipient Risk Assessment
4. Audit Questionnaire
5. Subrecipient Monitoring Memo & Checklist
6. Subrecipient Compliance with A-133 Letter
7. Subaward Closeout Checklist

VIII.06: Administration of Time and Effort Reporting

<b>SECTION</b>	<b>GRANTS AND RELATED CONTRACTS</b>
<b>POLICY NO.</b>	<b>VIII.06</b>
<b>TITLE</b>	<b>Administration of Time and Effort Reporting</b>
<b>APPROVAL DATE</b>	<b>3/05/2015</b>
<b>REVISION DATE(S)</b>	<b>6/2/2016</b>

**PURPOSE**

To define College Policy concerning time and effort reporting and overtime and cost transfers for programs funded by grants, including, specifically, programs funded by the National Science Foundation (“NSF”).

**POLICY STATEMENT**

As a recipient of federal funds, CCAC must comply with the Office of Management and Budget (“OMB”) Circular A-21 (Cost Principles for Educational Institutions). This process ensures that salaries and wages are properly expended and that actual effort is consistent with the originally anticipated (budgeted) effort. CCAC’s effort reporting policies and procedures are intended to meet this requirement. Time and Effort Reporting is the only means that Federal agencies have to verify that funds allocated for salaries or wages were charged properly. Any CCAC employees who work any portion of his/her time on federally funded projects or activities, whether compensated or uncompensated in whole or in part from funds provided by or through that project, must certify time and effort expended in connection with that project.

1. Time and effort reporting shall reasonably reflect the percentage distribution of effort expended by CCAC employees involved in federally sponsored grants. These reports shall reasonably reflect the activity for which the employee is compensated and shall encompass all activities on an integrated basis.
2. Each employee whose time is committed to a federally sponsored project shall complete a time and effort report. This report is required regardless of whether such time is paid by a federally sponsored agreement, or is an unpaid match contribution, i.e. cost share match. Committed cost sharing, either voluntary or mandatory, must be included in effort reports.
3. CCAC uses an “after-the-fact effort” reporting system. This indicates that the distribution of salaries and wages will be supported by activity reports signed by the Principal Investigator (PI)/ Project Director (PD).
4. The Time and Effort report must represent, in percentages totaling 100%, a reasonable estimate of an employee’s effort for the period being reported. Compensated effort includes all research, teaching, administration, service, and any other activity for which an individual received compensation from the College. Note: It is recognized that research,

instruction, and service are often inextricably intertwined and estimates will be necessary in most cases. Time and effort reports must identify the appropriate funding stream (general ledger number) to be charged.

5. Salaries will be recorded in the separate account established for the grant project. All expenditures of funds received must be made in accordance with standard College disbursement policies and regulations, and provisions governing caretakers of restricted funds, when applicable.
6. Effort and payroll distributions are NOT the same. The effort reporting process is a method for confirming salary charges made to all sponsored awards. Payroll distributions are estimates of how effort is anticipated to be expended.
7. The federal government can impose severe penalties and funding disallowances as a result of missing, inaccurate, incomplete, or untimely effort reporting. PIs/PDs and other applicable employees compensated under a federally sponsored project are required to prepare and submit timely, complete and accurate time and effort reports.

### **PROCEDURES**

1. When a PI receives an award from an external sponsor s/he will prepare a projected distribution of effort for the expected duration of the grant. This will be based on the budget proposed to the grant awarding agency and provide a copy to the Director of Contracts and Grants. Contracts and Grants will provide this projection with the grant paperwork and budget to the campus Dean of Administration.
2. Based on the projected distribution of effort through the life of the grant, the frequency of reporting required will be determined by the Director of Contracts and Grants and the College Administrator overseeing the grant, which will be at least once each year. This reporting schedule will be communicated to the campus Dean of Administration.
3. Administrative staff who are employed full time and 100% funded through the grant project will be required to complete a monthly time card (see Exhibit 1) issued by CCAC. This card must be signed by both the employee and his/her direct supervisor. Signed copies will be kept with the employee's personnel file in the Human Resources department and with PI/PD's grant files located in department office. In addition, the employee will complete a time certification form (see Exhibit 2) at least once each year with signature indicating that 100% of time is spent on the grant activities.
4. Federally grant funded employees who are employed as a part time employee, but devote 100% of his/her time to one grant project, will verify their time through the college's Kronos time management system (see Exhibit 3). This will electronically record time in and out of the position. The direct supervisor will verify and approve this time weekly via the Kronos time management system.

5. CCAC employees who are compensated through more than one funding stream (split coded), including institutional (internal) funds or other sponsored project, will be required to complete a time and effort form (see Exhibit 4) separate from their time card or Kronos record. Copies of these reports must be maintained along with copies of the time cards in a separate employee's file with the grant files located in the department office.
6. Based on the pre-determined frequency, Contracts and Grants shall provide a blank time and effort report to each split coded employee working on a sponsored project(s) on the last working day of the month for which a report is required. The report will be available through CCAC's online portal.
7. Each employee required to complete this report shall enter the actual percentage of effort for the given time period. S/he will sign the effort report to verify and obtain appropriate signatures. Copies must be maintained with grant files located in the department office.
8. Verification: All employees must sign their own individual effort reports. In addition, the direct supervisor of the employee must review and verify all effort reports associated with their sponsored project(s) using suitable means of verification that the reported work was performed.
9. Employees are required to return appropriately completed and signed effort reports to the PI/PD by the 10th day of the following month.
10. After reviewing the effort reports, the PI/PD is required to submit the forms to the Dean of Administration. The Dean of Administration will review the time and effort report, confirm appropriate verification, and submit the original to Contracts and Grants by the 20th day of each month.
11. Any salary reallocations or adjustments resulting from time and effort reports will be made as determined between the PI/PD, the campus Dean of Administration and Contracts and Grants. All adjustments to prior salary allocations that are necessary as a result of a Time and Effort report must be made in a timely and accurate manner. All cost transfers must be completed within ninety (90) days of the original charge.
12. Changes: Evidence of salary reallocations must accompany a modified time and effort report.
13. In accordance with the requirements of the Fair Labor Standards Act (FLSA) and applicable state laws, nonexempt employees will be paid at time and one-half their "regular rate" of pay for each hour actually worked over the applicable overtime threshold. Employees are prohibited from working overtime without first obtaining their Supervisor's prior written approval. Any overtime approvals must be attached to the employee's time and effort report.
14. Faculty Compensation – Academic Year

Salary rates for the academic year will be based on the individual faculty member's regular compensation for the continuous period which constitutes the basis of his/her salary. Charges for work performed on sponsored agreement cannot exceed the proportionate share of the base salary for that period.

#### 15. Faculty Compensation - Summer Period

For summer months or other periods outside the academic year, OMB Circular A-21 stipulates that charges for work performed may be charged at a rate that does not exceed the base rate for the academic year. Faculty with 10 month appointments shall be permitted to expend up to an additional two months of effort/salary, respectively, on federally sponsored awards. Faculty shall comply with the following:

- 10 -month faculty receiving summer salary must ensure that the effort was expended during the summer period for which they were funded. Effort expended during the academic year cannot be counted towards the summer period.
- If a faculty member has administrative or other non-grant related responsibilities during the summer period, they will be precluded from devoting 100% effort to any federally funded projects.

#### 16. Faculty – Time and Effort

Faculty members who have time committed and charged to a federally funded grant project will be required to certify their academic year and/or summer salary on an annual basis. The faculty will be required to complete the time and effort form and sign the certification. The certification must equal 100% of time spent throughout the academic year.

### **REFERENCES**

Board Policy VIII.02 – Administration of Cost Transfers

Board Policy VIII.04 – Administration of Salaries and Wages for Grant Sponsored Employees

### **INDEX OF EXHIBITS**

1. CCAC Administrative Time Card
2. Time Certification Form
3. Kronos Time Management System
4. Time & Effort Form

## **BOARD OF TRUSTEES BYLAWS**

### **BOARD OF TRUSTEES POLICY STATEMENT**

The Mission of the Community College of Allegheny County is to prepare individuals to succeed in a complex global society by providing affordable access to high quality career and transfer education delivered in a diverse, caring, and innovative learning environment.

CCAC provides a supportive and transformative learning environment that prepares graduates who are sought by employers to meet critical needs in the region's workforce. Stakeholders have strong personal connections with CCAC and support it as a sound investment in community and economic vitality.

### **BYLAWS**

#### **ARTICLE I**

##### **IDENTIFICATION, SUCCESSION, AUTHORITY AND GENERAL POWERS OF THE BOARD OF TRUSTEES**

###### **A. Identification**

- (1) This body is to be known by the name of the Board of Trustees of the Community College of Allegheny County.
- (2) The Board of Trustees may hereinafter be referred to as the "Board" or "Trustee", while Community College of Allegheny County may hereinafter be referred to as the "College."
- (3) This body is the college's legal governing body whose principal office is located at 808 Ridge Avenue, Byers Hall, Pittsburgh, PA 15212. The College may also have offices at such other places within the Commonwealth of Pennsylvania as the business of the College may require.

###### **B. Authority and General Powers**

- (1) The Board derives its authority from the Community College Act of 1963, as amended from time to time, and as specifically amended by Act 31 -1985 also known as the Public School Code of 1949, the Articles of Agreement between the College and its local sponsor, and the policies, standards, rules and regulations adopted by the State Board of Education, or its successor.
- (2) The Board shall maintain and exercise governance control over the College, keep separate records and minutes, and adopt reasonable policies and rules, bylaws or regulations to effectuate and carry out the provisions of its authority as set forth in the previous paragraph.

- (3) Only actions by the Board, or ratification of actions by the Executive Committee, taken during a formal session of the board, with a quorum present, shall constitute an act of the Board. Nothing contained herein shall limit the authority of the chairman or of the treasurer acting under Section 7 of the said Community College Act of 1963, as amended.

The Board shall in all respects be governed by the provisions of Act No. 175 of 1974, P.L. 486, commonly known as the "Sunshine Law." All formal actions required by said Act to be taken in public shall be taken at a public meeting of the Board, the minutes of which shall be available to public after approved by the Board.

- (4) The Board may hold, rent, lease, sell, purchase or improve properties, land, buildings, furnishings and other properties needed for the delivery of education.
- (5) All contracts requiring action by the Trustees through Board policy shall be entered into and other acts shall be done by the Board of the College in the name of the College. They shall be executed under the signature of the chairperson or vice chairperson of the Board, whose signature shall be attested by the secretary or treasurer of the Board, and shall have affixed thereto the seal of the College. All instruments requiring acknowledgment shall be acknowledged by the chairperson or vice chairperson of the Board, or such other person as the Board shall, by formal action, appoint as attorney-in-fact to acknowledge.
- (6) The Board may receive local, state, and federal funds to defray the cost of College programs authorized by law and accept both conditional and unconditional gifts, as the case may be, from private persons.
- (7) The Board may authorize the College to utilize entrance requirements, approve curricula, subject to minimum standards fixed by the State Board of Education, federal statute or regulations, and/or accreditation standards. The Board upon recommendation of the College President, shall confer degrees and certificates.
- (8) The Board shall approve policies providing for the admission, retention, and expulsion of students, the courses of instruction, the tuition and fees to be charged, and for all matters related to the government and administration of the College as the Board deems prudent and advisable in the exercise of its fiduciary responsibilities.
- (9) The Board shall sanction agreements or contracts with any person, firm, or corporation, or with any County, State, Federal, or governmental agencies, which are deemed by the College following appropriate procurement policies to be necessary or advisable to the maintenance, and operation of the College.

- (10) The Board shall appoint and fix the salary of the president of the College. Only the President of the College shall report directly to the Board.
- (11) The Board shall select a solicitor to protect the legal interests of the Board and the College and an auditor to conduct required fiscal and operational reviews. Terms and conditions of these appointments shall be as determined by the Board.

C. Emeritus Recognition

The Board of Trustees is eligible to be nominated and considered for the status of Trustee Emeritus upon leaving office. This designation is intended to represent a high honor for a former trustee who has demonstrated significant contributions to the college and the community. The Board of Trustees shall consider Emeritus recognition for a college president who has served ten years at the college and who has demonstrated significant contributions to the college and community.

## ARTICLE II

### COMPOSITION OF BOARD, TERMS OF OFFICE, ATTENDANCE, ORIENTATION, SELF-EVALUATION AND EXPENSES

A. Composition of the Board

- (1) The Board of Trustees shall consist of up to fifteen, but no less than seven (7) persons recommended by the Allegheny County Chief Executive and appointed by the Allegheny County Council, the local sponsor, under the terms and provisions of the Articles of Agreement between the College and the local sponsor as changed by law and custom.
- (2) The President of the College shall have the right to attend all public meetings of the Board and to be heard on all matters before it, but shall have no right to vote on any matter.
- (3) Student Trustee: In addition to Trustees appointed to serve on the Board pursuant to subsection (1) above, the Board may, in its discretion, appoint one (1) student to serve as an ex-officio member of the Board, subject to the following:
  - a) Eligibility: Candidates for the student trustee position must meet each of the following conditions in order to be eligible to serve on the Board:
    - i. The candidate must be enrolled as a student at the College and registered for a minimum of twelve (12) credits;



- ii. The candidate must be in good academic, financial and behavioral standing at the College;
  - iii. The candidate must maintain a minimum GPA of 3.0 for the entirety of his or her term of office; and
  - iv. The candidate must complete and submit the student trustee application and all other materials required by the College.
- b) Appointment: The student trustee will be recommended to the Board of Trustees by the College President, and approved by majority vote of the Board.
- c) Term: The student trustee will serve a one (1) year term of office, commencing as of September 1<sup>st</sup> and ending as of June 30<sup>th</sup> of each academic year. The student trustee will be eligible for reappointment for an additional one (1) year term (for a maximum of two (2) total years of service), provided that the student trustee re-applies for the position, is recommended for reappointment by the College president, and is approved for reappointment by the Board.
- d) Status: The student trustee will act and serve as a non-voting member of the Board during his or her term of office.
- e) Responsibilities: The student trustee's primary responsibility is to act in the interest of the College as a whole. He or she will, however, be expected to be especially mindful of the interests of students and to articulate those interests to the Board. In addition, the student trustee will be expected to:
  - i. Attend Board of Trustee meetings and serve on the Student Success and Workforce Development Committee;
  - ii. Provide periodic reports to the Board on issues related to students; and
  - iii. As requested, represent the College at local, state or national advocacy and professional development events.

B. Term of Appointment

With the exception of the student trustee described in Section A(3) above, each person appointed to the Board shall serve a term of six years and shall be eligible for reappointment as specified by the sponsor.

C. Orientation

Newly appointed Trustees shall participate in an orientation with the Chair of the Board of Trustees and College President and/or their respective designees.

D. Self-evaluation

Trustees shall conduct a self-evaluation annually in May.

E. Expenses

Trustees shall serve without compensation except that they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

**ARTICLE III**

**OFFICERS, ELECTION OF OFFICERS, AND DUTIES OF OFFICERS**

A. Officers

The officers of the Board shall be a Chairperson, Vice Chairperson, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer.

B. Election of Officers

- (1) The Board shall, at its annual meeting in November, elect a Chairperson, a Vice Chairperson, a Secretary, a Treasurer, an Assistant Secretary, and an Assistant Treasurer. The Chairperson or a Nominating Committee appointed pursuant to Article V(C) below will present a proposed slate of officers. Nominations from the floor will also be accepted. Nominations shall be made and properly seconded. A majority of the members of the Board present and voting shall be necessary for election. The election shall be conducted by vote.
- (2) In the event of a vacancy in an office, by death, resignation, or removal, a new election shall be held in the manner above mentioned at the next official meeting of the Board after the vacancy has occurred, and the vacancy shall be filled for the remainder of the term.
- (3) Officers will serve a two year term. All officers are eligible for election for up to two consecutive terms (four years maximum consecutive service in the same office).

C. Duties of Officers

- (1) *The Chairperson of the Board shall:*

Preside at all meetings of the Board and serve as a member ex-officio of all committees, except the nominating committee, and shall be entitled to vote at all meetings of the Board and of all its committees.

Appoint all committees and designate the Chairperson(s) of such committees, unless otherwise determined by the Board.

(2) *The Vice Chairperson of the Board shall:*

Perform the duties of the Chairperson in his or her absence and such other duties as the Chairperson may delegate to him or her from time to time.

(3) *The Secretary of the Board shall:*

Provide general oversight of all official records belonging to the Board.

Sign any legal documents that require the signature of the Secretary of the Board.

Perform other duties as may be assigned from time to time by the Board.

(4) *The Treasurer of the Board shall:*

Represent the Board in dealings pertaining to financial matters, including the submission of an annual budget, to be approved by the Trustees, for operations and capital expenditures.

Represent the Board in the development of a long-range financial plan.

(5) *The Assistant Treasurer of the Board shall:*

Carryout the duties of the Treasurer during an absence.

(6) *The Assistant Secretary of the Board shall:*

Carryout the duties of the Secretary during an absence.

## **ARTICLE IV**

### **MEETINGS**

#### **A. Regular Meetings**

- (1) Regular meetings shall be held at least eight (8) times per year, at a date, time, and location to be published in January of each year in accordance with the provisions of the Sunshine Law.

- (2) Board members may participate by telephone, facsimile, e-mail or any other methods approved by the Board of Trustees.

#### B. Special Meetings

- (1) A special meeting of the Board may be called by the Chairperson at his or her discretion. The Chairperson of the Board shall call a special meeting upon a written request of three (3) members of the Board and the same shall be held within ten (10) days of the written request served upon the Chairperson. If he or she fails to call such a special meeting within the time prescribed, the said three (3) members shall have the power to call a special meeting.
- (2) Whenever a special meeting is called, written notice of such meeting shall be given to all Trustees and to appropriate media to ensure public notice as required by law not less than twenty-four (24) hours in advance and shall state the purpose or purposes of the meeting. No other matter shall be considered at the special meeting.

#### C. Quorum

A majority of the members serving on the Board of Trustees shall constitute a quorum for the transaction of business. A smaller number may call the roll, record the names of the absentees, and adjourn.

#### D. Procedures at Meetings

The rules contained in Robert's Rules of Order, latest revision, shall govern the conduct of meeting in all cases where they are not inconsistent with the rules and regulations set forth in these Bylaws. The presiding officer shall decide all questions of order, subject to appeal to the members present.

#### E. Agenda

- (1) The President of the College shall prepare an agenda for each regular Board meeting in cooperation with the Chairperson and have it in the possession of each Trustee at least five (5) business days before the meeting.
- (2) Individuals or groups wishing to present any matter of concern pertaining to the College shall make written request to the President of the College at least one (1) week prior to the regularly scheduled public meeting.

#### F. Voting

The affirmative votes of a simple majority of those Board members present and voting, providing a quorum is constituted, shall be required to carry a motion. All members of

the Board, including the Chairperson, shall have the right to record their individual vote on any motion or resolution.

## ARTICLE V

### COMMITTEES

#### A. Standing Committees of the Board

The authority of the Standing Committees shall be subject to the policies of the Board and these Bylaws. Committee recommendations shall be submitted to the Board for approval. If the Board gives a committee prior approval and instructions to act, then that committee may act for the Board within the parameters of the specific authority granted by the Trustees of that committee.

##### *Executive Committee*

The Board Executive Committee shall be the Officers of the Board.

A majority of the Executive Committee shall constitute a quorum for the transaction of such business by this committee.

The Executive Committee shall have the same rights, powers and duties of the Board and shall act as authorized by the Board.

All actions by the Executive Committee shall be subject to ratification by a majority vote of the Board.

##### Primary Responsibilities:

- Investigate any emergency situation which may arise and, if necessary, make recommendations for action to the Board at any special or regular meeting;
- Evaluate the president of the college annually, no later than the last day of June, and present recommendations to the Board for approval.

##### *Government and External Affairs, Public Relations and Marketing and Educational Foundation Relations Committee*

##### Primary Responsibilities:

- Promote the positive awareness of the College with legislative and corporate leaders, community and government funders, alumni, the news media and the general public.

*Audit, Finance, and Facilities Committee*

Primary Responsibilities:

- Provide general oversight of all financial affairs of the College and represent the Board in all dealings pertaining to financial matters, including the submission of an annual budget, to be approved by the Board, for operations and capital expenditures;
- Function as a liaison between the Board and the external auditor. In doing so, this Committee shall perform the following functions: recommend a certified public accountant to perform an external audit, in accordance with Article VI below, monitor the auditing process and provide periodic updates to the Board regarding the progress of the auditing process.

*Compliance, Legal Affairs, Policies, Human Resources, Diversity and Inclusion Committee*

Primary Responsibilities:

- Recommend policy and practices related to the College's compensation philosophy, including all collective bargaining mandates;
- Review and recommend policies and practices related to the College's operations;
- Monitor legal matters affecting the College;
- Direct the institution in matters of diversity and inclusion.

*Student Success and Workforce Development*

Primary Responsibilities:

- Provide general oversight of all policies related to student affairs and academic affairs programs;
- Review, advise and promote the College's workforce development initiatives to maintain a focus which guides and supports the economic development of our region with responsive, solution-driven workforce training programs.

B. Advisory Committees

The Board of Trustees shall be empowered to create advisory committees to serve at the pleasure of the Board without compensation.

C. Nominating Committee

When officer positions are vacant or due to expire, the Board may nominate and elect a three-member Nominating Committee. The Nominating Committee will recommend a slate of Board Officers. The Committee will present its recommendations for consideration at a regular meeting of the Board.

D. Special Ad Hoc Committees

Special Ad Hoc Committees may be appointed by the Chairperson from time to time to deal with specific issues or concerns and such committees shall be charged by the Chairperson with appropriate duties and responsibilities.

E. Educational Foundation Board

The Chair or Co-Chairs of the Government and External Affairs, Public Relations and Marketing and Educational Foundation Relations Committee shall serve on the Board of Directors for the CCAC Educational Foundation. The Board Chairperson shall also serve on the CCAC Educational Foundation Board.

## **ARTICLE VI**

### **RECORDS AND REPORTS**

A. Minutes

The Secretary of the Board will work with the Office of the President regarding the preparation of the official minutes of Board meetings. Minutes shall be reviewed and approved by the Board. Following approval of the minutes by the Board, an official copy shall be maintained on file in the Office of the President. Meeting minutes shall be available to the public.

B. Audit

The Board shall require an annual audit conducted by an independent Certified Public Accountant retained by the Board as soon after the close of the fiscal year as shall be practical, and the results of such examination shall be made a public record.

C. Public Information

Recognizing that the Community College of Allegheny County is supported by the people for the common good, the Board firmly believes that the public should be kept informed of events, programs, and operations taking place in the College. The Board authorizes its Chairperson, or a specially designated appointee, to issue information on all official activities of the Board for dissemination to the public.

## ARTICLE VII

### ADOPTION AND AMENDMENT PROCEDURE

#### A. Adoption

These Bylaws shall become effective upon ratification by a two-thirds ( $\frac{2}{3}$ ) vote of the total Board at any regular or special meeting.

#### B. Amendments

The Bylaws may be amended by a motion which provides substitute wording or refers to a specific addition or deletion and is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the total membership at any regular or special meeting following five business days advance notice in writing of the proposed change.

## ARTICLE VIII

### LIABILITY AND INDEMNIFICATION

#### A. Limitation of Liability.

To the fullest extent permitted by law, no Trustee shall be personally liable for monetary damages for any action taken or for any failure to take any action in their capacity as a Trustee, unless the Trustee has (i) breached or failed to perform the duties of a trustee as set forth in the College's Code of Ethics or the Pennsylvania Community College Act, 24 P.S. §19-1901-A *et seq.*, as the same are now in effect or may hereinafter be amended; and (ii) the breach or failure to perform constitutes self-dealing, willful misconduct or recklessness. The foregoing limitation of liability shall not apply to (a) the responsibility or liability of a Trustee under any criminal statute; or (b) the liability of a Trustee for the payment of taxes pursuant to any local, state or federal law.

#### B. Reliance Upon Information.

In performing his or her duties, a Trustee may rely in good faith upon information, opinions, reports or statements, including financial statements and other financial data, prepared or presented by (i) one or more officers or employees of the College whom the Trustee reasonably believes to be reliable and competent in the matters presented; (ii) legal counsel, public accountants, or other persons engaged by the Board or the College which relate to matters which the Trustee reasonably believes to be within the professional or expert competence of such persons; or (iii) a committee of the Board of Trustees upon which the Trustee does not serve, that is duly designated in accordance with these bylaws, and which the Trustee reasonably believes to merit confidence. A Trustee shall not be considered to be acting in good faith, however, if such Trustee has knowledge concerning a matter which would cause his or her reliance on any of the foregoing to be unwarranted.



C. Definitions.

When used in this Article VIII, the following terms shall be defined as follows:

“Indemnitee” shall mean any trustee, officer, or full-time employee of the College. Such term shall also include any person(s) who are not trustees, officers or full-time employees of the College to the extent that the Board of Trustees at any time denominates any of such persons as entitled to the benefits of this Article VIII.

“Expenses,” “liability” and “loss” shall include, without limitation, attorneys’ fees, judgments, fines, taxes, penalties and amounts paid in settlement.

“Proceeding” shall mean and include any threatened, pending or completed legal action, suit or proceeding, whether civil, criminal, administrative or investigative. “Proceeding” does not include internal College hearings, reviews or investigations, actions brought against an Indemnitee by or in the right of the College, or legal actions, suits or proceedings that an Indemnitee initiated or proposes to initiate in his or her individual capacity.

D. Right to Indemnification.

To the fullest extent permitted by law, the College shall indemnify any Indemnitee who was or is a party (which shall include, for the purpose of this Article, the giving of testimony or similar involvement), or who is threatened to be made a party, to a Proceeding by reason of the fact that such person was or is then serving as a representative of the College. Such indemnification shall include, without limitation, indemnification against all expenses, liability and loss reasonably incurred by such person in connection with such Proceeding if such Indemnitee acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the College and, with respect to any criminal proceeding, had no reason to believe such conduct was illegal.

Notwithstanding the foregoing, no person shall be entitled to indemnification pursuant to this Article VIII in any instance in which the action or failure to take action giving rise to the claim for indemnification is determined by a court of competent jurisdiction to have constituted willful misconduct or recklessness. Further, no person shall be entitled to indemnification pursuant to this Article VIII with respect to any claim, issue or matter brought by or in the right of the College and as to which the person has been adjudged to be liable to the College, unless and only to the extent that the Court of Common Pleas of Allegheny County or the court in which the action was brought determines upon application that, despite the adjudication of liability, such person is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

E. Procedure.

Unless ordered by a court, any indemnification under subsection D above or otherwise permitted by law shall be made by the College only as authorized in the specific case upon a determination that indemnification is proper in the circumstances because the

Indemnitee has met the applicable standard of conduct set forth under this Article VIII. Notwithstanding the foregoing, indemnification hereunder shall be deemed to be authorized hereunder with respect to any Proceeding in which the Indemnitee has wholly prevailed, on the merits or otherwise. Otherwise, such determination shall be made by the Board of Trustees, by a majority vote of a quorum consisting of Trustees who were not parties to the action or proceeding or, if such quorum is not obtainable or if obtainable and a majority vote of a quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

Notwithstanding the foregoing, indemnification under this Article VIII may be denied in any case in which the Indemnitee (i) fails to provide prompt written notice of the actual or threatened Proceeding to the College's President or General Counsel, and such failure would prejudice the College's ability to defend the matter or materially increase its expenses in doing so; (ii) does not provide information to and/or fails to cooperate with the College in the defense of the Proceeding; or (iii) enters into a settlement, compromise or other voluntary disposition of the claim or action without the prior written approval of the College.

F. Advancement of Expenses.

Subject to subsection E above, expenses incurred in defending a Proceeding may be paid by the College in advance of the final disposition of such Proceeding, provided that the College receives a written undertaking by or on behalf of Indemnitee to repay the amount so advanced if it should ultimately be determined that the Indemnitee is not entitled to be indemnified for such expenses.

G. Security for Indemnification Obligations.

To further effect, satisfy or secure the indemnification obligations provided herein or otherwise, the College may maintain insurance, obtain a letter of credit, act as self-insurer, create a reserve, trust, escrow, cash collateral or other fund or account, enter into indemnification agreements, pledge or grant a security interest in any assets or properties of the College (other than real estate, except as otherwise provided herein) or use any other mechanism or arrangement whatsoever in such amounts, at such costs, and upon such other terms and conditions as the Board of Trustees shall deem appropriate.

H. Amendment or Repeal.

All rights of indemnification under this Article shall be deemed a contract between the College and the person entitled to indemnification hereunder, and pursuant to which the College and each such person shall be legally bound. Any repeal, amendment or modification of the provisions of this Article VIII shall be prospective only and shall not limit, but may expand, any rights or obligations in respect of any Proceeding, whether commenced prior to or after such change, to the extent such Proceeding pertains to actions or failures to act occurring prior to the effective date of such change.

I. Scope of Article.

The rights of indemnification and advancement of expenses provided for in this Article VIII shall (i) not be deemed exclusive of any other rights, whether now existing or hereafter created, to which any Indemnitee may be entitled under any College policy, collective bargaining agreement, contract, or applicable law; (ii) be deemed to create contractual rights in favor of each Indemnitee; (iii) continue as to each person who has ceased to have the status pursuant to which he or she was entitled or was denominated as entitled to indemnification hereunder and shall inure to the benefit of the heirs and legal representatives of each Indemnitee; and (iv) be applicable to Proceedings commenced after the adoption hereof, whether arising from acts or omissions occurring before or after the adoption hereof.

**ARTICLE IX**

**FISCAL YEAR**

The fiscal year for the Community College of Allegheny County is July 1- June 30.