Southern State Community College
Board of Trustees Policy Manual

Approved 02/02/2014
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INTRODUCTION

This manual is a compilation of information including state community college statutes, policies, rules, regulations, and resolutions for use by the Board of Trustees (the Board) of Southern State Community College (SSCC) as its members perform their duties. The manual will be reviewed annually. Any required revisions will be submitted to and reviewed by the Board.
BOARD BYLAWS

ARTICLE I. PERMANENT PRINCIPAL PLACE OF BUSINESS

The permanent principal place of business of Southern State Community College shall be 100 Hobart Drive, in Hillsboro, Ohio.

ARTICLE II. THE BOARD OF TRUSTEES

SECTION 1. POWERS

The Board of Trustees, consisting of nine (9) members, appointed by the Governor of Ohio with the advice and consent of the Senate, shall perform for the Southern State Community College District all of the powers and duties of boards of trustees of public state community college districts as provided in Chapter 3358 of the Revised Code of Ohio and carry out or authorize to be carried out all additional actions reasonably deemed to be necessary and incidental thereto.

Section 1.a Guiding Principles

- The Board of Trustees represents the people of Southern State Community College's five-county district in making decisions concerning the institution.
- The Board of Trustees represents Southern State Community College to the people of the district.
- The Board of Trustees supports the strategic vision of the institution.

Section 1.b Duties

- The Board of Trustees establishes policies and procedures for its own governance and for the governance of the institution.
- The Board of Trustees selects, appoints, and evaluates the President.
- The Board of Trustees appoints and fixes the contract of the president of the college and his/her annual benefits and salary increments.
- The Board of Trustees establishes schedules of institution-wide fees and tuition for: students who are residents of Ohio, students who are non-residents of Ohio, and for international students. The establishment of the fees and tuition schedules shall be subject to approval of the Ohio Board of Regents.
- The Board of Trustees reviews and acts on financial matters, including the annual budget, capital expenditures for facilities, and expenditure items requiring competitive bidding.
- The Board of Trustees appoints Foundation Board members.
- Members of the Board of Trustees shall exercise such authority and perform such duties as are usually incidental to their office and are not inconsistent with these policies and regulations or Chapter 3358 of the Ohio Revised Code.
- Each Member of the Board shall have a duty to reveal to the Board any interest, whether economic or otherwise, that he has in a matter that comes before the Board. Members who have such an interest shall not participate in discussions concerning
Section 1.c  Board of Trustees Oath
I swear that I will support the Constitution of the United States and of the State of Ohio, and
that I will honestly, faithfully and impartially perform my duties as a member of the Board
of Trustees of the Southern State Community College District.

Signed: ____________________________________________

Date: ________________________________________________

WITNESSED: __________________________________________

Notary Public: __________________________________________

Date: ________________________________________________

SECTION 2.  AUTHORITY OF THE BOARD

The Board members have authority to act only when the Board of Trustees is legally in
session. No member or officer or employee of the Board of Trustees of the Southern State
Community College District shall have the right to act in the name of the Board outside of
Board meetings except as specifically authorized to do so by the Board of Trustees.

SECTION 3.  BOARD ORGANIZATION

The officers of Board shall include a chair, a vice chair, and a secretary. In addition to the
officers specified above, the board may elect such other officers as the Board may deem
necessary. These additional officers shall have such authority and perform such duties as may
from time to time be delegated to them by the Board.

The officers of the Board shall be elected at the first regular meeting at the beginning of each
alternating calendar year. Officers are elected by existing members of the Board in a manner
supported by five or more members. The regular term of an officer shall be for two years. An
individual must be a Board member in order to qualify as a chair or vice chair. The Southern
State Community College Chair shall serve as the delegate and the Vice Chair shall serve as the
alternate of the Ohio Association of Community Colleges Governing Board.

If, for any reason, a vacancy occurs in the office of the chair during his/her term of office, the
vice chair shall succeed to the office of chair immediately and shall have all powers and
perform all duties of the office during the period of vacancy. The board shall elect a successor
vice chair at the next regular meeting of the board following the declaration of such vacancy
by the chair and the support of five or more members of the board.
Any officer of the Board may be removed at any time, either with or without cause, by resolution adopted by the Board at any meeting of the Board. In the event of removal, the meeting notice for the meeting during which the Board intends to vote on such removal resolution must specify that such removal action is to be considered.

Section 3.a  Duties and Responsibilities of Officers

(1) Chair. It shall be the duty of the chair to call the meeting to order, to preside at all meetings of the Board, to rule on the order and discussions of motions, to maintain proper decorum within the meeting place, to expedite the use of time during the meetings, to allocate the time for discussions and to perform all duties incident to the office of the chair and such other duties as may be prescribed from time to time by the Board.

The chair may, at any time, appoint such committees as he/she deems necessary. All committees shall be advisory in nature. Once appointed, such committees will serve until the next organizational meeting of the Board.

(2) Vice Chair. It shall be the duty of the vice chair to perform the duties of the chair in his/her absence, or in the event of the chair’s inability or refusal to act. The vice chair, when thus acting, shall have the powers of and be subject to all restrictions placed upon the chair. A vice chair shall perform such other duties as from time to time may be assigned to him/her by the chair of the board.

(3) Secretary. The secretary shall keep the minutes of the meetings of the Board; shall see that all notices of meetings are duly given in accordance with the provisions of this constitution and bylaws, or as required by law; and, in general, shall perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the chair of the Board.

(4) In the absence of the chair and the vice chair, the Board shall elect a chair pro tempore from the attending members of the Board.

SECTION 4. BOARD MEETINGS

The agenda for meetings of the Board shall be prepared by the president of the college and his/her staff with the counsel of the chair of the Board. Copies of the agenda shall be delivered to each board member at least five days before the date of any regularly scheduled meeting.

A majority of the Board members shall be present in person at any meeting in order to constitute a quorum for the transaction of business at such meeting. A quorum may act on any matter by a majority of voting members present at such quorum. The act of the majority of the Board members present at any such meeting at which a quorum is present shall be the act of the Board of Trustees. In the absence of a quorum, a majority of those Board members present may adjourn the meeting until a quorum is had.

Section 4.a  Regular Meetings
Unless otherwise specified by the chair, there shall be at least six regular meetings of the Board each calendar year. The time and place of regular meetings shall be determined at the organizational meeting by a quorum of the Board.

**Section 4.b  Special Meetings**
Special meetings of the Board may be called by the chair on his/her own initiative and shall be called by the chair upon written request of no fewer than three members of the Board. Written notice of such special meetings shall be given to each member at least 24 hours prior to the date of said meeting stating the time and place of such meeting and the purpose for which it is called.

**Section 4.c  Emergency Meetings**
Emergency meetings of the Board may be convened when a situation requires immediate official action. When such an emergency meeting is scheduled, written notice of said meeting shall be given stating the time and place of such meeting and the purpose for which it is called.

**Section 4.d  Public Participation**
Any person, other than a member of the Board or an officer of the college, who wishes to address the Board must request permission from the chair or the secretary of the Board at least one week prior to the Board meeting. The request must be made in writing and must state the requestor’s purpose for addressing the Board. Proper decorum is expected of individuals addressing the Board. The chair reserves the right to terminate an individual’s speaking privileges if the individual persists after being asked to cease engaging in improper conduct.

**Section 4.e  Rules of Order**
The latest published and released edition of “Roberts Rules of Order” shall be taken as the authority in the transaction of business in any matters not addressed in this manual or the Ohio Revised Code.

**SECTION 5. BOARD MEETING MINUTES**
The minutes of each regular or special meeting shall be duly recorded. The typed minutes of each meeting will be considered, corrected, and approved at the next regular meeting of the Board. Such action may also be taken at an intervening special meeting. The minutes shall be inspected and signed by the secretary and chair of the Board and shall be maintained in the official Board files.

**ARTICLE III.  THE PRESIDENT**
The President is the chief executive officer and professional advisor of the Board. The President interprets and implements the Board’s policies and regulations in their application to the various operations and personnel matters of the college. The President has responsibility and authority necessary to provide professional leadership and administrative direction for the various operations and for various personnel groups as outlined in the approved organizational flowchart. The President may delegate any authority or responsibility to others but retains the final responsibility for the results of such delegation. The President is responsible for making personnel
decisions, including but not limited to hiring, firing, disciplining and setting the compensation for various individual college personnel. The president may change varying personnel assignments to carry out the President’s responsibilities to the Board for the overall leadership of the college. The President is the single officer reporting directly to the Board.

ARTICLE IV. AMENDMENTS

SECTION 1. BYLAWS

The Bylaws of the Board may be amended. All proposals must be in writing and initiated during any regular meeting by a motion of resolution by a member of the Board. Approval of a proposed resolution of amendment of the Bylaws requires a positive majority vote of the membership of the Board (5 or more members) at the next regular meeting.

SECTION 2. POLICIES

The Policies of the Board may be amended. All proposals must be in writing and initiated during any regular meeting by a motion of resolution by a member of the Board. Approval of a proposed resolution of amendment of the Policies requires a positive majority vote of the membership of the Board (5 or more members) at the next regular meeting.

ARTICLE V. SEAL

The Board of Trustees shall have the authority to adopt a seal for the district and for the college and to alter the same or either of them.
Policy Resolutions

PUBLIC RECORDS POLICY

It is the policy of Southern State Community College that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Southern State Community College to strictly adhere to the state’s Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

PUBLIC RECORDS

This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

All records of Southern State Community College are public unless they are specifically exempt from disclosure under the Ohio Revised Code. Under Ohio law, a record (or portion of a record) may still be withheld from release because state or federal law makes the record or a portion thereof confidential.

The College will respond to a public records request within a reasonable amount of time after receiving the request.

DIRECTORY INFORMATION

Southern State Community College has defined their directory information as follows:

- Name
- Dates of Attendance
- Honors and awards received
- Degree(s)/Certificate(s) awarded, if any
- Full-time or Part-time enrollment status
- Address
- City of residence
- Participation in officially recognized sports and activities
- Photograph

However, releasing directory information to any person or group for use in a profit-making plan or activity is prohibited.
SECTION 1. POLICY

It is the policy of Southern State Community College that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

SECTION 2. RECORD REQUESTS

With the exception of student records (see Section 1), each request for public records should be evaluated for a response using the following guidelines:

Section 2.1
Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

Section 2.2
The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this office’s general policy that this information is not to be requested.

Section 2.3
Public records are to be available for inspection during regular business hours, with the exception of published holidays or closings. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested.

Section 2.4
Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by Southern State Community College within three business days following the office’s receipt of the request. If a request is deemed significantly beyond “routine,” such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

- An estimated number of business days it will take to satisfy the request.
• An estimated cost if copies are requested.
• Any items within the request that may be exempt from disclosure.

Section 2.5
Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

SECTION 3. COSTS FOR PUBLIC RECORDS

Those seeking public records will be charged only the actual cost of making copies.

• The charge for paper copies is 2 cents per page.
• The charge for downloaded computer files to a compact disc is $1 per disc.
• There is no charge for documents e-mailed.
• Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies, paper copies and/or disks.

SECTION 4. E-MAIL

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1
Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office’s records custodian.

Section 4.2
The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

ETHICS POLICY STATEMENT

It is the policy of the Southern State Community College Board of Trustees to carry out its mission in accordance with the strictest ethical guidelines and to ensure that Southern State Community College Board of Trustee members and employees conduct themselves in a manner that fosters public confidence in the integrity of the Southern State Community College Board of Trustees, its processes, and its accomplishments.
GENERAL STANDARDS OF ETHICAL CONDUCT

Southern State Community College Board of Trustee members and employees must, at all times, abide by protections to the public embodied in Ohio’s ethics laws, as found in Chapters 102. and 2921. of the Ohio Revised Code (R.C.), and as interpreted by the Ohio Ethics Commission and Ohio courts. (A copy of these laws is provided by the Southern State Community College Board of Trustees, and receipt acknowledged, as required in R.C. 102.09(D).) Members and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all members and employees includes, but is not limited to, those listed below. No member or employee shall:

- Solicit or accept anything of value from anyone doing business with the Southern State Community College Board of Trustees;
- Solicit or accept employment from anyone doing business with the Southern State Community College Board of Trustees, unless the member or employee completely withdraws from Southern State Community College Board of Trustees activity regarding the party offering employment, and the Southern State Community College Board of Trustees approves the withdrawal;
- Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
- Be paid or accept any form of compensation for personal services rendered on a matter before, or sell goods or services to, the Southern State Community College Board of Trustees;
- Be paid or accept any form of compensation for personal services rendered on a matter before, or sell (except by competitive bid) goods or services to, any state agency other than the Southern State Community College Board of Trustees, unless the member or employee first discloses the services or sales and withdraws from matters before the Southern State Community College Board of Trustees that directly affect officials and employees of the other state agency, as directed in R.C. 102.04;
- Hold or benefit from a contract with, authorized by, or approved by, the Southern State Community College Board of Trustees (the Ethics Law does except limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a Southern State Community College Board of Trustees contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;
- Solicit or accept honoraria (see R.C. 102.01(H)) and 102.03(H));
- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the Southern State Community College Board of Trustees;
- Use or disclose confidential information protected by law, unless appropriately authorized; or
• Use, or authorize the use of, his or her title, the name “Southern State Community College Board of Trustees,” or “SSCC,” or the Southern State Community College Board of Trustees’ logo in a manner that suggests impropriety, favoritism, or bias by the Southern State Community College Board of Trustees, official or employee.

For purposes of this policy:

• “Anything of value” includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal.
• “Anyone doing business with the Southern State Community College Board of Trustees” includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before Southern State Community College Board of Trustees.

**FINANCIAL DISCLOSURE**

Every Southern State Community College Board of Trustees member or employee required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. Any member or employee appointed or employed after February 15 and required to file a financial disclosure statement must file a statement within ninety days of appointment or employment.

**ASSISTANCE**

The Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Laws and related statutes. The Commission can be contacted at (614) 466-7090. The Commission’s web site address is: www.ethics.state.oh.us. Southern State Community College’s assigned Assistant Attorney General is also available to answer questions involving this policy.

**PENALTIES**

Failure of any Southern State Community College Board of Trustees official or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

**COUNTY ROTATION**

When a vacancy occurs before a particular term ends, that vacancy should be filled and not rotated to the next county until that particular six-year term has ended.
### Rotation Chart 1996 - 2021

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APPENDIX 1:
Ohio Revised Code Chapter 3358—State Community Colleges and Excerpts from Ohio Revised Code Chapter 3354—Community Colleges

3358.01  STATE COMMUNITY COLLEGE DEFINITIONS

As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) “State community college district” means a political subdivision composed of the territory of a county, or two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) “State community college” means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter.

(C) “Baccalaureate-oriented program” means a curricular program of not more than two years’ duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) “Technical education program” means a post high school program of not more than two years’ duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) “Adult continuing education program” means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.
3358.02 STATE COMMUNITY COLLEGE DISTRICT

(A) A state community college district may be created to take the place of a technical college or a university branch with the approval of the Ohio board of regents upon the proposal of the board of trustees of a technical college district, or upon the proposal of the board of trustees of a state university, or upon the joint proposal of both such boards, and pursuant to an agreement entered into under section 3358.05 of the Revised Code. A state community college district may not be created to take the place of both a technical college district and a university branch without the consent of both boards of trustees. The attorney general shall be the attorney for each state community college district and shall provide legal advice in all matters relating to its powers and duties.

(B)(1) Qualified electors residing in a county, or in two or more contiguous counties, with a total population of at least one hundred fifty thousand may, in the manner prescribed in division (C) of section 3354.02 of the Revised Code, execute a petition proposing the creation of a state community college district within the territory of the county or counties. Upon the certification to the board of regents that a majority of the electors voting on the proposition in the territory in which the proposed college is to be located voted in favor thereof, the board may create a state community college district comprising the territory included in the petition.

(2) The board of county commissioners of a county in which there is no university branch or technical college and which has a population of not less than one hundred fifty thousand may, by resolution approved by two-thirds of its members, propose the creation of a state community college district within the county. Upon certification to the board of regents of a copy of such resolution, the board may create a state community college district comprising a county.

(3) The boards of county commissioners of any two or more contiguous counties in which there is no university branch or technical college and which have a combined population of not less than one hundred fifty thousand may, by a resolution approved by two-thirds of the members of each such board, jointly propose the creation of a state community college district within the territory of the counties. Upon certification to the board of regents of a copy of the resolution, the board may create a state community college district comprising the counties.

(C) A state community college district may be expanded to include one or more counties, by a majority vote of the board of trustees and upon approval by the board of regents.

(D) Upon a proposal of the board of trustees of a state community college district, the board of regents may amend the charter of a state community college to change it into a community college as defined in section 3354.01 of the Revised Code, in order to permit the college to seek a local levy. Such amendment of the charter is effective immediately upon its acceptance by the board of regents, and the state community college district shall thereupon become a community college district. If a levy is defeated by the voters or if no levy is approved by the electors within one year after the date the amendment takes effect, such amendment becomes void, and the college shall thereupon become a state community college, and the district operating such college shall become a
state community college district. On the effective date of a charter amendment the board of trustees of the state community college district shall become the initial board of trustees for the community college district to serve for the balance of their existing terms, and the board or boards of county commissioners from the counties involved shall fill the first six vacancies occurring on the community college board, and thereafter board members shall be appointed under section 3354.05 of the Revised Code. If such an amendment takes effect and is subsequently voided under this section, any persons appointed to the board during the period the amendment was in effect shall be considered members of the state community college district board, and thereafter trustees shall be appointed in accordance with section 3358.03 of the Revised Code. Within thirty days after approval by the board of regents of a state community college district proposed under this section, the board of regents shall file with the secretary of state a copy of its certification or resolution creating the district. This copy shall be recorded in the office of the secretary of state, who shall then declare the district to be established.

Effective Date: 07-01-1983

3358.03 APPOINTMENT OF TRUSTEES - TERM

The government of a state community college district is vested in a board of nine trustees who shall be appointed by the governor, from within the district, with the advice and consent of the senate. Within ninety days after a state community college district is created pursuant to section 3358.02 of the Revised Code, the governor shall make initial appointments to the board. Of these appointments three shall be for terms ending two years after the date upon which the district was created, three shall be for terms ending four years after that date, and three shall be for terms ending six years after that date. Thereafter, the successive terms of trustees shall be for six years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each trustee shall hold office from the date of his appointment until the end of the term for which he was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Where a state community college district succeeds to the operations of a state general and technical college, or a technical college district, the initial board of trustees of the district shall be composed of the members of the board of trustees of the state general and technical college, or a technical college district, to serve for the balance of their existing terms, and such additional number appointed by the governor, with the advice and consent of the senate, as will total nine members; and terms of such members appointed by the governor originally and to all succeeding terms shall be such that, in combination with the original remaining terms of the members from the technical college district, the eventual result will be that three terms will expire every second year. Appointees shall be qualified electors residing in the state community college district. The trustees shall receive no compensation for their services, but may be paid for their reasonably necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.

Effective Date: 11-04-1977
3358.04 ELECTION AND APPOINTMENT OF OFFICERS OF BOARD - DUTIES

The board of trustees of a state community college district shall annually, during the first regular scheduled meeting following the beginning of the calendar year, elect from their members a chairman and a vice-chairman, neither of whom shall serve in his office for more than three consecutive years, and they may also appoint as secretary, either a member of the board or the president of the college or his designee. The board shall do all things necessary for the creation, proper maintenance, and successful and continuous operation of a state community college, and may adopt and at any time amend bylaws and rules for the conduct of the board and the government and conduct of the college.

Effective Date: 11-04-1977

3358.05 AGREEMENT BETWEEN BOARDS TO EFFECT TRANSITION

Upon proposal by the board of trustees of a technical college district, the board of trustees of a state university, or both, and upon approval of the establishment of a state community college district by the Ohio board of regents, an agreement between the board of trustees of the proposing technical college district, state university, or both, and the Ohio board of regents shall be entered into to effect the transition of the technical college district's technical college or of a university branch, or both, to a state community college. The agreement shall designate the county or counties to be included in the district and shall include provision therein for the transfer of assets and contracts, assumption or discharging of liabilities and obligations, the date as of which the transition shall be effected and the state community college district shall be created, and such other matters as are necessary or appropriate to the purpose. Nothing in the agreement may, or shall be construed to, affect the rights of holders or owners of bonds or notes issued pursuant to section 3357.11 of the Revised Code until the bonds or notes are returned or provisions therefor made. The agreement shall be entered into by the Ohio board of regents on behalf of the state community college district and is binding upon the college district and its board of trustees. The board of trustees of a technical college district shall not approve an agreement for the transfer of the district's assets unless it finds and determines that the agreement adequately provides for the achievement of the purposes for which the district was created and will be beneficial to the people of the district.

Effective Date: 11-04-1977

3358.06 TREASURER TO BE FISCAL OFFICER – DUTIES, BOND

(A) The treasurer of each state community college district shall be its fiscal officer, and the treasurer shall receive and disburse all funds under the direction of the college president. No contract of the college's board of trustees involving the expenditure of money shall become effective until the treasurer certifies that there are funds of the board otherwise uncommitted and sufficient to provide therefor. When the treasurer ceases to hold the office, the treasurer or the treasurer's legal representative shall deliver to the treasurer's successor or the president all moneys, books, papers, and other property of the college. Before entering upon the discharge of
official duties, the treasurer shall give bond to the state for the faithful performance of official
duties and the proper accounting for all moneys coming into the treasurer's care. The amount of the
bond shall be determined by the board but shall not be for a sum less than the estimated amount
that may come into the treasurer's control at any time. The bond shall be approved by the attorney
general.

(B) The board of trustees may provide for the investment of district funds. Investments may be
made in securities of the United States government or of its agencies or instrumentalities, the
treasurer of state's pooled investment program, obligations of this state or any political subdivision
of this state, certificates of deposit of any national bank located in this state, written repurchase
agreements with any eligible Ohio financial institution that is a member of the federal reserve
system or federal home loan bank, money market funds, or bankers acceptances maturing in two
hundred seventy days or less which are eligible for purchase by the federal reserve system, as a
reserve. Notwithstanding the foregoing or any provision of the Revised Code to the contrary, the
board of trustees of a state community college district may provide for the investment of district
funds in any manner authorized under section 3345.05 of the Revised Code.

Effective Date: 11-04-1977; 06-30-2006; 2007 HB119 09-29-2007

3358.07 OFFICIAL PLAN FOR COLLEGE – APPROVAL BY BOARD
OF REGENTS – ISSUANCE OF CHARTER

Upon the qualification of its members, the board of trustees of a state community college district
shall prepare an official plan for a state community college within the district except where the
district was created under division (C) or (D) of section 3358.02 of the Revised Code. The official
plan shall include, but need not be limited to, a demonstration of needs and prospective enrollment,
by the types and to the extent of the specific programs defined in section 3358.01 of the Revised
Code; description and location of lands, buildings, facilities, and improvements proposed to be
occupied by the college; a proposed schedule for acquisition of such lands or improvements, for
construction of improvements, and for operation of the college; the proposed organization and
program of the college, consistent with the proposed lands and improvements; and a proposed
budget to meet operating cost for the first two years of operation of the college including the
proposed faculty-student ratio to be maintained by the institution. In preparing the official plan, the
board of trustees may retain consultants as needed. For the purpose of preparing the official plan,
the board may receive and expend gifts, grants, bequests, or devises, or public funds appropriated
for this purpose. The official plan shall include a recommendation as to whether the state
community college shall be operated directly by the board of trustees of the state community
college district, or shall be operated in part by an accredited university or college pursuant to a
contract to be entered into by the board of trustees of the state community college district and the
governing board of the university or college. If the plan recommends that the state community
college be operated in part under such a contract, it shall include the full text of the recommended
contract, with certification by the respective boards to the effect that they have adopted resolutions
approving the contract and await approval of the plan and the contract by the board of regents. In
any instance in which an official plan proposes partial operation by an accredited university or
college, pursuant to a contract, the contract shall include a provision that the contracting university
or college will accept all academic credit awarded to students attending the proposed state
community college under the contract if the student desires to transfer to the contracting university
or college. The contract shall also include a provision that the contracting university or college shall
not unreasonably and wastefully duplicate existing educational services. Upon completing the preparation of the official plan, the board of trustees of a state community college district shall file a copy of the plan with the board of regents, which shall approve or disapprove the plan or any of its provisions. If the board of regents approves the official plan, it shall certify a copy of its action to the board of trustees of the state community college district and issue a charter creating and establishing the state community college, to be known by the name set forth in the official plan. The official plan shall be appended to and shall become a part of the charter, and the charter shall not thereafter be changed except by charter amendment, in accordance with the procedure set forth in this section for preparation and adoption of an official plan in the first instance.

Effective Date: 11-04-1977

### 3358.08 POWERS AND DUTIES OF BOARD OF TRUSTEES

The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community colleges.

(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;

(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not;

(G) Grant appropriate associate degrees to students successfully completing the state community college’s programs, and certificates of achievement to students who complete other programs;

(H) Prescribe policies for the effective operation of the state community college and exercise such other powers as are necessary for the efficient management of the college;

(I) Enter into contracts with neighboring colleges and universities for the conduct of state community college programs or technical courses outside the state community college district;

(J) Purchase:
(1) A policy or policies of insurance insuring the district against loss or damage to property, whether real, personal, or mixed, which is owned by the district or leased by it as lessee or which is in the process of construction by or for the district;

(2) A policy or policies of fidelity insurance in such amounts and covering such trustees, officers, and employees of the district as the board may consider necessary or desirable;

(3) A policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of employment or official responsibilities with the institution, with malicious purpose or bad faith, or in a wanton or reckless manner, or may otherwise provide for the indemnification of such persons against such liability. All or any portion of the cost, premium, or charge for such a policy or policies or indemnification payment may be paid from any funds under the institution’s control. The policy or policies of liability insurance or the indemnification policy of the institution may cover any risks including, but not limited to, damages resulting from injury to property or person, professional liability, and other special risks, including legal fees and expenses incurred in the defense or settlement claims of such damages.

(4) A policy or policies of insurance insuring the district against any liabilities to which it may be subject on account of damage or injury to persons or property, including liability for wrongful death. Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Effective Date: 10-26-1999

3358.09 GENERAL ASSEMBLY TO SUPPORT UNIVERSITY – OTHER SOURCES

The general assembly shall support a state community college by such sums of money and in such manner as it may provide, but support may also be obtained from other sources.

Effective Date: 11-04-1977

3358.10 APPLICATION OF COMMUNITY COLLEGE PROVISIONS

Sections 3354.10, 3354.121, 3354.15, and 3354.16 of the Revised Code apply to state community college districts and their boards of trustees.

Effective Date: 09-17-1996; 12-30-2004; 06-27-2005

3354.10 DEPOSIT OF FUNDS – INVESTMENT OF FUNDS - AUDIT

(A) All funds under the control of a board of trustees of a community college district, regardless of
the source thereof, may be deposited by such board to its credit in banks or trust companies
designated by it. Such banks or trust companies shall furnish security for every such deposit to the
extent and in the manner provided in section 135.18 of the Revised Code, but no such deposit shall
otherwise be subject to sections 135.01 to 135.21 of the Revised Code. Thereupon, such funds may
be disbursed by the board of trustees for the uses and purposes of such district. No contract of the
board involving the expenditure of money shall become effective until there is placed thereon by
the treasurer as fiscal officer of the district the certificate provided for by section 5705.41 of the
Revised Code.

(B) The board of trustees of a community college district may provide for the investment of district
funds. Investments may be made in securities of the United States government or of its agencies or
instrumentalities, the treasurer of state's pooled investment program, obligations of this state or
any political subdivision of this state, certificates of deposit of any national bank located in this
state, written repurchase agreements with any eligible Ohio financial institution that is a member of
the federal reserve system or federal home loan bank, money market funds, or bankers acceptances
maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve
system, as a reserve. Notwithstanding the foregoing or any provision of the Revised Code to the
contrary, the board of trustees of a community college district may provide for the investment of
district funds in any manner authorized under section 3345.05 of the Revised Code.

(C) Any community college district is subject to audit by the auditor of state, who shall furnish to
the county or counties which created the district a copy of the audit report.

Effective Date: 07-01-1985; 06-30-2006; 2007 HB119 09-29-2007

3354.121 ACQUIRING AUXILIARY OR EDUCATION FACILITIES

(A) Each community college district may acquire, by purchase, lease, lease-purchase, lease with
option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel,
renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, auxiliary
facilities or education facilities, except housing and dining facilities, and may pay for the facilities
out of available receipts of such district. To pay all or part of the costs of auxiliary facilities or
education facilities, except housing and dining facilities, and any combination of them, and to refund
obligations previously issued for such purpose, each community college district may issue
obligations in the manner provided by and subject to the applicable provisions of section 3345.12
of the Revised Code.

(B) Except as otherwise provided in this section, the definitions set forth in section 3345.12 of the
Revised Code apply to this section.

(C) Fee variations provided for in division (G) of section 3354.09 of the Revised Code need not be
applied to fees pledged to secure obligations.

(D) The obligations authorized by this section are not bonded indebtedness of the community
college district, shall not constitute general obligations or the pledge of the full faith and credit of
such district, and the holders or owners thereof shall have no right to require the board to levy or
collect any taxes for the payment of bond service charges, but they shall have the right to payment
thereof solely from the available receipts and funds pledged for such payment as authorized by
section 3345.12 of the Revised Code and this section. The bond proceedings may provide the method whereby the general administrative overhead expense of the district shall be allocated among the several operations and facilities of the district for purposes of determining any operating and maintenance expenses payable from the pledged available receipts prior to the provision for payment of bond service charges, and for other purposes of the bond proceedings.

(E) The powers granted in this section are in addition to any other powers at any time granted by the Constitution and laws of the state, and not in derogation thereof or restrictions thereon.

Effective Date: 09-17-1996

3354.15 EXEMPTION FROM TAXES OR ASSESSMENTS

A community college district shall not be required to pay any taxes or assessments upon any real or personal property acquired, owned, or used by it pursuant to provisions of sections 3354.01 to 3354.18, inclusive, of the Revised Code, or upon the income therefrom, and the bonds issued pursuant to provisions of such sections and the transfer of the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the state.

Effective Date: 10-20-1961

3354.16 CONTRACTS REQUIRING BIDDING – BIENNIAL ADJUSTMENT

(A) When the board of trustees of a community college district has by resolution determined to let by contract the work of improvements pursuant to the official plan of such district, contracts in amounts exceeding a dollar amount set by the board, which dollar amount shall not exceed fifty thousand dollars, shall be advertised after notices calling for bids have been published once a week for three consecutive weeks, in at least one newspaper of general circulation within the community college district wherein the work is to be done. Subject to section 3354.10 of the Revised Code, the board of trustees of the district may let such contract to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, who meets the requirements of section 153.54 of the Revised Code. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the board of trustees and signed by the president of the board and by the contractor.

(B) On the first day of January of every even-numbered year, the chancellor of the board of regents shall adjust the fifty thousand dollar contract limit set forth in division (A) of this section, as adjusted in any previous year pursuant to this division. The chancellor shall adjust the limit according to the average increase or decrease for each of the two years immediately preceding the adjustment as set forth in the United States department of commerce, bureau of economic analysis implicit price deflator for gross domestic product, nonresidential structures, or an alternative if the federal government ceases to publish this metric, provided that no increase or decrease for any year shall exceed three per cent of the contract limit in existence at the time of the adjustment. Notwithstanding division (A) of this section, the limit adjusted under this division shall be used thereafter in lieu of the limit in division (A) of this section.
(C) Before entering into an improvement pursuant to division (A) of this section, the board of trustees of a community college district shall require separate and distinct proposals to be made for furnishing materials or doing work on the improvement, or both, in the board’s discretion, for each separate and distinct branch or class of work entering into the improvement. The board of trustees also may require a single, combined proposal for the entire project for materials or doing work, or both, in the board’s discretion, that includes each separate and distinct branch or class of work entering into the improvement. The board of trustees need not solicit separate proposals for a branch or class of work for an improvement if the estimate cost for that branch or class of work is less than five thousand dollars.

(D) When more than one branch or class of work is required, no contract for the entire job, or for a greater portion thereof than is embraced in one such branch or class of work shall be awarded, unless the separate bids do not cover all the work and materials required or the bids for the whole or for two or more kinds of work or materials are lower than the separate bids in the aggregate. The board of trustees need not award separate contracts for a branch or class of work entering into an improvement if the estimated cost for that branch or class of work is less than five thousand dollars.

Effective Date: 03-14-2003; 2008 HB562 09-22-2008