

# Southern State Community College

## Board of Trustees Policy Manual

Approved on 3/21/2024



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# INTRODUCTION

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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

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## 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 Department of Higher Education.
- The Board of Trustees reviews and acts on financial matters, including the annual budget, capital expenditures for facilities, and expenditure items requiring competitive bidding.
- 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 the matter and shall recuse themselves from any action concerning the matter.

Members who have such an interest shall not be counted for purposes of determining a quorum.

**Section 1.c Board of Trustees Oath**

I, \_\_\_\_\_, promise and swear to support the Constitution of the United States and the Constitution of the State of Ohio, and to faithfully discharge the duties of the office, as a member of the Southern State Community College Board of Trustees to which I have been appointed by Governor \_\_\_\_\_ for the term designated. This I shall do as I shall answer unto God.

Signed (Trustee): \_\_\_\_\_

Signed (Administered by): \_\_\_\_\_

Date: \_\_\_\_\_ State of Ohio County of: \_\_\_\_\_

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, except as noted in Section 4.f, 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 4.f Attendance via Electronic Communication**

(A) As used in this section, "electronic communication" means live, audio-enabled communication that permits the trustees attending a meeting, the trustees present in person at the place where the meeting is conducted, and all members of the public present in person at the place where the meeting is conducted to simultaneously communicate with each other during the meeting.

(B) Trustees are permitted to attend a meeting of the board of trustees via means of electronic communication under the following conditions:

(1) Each trustee shall be present in person, for at least one-half of the regular meetings of the board annually; and

(2) A trustee who intends to attend a meeting via means of electronic communication shall notify the chairperson of that intent not less than forty-eight hours before the meeting. In the event of a declared emergency, the Trustee must notify the Chairman of the Board as soon as practical. If the Chairperson intends to attend electronically, he or she shall notify the Vice-Chairperson. except in the case of a declared emergency.

(3) At least one-third of the trustees attending the meeting shall be present in person at the place where the meeting is conducted. If the Chairperson determines within 48 hours of a scheduled meeting this criterion will not be met, he or she shall either:

(a) Work with Trustees previously intending to attend by electronic means

to attend in-person to meet with 1/3 requirement.

(b) Reschedule the meeting

(4) All votes taken at the meeting shall be taken by roll call vote when one or more board members are participating by means of electronic communication; and

(5) Notwithstanding division (C) of section 121.22 and sections 3335.06 and 3343.04 of the Revised Code, a trustee who attends a meeting via means of electronic communication is considered to be present at the meeting, is counted for purposes of establishing a quorum, and may vote at the meeting.

(6) Except as provided in this policy, no person shall limit the number of trustees who may attend a meeting via means of electronic communication, limit the total number of meetings that the board may conduct using means of electronic communication, limit the number of meetings in which any one trustee may attend via means of electronic communication, or impose other limits or obligations on a trustee by virtue of the trustee's attending a meeting via means of electronic communication.

Reference: ORC 3345 .82

Effective Date: 09-30-2021

## ***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

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## **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
- Email address
- Phone number
- 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 discs.

## ***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 May 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](http://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**

The governing board shall consist of a board of nine trustees who shall be appointed by the Governor with the advice and consent of the Senate. Ninety days prior to the expiration of a term,



the Board chair shall submit a request to the Governor’s Office of Boards and Commissions that consideration be given to county representation in accordance to the following schedule.

Rotation Chart 2015 – 2021

	Adams	Brown	Clinton	Fayette	Highland
2015	2	1	2	2	2
2016	2	2	2	1	2
2017	2	2	2	1	2
2018	2	1	2	2	2
2019	2	1	2	2	2
2020	2	2	2	2	1
2021	2	2	2	2	1

## PUBLIC USE OF COLLEGE GROUNDS

### *PURPOSE*

The purpose of the Policy is to promote the free exchange of ideas and the safe and efficient operation of the College by:

- Fostering free speech, assembly and other expressive activities on College property by all persons, whether or not they are affiliated with the College.
- Maintaining an appropriate educational and work environment for all persons present on College property, including but not limited to students, faculty, employees, customers and visitors.
- Maintaining the personal security of all persons present on College property and protecting the property of the College and of persons present on College property.

In developing this Policy, the College recognizes the constitutional freedoms guaranteed by the United States and Ohio Constitutions, including freedom of speech, press and assembly. The College also recognizes the need to preserve and protect its property, students, guests and employees of the College, and to ensure the effective operation of educational, business and related activities of the College. Expressive activities on the College’s campus may be subject to reasonable regulation with regard to the time, place and manner of the activities. College employees will not consider the content of expressive activities when enforcing this Policy. No Policy can address every possible activity or situation that may occur on College property, and the College reserves the right to address such situations as circumstances warrant.

This Policy does not apply to use of College facilities and grounds for official events sponsored by the College. Expressive activities carried out under this Policy shall not be considered to be speech made by, on behalf of or endorsed by the College. This Policy supersedes any provisions in any other earlier-adopted College policies that address similar or overlapping issues, such as use of outdoor spaces.

## ***OUTDOOR AREAS OF CAMPUS GENERALLY AVAILABLE FOR USE***

### **1. General Access**

Any person or group may use, without prior notification, any publicly accessible outdoor area of the College's campus except parking lots, garages and driveways. Federal, state and local laws will be enforced as applicable. The use of walkways or other common areas may not block the free passage of others or impede the regular operation of the College. Use of the general access areas may include speaking, non-verbal expression, distributing literature, displaying signage and circulating petitions. There is no limit to the number of times a month a person or group may access those areas.

During work and class hours or if the area is currently in use for an official College event, amplification may be restricted if it unreasonably interferes with College operations or noise ordinances are violated.

### **2. Off-campus Locations**

The College's off-campus locations are leased facilities and not owned by the College. Those facilities generally do not include any outdoor space leased or controlled by the College, therefore, no publicly-accessible outdoor areas available for use under this Policy. Where any outdoors space is controlled by the College, this Policy applies.

### **3. Large Groups**

Except in circumstances described below, any person or group whose use of an outdoor area is expected or reasonably likely to have more than one hundred people must notify the Campus Director at least two (2) business days before the day of the expressive activity, including information as to the specific location to be used for the event and the estimated expected number of persons, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which shall include at least one person who will be personally present. Security and clean-up costs will not be charged to the person or group.

Prior notice is necessary to ensure that there is sufficient space for the large group event, that the large group event does not conflict with any other scheduled use of the outdoor space, and that sufficient College resources are available for crowd control and security. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, the person or group shall provide the College with as much advance notice as circumstances reasonably permit.

## ***STUDENT USE***

In addition to the general right of access to outdoor areas of campus described above, any student or student organization may seek to reserve the use of specific outdoor areas by contacting the Campus Director. Any request by a student or student organization to

reserve such area or space shall be made at least one (1) business day prior to the event. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity or violate this Policy.

A student or student organization that has reserved a specific area or space under this Policy will have priority over any other persons seeking to use the area or space during the scheduled time period. Any decision denying a request shall be promptly communicated in writing to the requester and shall set forth the basis for the denial. The content of the anticipated speech or other expressive activity shall not form the basis for a denial.

### ***PROHIBITED ACTIVITIES***

1. Any event or activity that disrupts the ability of the College to effectively and peacefully teach students, provide client services, or conduct any of its other business and support operations is prohibited. Examples include but are not limited to excessive noise, impeding vehicle or pedestrian traffic, and conduct otherwise unlawful.
2. No activity may damage College property. Prohibited actions include but are not limited to driving stakes or poles into the ground, hammering nails into buildings, and attaching anything to sidewalks, paved areas, or any part of any building, structure or fixture.
3. Distribution/solicitation by placing any material on vehicles in the parking lots or garages is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.

### ***ENFORCEMENT***

The Campus Directors and local law enforcement shall enforce the provisions of this Policy.

Any person who violates Section D of this Policy may be subject to an order to leave College property. Employees in violation of this Policy may be subject to discipline, up to and including termination.

### ***DISPUTE RESOLUTION***

Any person or recognized student organization who believes unlawful, unreasonable, or arbitrary limitations have been imposed on any of their speech or other expressive activities under this Policy may file a complaint with the Vice President of Student Affairs.

### ***PROCEDURES***

The President may adopt procedures to administer this Policy.

## VALUING OUR VETERANS SUPPORT & ASSISTANCE POLICY

Southern State Community College (SSCC) seeks to assist service members and veterans as they pursue an advanced degree and/or certificate. In an effort to better serve this population, SSCC has adopted this policy as required by Ohio Revised Code Section 3345.421 (B). The purpose of this policy is to set forth the support and assistance SSCC will provide to service members and veterans.

### **DEFINITIONS**

In alignment with Ohio Revised Code Section 3345.42, this policy utilizes the definitions for “service member” and “veteran”:

#### **Service Member**

*“Service member” means a person who is serving in the armed forces of the United States.*

#### **Veteran**

*“Veteran” means any person who has completed service in the armed forces, including the national guard of any state or a reserve component of the armed forces, and who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.*

### **SECTION 1. SUPPORT AND ASSISTANCE**

Southern State Community College:

- Refers service members and veterans to proper local, state and/or federal agencies in the event SSCC believes that the service member or veteran is eligible for services;
- Works with the Ohio Department of Higher Education to develop a veteran-friendly campus that increases the opportunity for service members and veterans to succeed academically;
- Works with other Ohio institutions of higher education to disseminate and share promising practices for serving service members and veterans effectively;
- Promotes veteran-friendly campuses by utilizing the Ohio Department of Higher Education’s structure to disseminate and share promising practices statewide for serving service members and veterans effectively;
- Trains appropriate faculty and staff to increase awareness of the mindset and unique needs of service members and veterans returning from combat zones and/or tours of duty overseas;
- Creates “safe zones” for service members and veterans through a student service member/veteran club, organization, or association and campus-wide awareness training;
- Provides a portion of student orientation (or a separate session) specifically for service members and veterans;

- Recognizes the service of service members and veterans at various events such as graduation, community service awards, honors awards, and an appreciation day;
- Regularly evaluates institutional policies and procedures that create barriers to service member and veteran success;
- Empowers those working directly with service members and veterans to provide services designed to promote educational achievement;
- Provides training, in partnership with Veterans Affairs, in the proper certification methods for certifying officials on each campus;
- Develops a clear outreach strategy to communicate with eligible persons about educational and training benefits to encourage the use of GI Bill benefits, as well as services and assistance offered by the institution;
- Continues to work with the legislature, workforce and higher education community to identify and develop statewide policies to ensure the transition to higher education is seamless for all students, including service members and veterans. (This may include, but is not limited to, issues such as transfer, credit for prior learning and/or experience, career ladders, support services, etc.); and
- Ensures the campus community is aware of benefits associated with the new Post 9/11 GI Bill and actively find ways to connect returning service members and veterans with the services offered by the Department of Veterans Affairs.

## ***SECTION 2. WORKFORCE TRAINING AND EDUCATION***

SSCC works to provide better access and success for service members and veterans in postsecondary education and training while improving transition to civilian work. Services provided include:

- An online tool for exploring careers, searching programs in Ohio and providing consumer reporting information on earnings and employment outcomes for each program. This website should include special information targeted to service members and veterans regarding shortening the time to receive a credential or degree through:
  - Expanding credit for prior learning;
  - Articulation and transfer agreements;
  - Bridge programs;
  - Applied Baccalaureate degrees; and
  - Online tools.
- Improving services for service member and veteran job seekers by promoting seamless workforce development services such as those provided at Ohio Means Jobs Centers, campus career centers, and through affiliates.

Effective Date: 11-12-2014

## **TEXTBOOK SELECTION POLICY**

- A. Textbooks and other materials are selected by faculty for the benefit of student learning. The College affirms the right of faculty to select the best course material available for a given course while also acknowledging responsibility in developing and supporting a

variety of textbook affordability measures. In accordance with House Bill 49, Southern State Community College has adopted the following policy for faculty to follow when selecting and assigning textbooks and instructional materials.

- B. It is the policy of the College that faculty, staff and students have appropriate options as well as pertinent and timely information when selecting and purchasing textbooks. To this end, the College encourages the following:
  - 1. Consideration of educational content, necessity of course materials, and cost when making textbook and course material selections.
  - 2. Timely selection and adoption of textbooks so that students may have a meaningful opportunity to explore budget sensitive options.
  - 3. When possible, faculty are encouraged to adopt texts for multiple years as a means of reducing costs to students.
  - 4. Where appropriate, consider use of open-source textbooks and course materials.
  - 5. Select required textbooks and other educational materials which allow for resale and reuse.
- C. Compliance with all federal (Higher Education Opportunity Act) regulations regarding transparency in posting of selected texts is required. This includes price disclosure, copyright dates, ISBN numbers, book title, authors, and publisher information.
- D. Faculty may require textbooks and other materials either self-authored or in which the faculty has financial interest when it has been determined that those material are best suited to meet the course objective. However, pursuant to Section 3.11 of the Policy and Information Manual, no member of the College community may profit from these materials. Therefore, such textbook or course material assignments must be approved by the Vice President of Academic Affairs.
- E. Complimentary textbooks received by Southern State faculty or employees because of employment at Southern State, whether such books are solicited or unsolicited, shall not be sold.

Effective Date: 05-04-2018

## **TEXTBOOK AUTO-ADOPTION POLICY**

Textbooks and other materials are selected by faculty for the benefit of student learning. The College affirms the right of faculty to select the best course material available for a given course while also acknowledging responsibility in developing and supporting a variety of textbook affordability measures. In accordance with House Bill 110, Section 733.20, and consistent with the requirements in Title I, Section 133 of the federal "Higher Education Opportunity Act of 2008,"

Southern State Community College has adopted the following policy for faculty to follow regarding the adoption of required and recommended textbooks.

**Textbook Auto-Adoption Policy:** It is the policy of the College that faculty, staff and students have appropriate options as well as pertinent and timely information when selecting and purchasing textbooks. To this end, if textbooks and/or course materials are not selected by the first day of a registration period, then the faculty member is deemed to have selected identical materials (i.e. same title and edition) from the most recent prior term in which the course was offered.

Effective Date: 05-06-2022

## **FREEDOM OF EXPRESSION POLICY AND PROCEDURES**

### ***PURPOSE***

This Policy applies to Southern State Community College (College) students, student groups, faculty, and staff. Ohio Revised Code 3345.0215 requires each institution's board of trustees to adopt a policy on campus free speech that is consistent with and adheres to the principles set forth in R.C. 3345.0215.

### ***DEFINITIONS***

"Faculty" or "faculty member" means any person, who is responsible for instruction. For purposes of this section, the term "faculty" does not include persons whose primary responsibilities are administrative or managerial.

"Student" means any person who is enrolled on a full-time or part-time basis at the College.

"Student group" means an officially recognized group at the College, or a group seeking official recognition, comprised of admitted students.

### ***POLICY***

Pursuant to R.C. 3345.0215, the College affirms the following principles on free speech:

1. Students have a fundamental constitutional right to free speech.
2. The College is committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to division (E) of R.C. 3345.0215.
3. The College is committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the

institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

4. It is for the College's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.
5. It is not the proper role of the College to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
6. Although the College should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by the College as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
7. Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the College's campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, the College has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
8. The College is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding.
9. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

Nothing contained in this Policy shall be construed as prohibiting the College from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:

1. Constitutional time, place, and manner restrictions;
2. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
3. Restricting the use of the College's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the College's mission;



4. Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;
5. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.

Nothing in this Policy shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

## ***PROCEDURE***

### ***Issuing a Complaint***

A student, student group, or faculty member may submit a complaint about an alleged violation of the Policy by an employee of the College. Complaints alleging a faculty member violated this policy should be reported as “academic concern” using the College’s online “Incident Report Form” available at [www.sccc.edu](http://www.sccc.edu). Complaints alleging a staff member violated this policy should be reported as “general conduct report” using the College’s online “Incident Report Form” available at [www.sccc.edu](http://www.sccc.edu).

Complaints should include the full name of the person filing the complaint and relevant contact information, the date of the violation, where it occurred, and a description of the alleged violation. Anonymous reports may be submitted, but this may limit the College’s ability to conduct a complete investigation.

Complaints for an alleged violation involving grading should be issued within ten calendar days of the graded assignment or within 30 calendar days of the issuance of final grades. Complaints of a more fluid nature, such as discussions or classroom debates should be issued within ten calendar days.

Upon receipt of the incident form, the College will issue written acknowledgment of the complaint within ten business days. This acknowledgement will include requests for any clarifying information, details around the proposed next steps, and a proposed timeline for when the investigation will occur and a resolution determined. Such processes should generally take no longer than 30 calendar days after the acknowledgment is issued.

### ***Investigation of the Complaint***

The College is committed to treating and investigating all complaints in a fair and impartial manner. The process shall comply with the standards adopted by the Chancellor of the Ohio Department of Higher Education and include an investigation of the alleged violation.

The Policy and Information Manual includes an Employee Code of Conduct, Section 3.11 and addresses the investigation of alleged violations. All employees are expected

to cooperate truthfully in the College's investigation of such reports. The Vice President of Human Resources will assign an investigator as appropriate and initiate a fair and impartial hearing.

### ***Complaint Resolution***

If the hearing determines this Policy was violated, the College shall determine a resolution to address the violation and prevent any further violation of this Policy, which may include discipline of the employee, up to and including termination of employment. The College's Employee Code of Conduct will guide such corrective action. The President shall determine the ultimate resolution to address the violation and prevent any further violation of this policy.

### ***STATEMENT PROHIBITING RETALIATION***

No person shall retaliate against an individual for reporting a violation of freedom of expression, filing a complaint, participating in an investigation, participating in the resolution of a complaint, implementing measures that would prevent further violation of this policy, or any other activity protected under this policy, regardless of the outcome. Any act of retaliation or reprisal violates this policy and will be treated as a separate violation. Anyone found to have retaliated against someone making use of this policy will be subject to corrective actions, up to and including termination of employment or dismissal from the College.

### ***CONTINUED COMPLIANCE***

Training and education on this policy and processes as it relates to those investigators and others involved in the adjudication process will be provided annually and coordinated by the Office of Human Resources.

Following the start of each academic term, students, faculty, and staff will be notified of the following:

- Where to find the Freedom of Expression Policy
- Reporting procedures and necessary information to issue a complaint
- The timeline for issuing a complaint, and
- Guidance after the complaint has been filed.

Effective Date: 10-12-2022

# APPENDIX 1:

## Ohio Revised Code Chapter 3358—State Community Colleges and Excerpts from Ohio Revised Code Chapter 3354—Community Colleges

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### **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.

Effective Date: 11-04-1977

## **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 department of higher education 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 Ohio department of higher education 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 Ohio department of higher education 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 Ohio department of higher education 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 Ohio department of higher education.

(D) Upon a proposal of the board of trustees of a state community college district, the Ohio department of higher education 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 Ohio department of higher education, 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 Ohio department of higher education of a state community college district proposed under this section, the Ohio department of higher education 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 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 appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office. 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 the 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 of the state. 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 sitting members of the board at

the time of a meeting constitutes a quorum.

Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.  
Amended by 135th General Assembly File No. TBD, HB 33, §101.01, eff. 10/3/2023.

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 department of higher education, an agreement between the board of trustees of the proposing technical college district, state university, or both, and the Ohio department of higher education 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 department of higher education 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 THE OHIO DEPARTMENT OF HIGHER EDUCATION – 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 Ohio department of higher education. 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 Ohio department of higher education, which shall approve or disapprove the plan or any of its provisions. If the Ohio department of higher education 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 two hundred thousand dollars, shall be advertised after notices calling for bids have been published once a week for three consecutive weeks or as provided in section 7.16 of the Revised Code, in a 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 Ohio department of higher education shall adjust the two hundred 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, and except for contracts made with a construction manager at risk, a design-build firm, or a general contracting firm, as those terms are defined in section 153.50 of the Revised Code, 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.

(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.

Effective Date: 09-29-2011; HB153 – 129<sup>th</sup> General Assembly