



# **BOARD POLICY MANUAL AND BYLAWS**

Board Policies current as of February 2023  
Bylaws current as of June 2023

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## Changelog

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### **October 2017**

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Amendment to Board Policy 1-5	Board of Trustees' Self-Evaluation: added dates for Board Retreat and review of self-evaluation
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### **November 2017**

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New Board Policy 3-4	Investments: added Board policy on management of College Investments
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New Board Policy 4-13	External Communications: added Board Policy on responsibility for official statements of the College and Board of Trustees
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New Bylaw Article VIII, Section 4	Review of Bylaws and Policies: requires review of all policies and bylaws every two years
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New Bylaw Article VIII, Section 5	Parliamentary Procedure: adopts Roberts Rules Newly Revised as the Procedural Rules of the Board of Trustees
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Revised Bylaw Article V, Section 1	Standing Committees: establishes Policy and Governance Committee as a standing committee
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Revised Board Policy 1-4	Code of Ethics/Conflict of Interest: provides Policy and Governance Committee with authority to review violations of Code of Ethics
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Revised Board Policy 2-3	Position Descriptions: clarifies the authority of the President and the Board with respect to the development of position descriptions
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Revised Board Policy 4-11	Personnel Appointment and Reappointments: explicitly provides President with the authority to make acting/temporary appointments of six months or less; provides president the authority to suspend employees with pay pending Board review
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### **December 2017**

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New Board Policy 3-1	Unrestricted Fund Balance: sets the policy for maintaining an unrestricted fund balance within 4-7% of operating budget
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Revised Board Policy 3-3	Annual Audit: clarifies that College shall review audit firms every four years and change auditing staff
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Revised Board Policy 1-4	Code of Ethics/Conflict of Interest: clarified additional measurers available to the Board of Trustees to enforce Code of Ethics/Conflict of interest Policy and clarified that political interference constitutes a violation of policy
Revised Board Policy 1-2	Trustee Appointment: specifies content of Trustee orientation process and the types of training that Trustees are expected to undertake on an ongoing basis
Revised Board Policy 4-13	External Communications Policy: edits to communication policy for clarity
<b>January 2018</b>	
Revised Board Policy 3-3	Annual Audit: revised policy to remove internal timelines and use appropriate terminology to refer to completed audit
New Board Policy 3-13	Outside Counsel: clarifies responsibilities of General Counsel, Board Counsel and Board with respect to retentions of outside counsel; sets schedule for issuing RFQ for counsel every two years
Revised Board Policy 2-12	President's performance evaluation: revises evaluation policy per suggestions by ACCT
<b>February 2018</b>	
New Board Policy 3-5	Internal Controls and Financial Reporting: requires developing of procedures to provide for internal controls and sound fiscal management and sets forth tasks to be completed by President, CFO, and area Heads in support of these goals
<b>March 2018</b>	
Revised Board Policy 1-2.1	Seating of Board Members; Role of Constituent Unit Representatives
Revised Board Policy 2-6	Evaluation for Tenure
Revised Board Policy 3-2	Certifying Agent – Pension Plans
Revised Board Policy 6-1	Registration, Articulation and Affiliation Agreements with other Institutions
<b>February 2019</b>	
Revised Board Policy 3-12	Purchasing and College Contracts – clarifies the circumstances under which public contracts may be entered into by college and aligns advertising threshold with County

	College Contracts Law
Revised Board Policy 1-2	Trustee Appointment – revision for clarifying the role of the Student Representative to the Board of Trustees as ex-officio on Committee
<b>April 2019</b>	
New Board Policy 1-6	Diversity, Equity and Inclusion Policy
Revised Board Policy 3-7	Reimbursement and Electronic Disbursements – implemented for the purposes of complying with NJAC 5:30-9A for use of P-Cards and Electronic Disbursements
<b>December 2019</b>	
Revised Board Policy 1-1	“Implementation of Open Public Meetings Act” amended for the purpose of removing paragraph f which related to non-retention of audio/visual recordings.
Revised Board Policy 1-5	“Policy on Board of Trustees’ Self-Evaluation” amended for the purpose of removing the requirement for specific dates upon which the evaluation is to be completed and for which the Board retreat must be held.
Revised Board Policy 1-6	“Diversity, Equity and Inclusion Policy” amended for the purpose of adding the title “Mosaics” to the policy.
Repealed Board Policy 2-8	Policy repealed in its entirety.
Revised Board Policy 3-6	“Approval of Trustee Expense Vouchers” as set forth below and effective immediately for the purpose of clarifying that Trustees’ two designated trips per academic year are subject to budget.
Revised Board Policy 3-9	“Approval of Trustee Expense Vouchers” amended for the purpose of clarifying that Trustees’ two designated trips per academic year are subject to budget.
Revised Board Policy 3-12	“Purchasing and College Contracts”, amended for the purpose of clarifying that certain public utility bills do not require Board approval.
Revised Board Policy 5-1	“Purchasing and College Contracts”, amended for the purpose of clarifying that certain public utility bills do not require Board approval.
<b>October 2021</b>	
Revised Board Policy 1-1	
Revised Board Policy 1-2	

<b>January 2022</b>	
New Board Policy 4-14	Preventing the Spread of Infectious Diseases in the College
<b>February 2022</b>	
Revised Board Policy 3-9	Title changes, i.e., from CFO to Comptroller/CFO
New Board Policy 6-4	Institutional Review Board
<b>April 2022</b>	
Adopted Board Policy 1-3	Formal Adoption
<b>May 2022</b>	
Revised Board Policy 1-1	
<b>June 2022</b>	
Revised Board Policy 1-1	Replaced telegraphed with email (1d)
Revised Board Policy 2-6	Language updated
Revised Board Policy 2-7	Language updated
<b>September 2022</b>	
Revised Board Policy 3-4	
Revised Board Policy 3-6	
<b>October 2022</b>	
Revised Board Policy 3-9	
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Revised Board Policy 3-14	
<b>November 2022</b>	
Approved Board Policy 4-4	
Revised Board Policy 4-6	
Revised Board Policy 4-14	
<b>December 2022</b>	
Revised Board Policy 5-2	
Revised Board Policy 5-6	
Revised Board Policy 5-7	
<b>January 2023</b>	
Revised Board Policy 6-1	
Revised Board Policy 6-2	



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Revised Board Policy 6-3

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Revised Board Policy 6-6

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Revised Board Policy 6-7

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Revised Board Policy 6-9

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Revised Board Policy 6-10

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# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 1-1 IMPLEMENTATION OF OPEN PUBLIC MEETINGS ACT**

**REFERENCE:** N.J.S.A. 10:4-6 et seq., N.J.A.C. 5:39-1.1

The Board of Trustees of Essex County College hereby directs the President of the College to carry out the following provisions for appropriate implementation of the Open Public Meetings Act (“Act”): (Definitions are stated in N.J.S.A. 10:4-8) and the regulations for Emergency Remote Meeting Protocol for Local Public Bodies per N.J.A.C. 5:39-1 *et. seq.* (Definitions are stated N.J.A.C. 5:39-1.2)

#### **1. Notice for Board of Trustee Meetings:**

a. For all meetings, adequate notice must be given to at least two newspapers circulating in Essex County; be posted in a public location; be given to the Clerk of Essex County; be mailed to those persons who have requested such notice and prepaid a set fee of \$10.00 to the Board liaison; and contain the time, date, and place of the meetings.

b. For regular meetings, adequate notice must be mailed and posted within seven (7) days after adoption of the annual schedule; and be maintained throughout the year as a valid schedule.

c. For special meetings, adequate notice must be sent at least forty-eight (48) hours in advance; and contain an agenda and a statement as to whether formal action will be taken at the meeting.

d. Upon the affirmative vote of three quarters of members of the Board of Trustees present, the Board of Trustees may hold an emergency meeting without adequate notice. As soon as possible after calling such meeting, notice must be posted in a public location and telephoned, emailed, or hand delivered to two newspaper(s); and contain an agenda and a statement of whether formal action will be taken at the meeting.

e. In addition to the notice requirements of the Act, electronic notice may be provided through the Internet at least forty-eight hours in advance of the meeting, giving the time, date, location and to the extent known, the agenda of any regular, special or rescheduled meeting, and a statement of whether formal action will be taken at the meeting.

f. The Board of Trustees further directs the Chairman or his/her designee to announce publicly at every meeting and cause to be entered into the official minutes an accurate statement as to the adequacy of the notice of that meeting, or, in the case that adequate notice was not provided, reasons for this inadequacy in accordance with the appropriate law.

2. **Executive Session:** The Act provides for specific circumstances in which a session of the Board of Trustees may be closed to the public.

3. **Electronic Participation in Board of Trustee Meetings:** The Board of Trustees authorizes the Chairperson of the Board to allow Board of Trustees member(s) to participate electronically in a Board meeting if there is good cause why the Trustee(s) cannot attend in person and the request is received sufficiently in advance to allow a good quality electronic connection to be set up. Trustees who participate in a Board of Trustee Meeting through electronic means may be counted in the quorum. The location of the electronic connection must be in the same location as the meeting to allow the public to adequately monitor the meeting.

4. **Public Participation at Board of Trustee Meetings:** Each member of the public shall state their first and last name and each statement made by a participant shall be limited to three (3) minutes duration during the public session of the meeting. The presiding officer of the meeting may:

- a. Interrupt, warn, and/or terminate a participant's statement, question, or inquiry when it is too lengthy;
- b. Interrupt and/or warn a participant when the statement, question, or inquiry is abusive, obscene, or may be defamatory;
- c. Request any person to leave the meeting when that person does not observe reasonable decorum;
- d. Request the assistance of law enforcement officers in the removal of a disorderly person when that person prevents or disrupts a meeting with an act that obstructs or interferes with a meeting;
- e. Call for a recess or an adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting; and
- f. Waive these rules when necessary for the protection of privacy or to maintain an orderly operation of the Board meeting.

5. The Board of Trustees further directs the Secretary of the Board to keep accurate minutes in a reasonably comprehensive manner. The minutes must contain:

- a. time, place, and date of meeting;
- b. members present;
- c. subjects considered;
- d. actions taken;
- e. vote of each member;
- f. any additional information required by law.

6. The minutes must be promptly available to the public. Minutes that have not been adopted should be stamped "Not Yet Adopted and Subject to Change." Any audio/visual recordings of a public session shall be maintained by the College for a period not to exceed 30 days after the adoption of minutes governing said public session.

**7. Remote Public Board of Trustee Meetings:** The Board of Trustees may hold a remote Board of Trustee meeting as may be permitted under the Act.

**8. Remote Public Board of Trustee Meeting During a Declared Emergency:** The Board of Trustees may hold a remote Board of Trustee meeting during a declared emergency in accordance with N.J.A.C. 5:39-1.1.

- a. Adequate notice of a remote public meeting must include, in addition to the content required pursuant to N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available.
- b. In addition to adequate notice, the Board shall also provide electronic notice of a remote public meeting.
- c. If the declared emergency necessitates capacity restrictions reducing the number of individuals that can be present in the meeting room to an amount below that reasonably expected for the public meeting by the Board, the Board must either hold the public meeting at another location with adequate capacity for the reasonably expected attendance by the public or hold the public meeting as both an in-person meeting and a remote public meeting.
- d. Remote Board of Trustee meetings may be held by means including, but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio, and Internet-accessible technology, such as live-streaming.
- e. The Board of Trustees shall provide the public with similar access to a remote public meeting as Trustees, staff of the Board, and any individuals seeking one or more approvals from the Board.
  - (1) If a remote public meeting is held by audio and video, the public shall also have the opportunity to participate in the meeting in both audio and video capacities. This shall not prohibit the Board from holding the remote public meeting through means which are audio only.
  - (2) If the Board meeting is held in-person the Board shall not prohibit members of the public from attending in-person.
- f. The Board of Trustees may broadcast the audio and/or video of, or taking remote public comment during, a public meeting that the public can physically attend without being subject to public health-related capacity restrictions. Public participation in remote or hybrid or in-person public meetings shall be in accordance with paragraph 4 of this Board Policy. However, in advance of the remote public meeting, public comments to be submitted to the Board Liaison by electronic mail and in written letter form by a reasonable deadline to be read at the Board meeting. Each statement submitted by a member of the public shall include their first and last name and contact details of the commenter. Each

statement shall be limited to three minutes. No anonymous comments will be accepted.

- g. When entering into an executive or closed session, the Board shall ensure that audio or video of the session cannot be accessed, except by those individuals that are participating in the session.

**POLICY HISTORY:**

Approved: 2/7/76  
Revised: 11/2/81  
Revised: 4/ /95  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 12/17/19  
Revised: 10/19/21  
Revised: 5/24/22  
Revised: 6/21/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 1-2 TRUSTEE APPOINTMENT

REFERENCE: N.J.S.A. 18A:64A-8

- a. The Essex County College Board of Trustees is charged by law with the general custody of and responsibility for the property of the College. Moreover, the Essex County College Board of Trustees is responsible for the governance of the institution.
- b. The Governor and Legislature through the Higher Education Restructuring Act of 1994 have amended the powers of the Essex County College Board of Trustees to include numerous other responsibilities. However, in order to ensure that the Essex County College Board of Trustees may more effectively carry out all of its duties and responsibilities, effective July 1, 1994, the process and procedures for the Trustee appointments and recommendations shall, in accordance with N.J.S.A. 18A:64A-8 provide for the amended Board of Trustees structure which shall include:

#### 1. Composition of Board of Trustees

- (a) Eight (8) voting members to be appointed by the Essex County Executive with the advice and consent of the Essex County Board of County Commissioners.
  - i. At least two (2) of the appointed members shall be women.
  - ii. No Trustee appointed after July 1, 1994 shall be an employee of Essex County.
- (b) Two (2) of the appointed, voting members shall be appointed by the Governor of State of New Jersey.
- (c) The Essex County Superintendent of Schools shall serve as a voting member.
- (d) The President shall serve as an ex officio, non-voting member.

#### 2. Student Representative to the Board of Trustees

In accordance with N.J.S.A. 18A:64A-8, a Student Representative shall serve as a member on the Board of Trustees. This Student Representative must be elected by, and be a member of, the student body from the graduating class and will serve for a term of one (1) year commencing at the first meeting of the Board in July, or thereafter, following the graduation of the student's class.

#### (a) Duties and Responsibilities of the Student Representative:

- i. The Student Representatives shall attend all regular public meetings of the Board and shall be entitled to speak at the discretion of the Chairperson of the Board on all matters before the Board of Trustees except as may be prohibited by New Jersey Statute or Code.
- ii. The Student Representative may be granted voting rights by a majority vote of the members of the Board of Trustees. If the Board of Trustees grants the Student Representative voting rights and all members of the Board are present at the Board meeting and there is a tie vote, the chairperson shall break the tie. If the Student Representative is not granted voting rights then the Student Representative shall not have the right to vote and will serve as a non-voting member to the Board of Trustees.
- iii. All confidential information obtained by virtue of serving on the Board of Trustees shall be held in strict confidence by student representatives. The Student Representative shall be held to the same code of ethics as the members of the Board of Trustees.
- iv. The Student Representative is expected to adhere to all bylaws, policies and regulations of the Board of Trustees and the College.
- v. **The Student Representative shall:**
  - a. Undergo appropriate training prior to serving as the Student Representative. This training shall also be attended by the Alternate.
  - b. Attend all regular public Board of Trustees meetings. If unable to attend any regular public meeting of the Board of Trustees, the Student Representative shall notify the Chairperson of the Board of Trustees as soon as possible.
  - c. Be included in the Attendance Roll Call at the start of the Board of Trustees Meeting. However, the Student Representatives shall not be included in any Roll Call Vote or Voice Vote relating to formal action by the Board of Trustees unless granted the right to vote in accordance with N.J.S.A. 18A:64A-8.
  - d. Endeavor to be aware of, and alert to, the specific needs of the Essex County College community, in partnership with Student Government and the Alumni Association and represent the views of the student body.
  - e. Contribute their input on agenda items by providing a written report on matters up for consideration to the Board of Trustees by the

Friday before the regularly scheduled public meeting, and will be provided an opportunity to present said report at the regularly scheduled public meeting.

- f. Present at open meetings of the Board of Trustees, with the exception of any discussions within executive session.
- g. Participate in Board discussions at the discretion of the Chairperson of the Board.
- h. Receive all Board public agendas and minutes. The Chair of the Board of Trustees has the discretion to assign Trustees as members to the various Committees of the Board, with the exception of the non-voting Student Representative, whose Board Committee participation shall be exclusive to the Educational Programs Committee, or in the event of a change in Committee title, its equivalent.

**vi. The Student Representative shall be exempt from participating in the following:**

- a. Executive Session of the Board of Trustees.
- b. Any Committee or matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective or current officer or employee employed or appointed by the board, unless the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed in a public meeting.
- c. Any Committee or matter involving the financial operations of the College; the purchase, lease, acquisition or sale of real property with public funds; the setting of banking rates or investment of public funds; or any financial matter where it could adversely affect the public interest if discussion of these matters were disclosed.
- d. Any Committee or discussion involving pending or anticipated litigation in which the Board is, or may become, a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer.



- e. Be excluded from sensitive and confidential discussions and communications (e.g. matters involving personnel, grievances, negotiations, litigation, real property purchase and other sensitive matters).

**(b) Alternates and Vacancies**

The student body shall elect an alternate Student Representative to the Board of Trustees. The Alternate shall, with reasonable notice, attend regular public Board of Trustees meetings in the event the elected Student Representative is unable to attend. The Alternate shall be appointed as the Student Representative in the event that there is a vacancy in the position for the remainder of the one-year term. If there is a vacancy in the position of Alternate, the Alumni shall appoint the Student Representative to the Board of Trustees for the remainder of the one-year term. The Student Representative appointed under this provision is subject to the duties and responsibilities of the elected Student Representative.

**(c) Confidentiality Agreement**

Upon assuming office, the Student Representative shall sign a confidentiality agreement and adhere to standards of responsibility and confidentiality as established by the Board of Trustees.

**(d) Financial Disclosure Form**

Any Student Representative who is granted voting rights by the Board of Trustees shall complete a Financial Disclosure Form with the New Jersey Department of Community Affairs within thirty (30) days of election by the graduating class. Non-voting student representatives are not obligated to complete a financial disclosure form.

- (e) College Employment** The Student Representative to the Board of Trustees shall not be employed by the College during his/her term, and is not eligible to accept employment as an employee of the College at which he/she has served as a Student Representative to the Board of Trustees for a period of three (3) months following resignation or expiration of his/her term as a member.

**(f) Commencement Processional**

At the Board of Trustees' discretion, the Student Representative may participate in the Commencement processional. The determination will be made on an annual basis with written notification to the Student Representative in advance of Commencement.

**3. Membership Requirements for the Essex County College Board of Trustees**

- (a) Appointed members must be residents of Essex County for four years prior to appointment.

(b) No elected public official can serve as a voting member.

(d) No employee of the county college can serve as a voting member of the Board of Trustees.

#### **4. Trustee Orientation and Professional Development**

A. Upon appointment to the Board of Trustees, each new Trustee shall be apprised of the policy on new Board member orientation by the Chairperson of the Board.

B. The orientation shall include sessions with the President, the Chairperson of the Board and representatives of the College. During the orientation sessions the following topics should be addressed:

1. Trustee roles and responsibilities;
2. Policy making/administration;
3. President, Board and staff relations;
4. Communication procedures;
5. Resources for Trustee education;
6. Personnel and collective bargaining;
7. New Jersey Council of County Colleges, legislative and government relations;
8. Open Public Meetings Act
9. Open Public Records Act;
10. Board structure and organization;
11. Board protocol, norms and ethics standards or conduct;
12. Legal and fiscal responsibilities; and
13. Human Resource practices.

C. The President will coordinate an orientation for each new Trustee, within two (2) months of the appointment to the Board. The orientation should include a tour of the Newark and West Caldwell Campuses as appropriate.

D. It is mandatory that within one (1) year of appointment, each new Trustee is to participate in a Board orientation and training workshop/activity offered by one of the following organizations, if funds are available:

1. New Jersey Council of County Colleges;
2. American Association of Community Colleges;
3. Association of Community College Trustees; or
4. Association of Governing Board

**POLICY HISTORY:**

Approved: 8/ /95  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 06/23/2016  
Revised: 04/10/2017  
Revised: 05/16/2017  
Revised: 12/19/2017  
Revised: 3/20/2018  
Revised: 2/26/2019  
Revised: 10/19/2021  
Reviewed: 3/15/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 1-2.1 SEATING OF BOARD MEMBERS; ROLE OF CONSTITUENT UNIT REPRESENTATIVES**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

a. Representatives of constituent units of the College, including but not limited to employee, student, and alumni organizations, may be invited to provide advice to the Board at any Conference Meeting of the Board, and before any Board Standing or Special Committees.

b. Representatives of such groups may be called, on a priority basis, to present their views at the designated time for public statements during a Public Meeting. The Board reserves the right to limit the time which each Representative is granted to present to the Board.

c. Except for the Board Counsel, only those persons designated by law as Trustees or ex-officio Board Members shall be seated with the Board at the Public Meeting.

#### **POLICY HISTORY:**

Approved: 3/23/81

Revised: 9/ /97

Revised: 5/5/05

Revised: 3/20/2018

Reviewed: 3/15/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 1-3 MISSION STATEMENT

REFERENCE: N.J.S.A. 18A:64A-12(o)

#### **Mission**

Essex County College is an open access community college that serves the diverse needs of students through comprehensive educational programs, training and continuing education. Essex County College is dedicated to academic excellence and the success of its students.

#### **Vision**

A Beacon for Education and Knowledge, Essex County College attracts people who seek a better life through education. We transform lives, broaden learning and empower students to achieve their full potential. Our College community and graduates are change agents and leaders who contribute to the health, vitality and advancement of society.

#### **Values Statement**

Essex County College affirms the following principles, values, and beliefs:

**Teaching and Learning:** We affirm teaching and learning as our primary purpose. The College seeks to instill in students general and specialized knowledge, the ability to think critically, and a commitment to civic responsibility. We value academic freedom and support the open exchange of ideas and experiences.

**Excellence and Accountability:** We believe in creating a learning environment that fosters high expectations for achievement. The College is committed to rigorous academic standards, faculty excellence, and responsive support services that enable students to reach their full academic, professional and personal potential. We provide excellent programs that utilize technology, demonstrate innovation, and undergo evaluation to ensure consistent and outstanding performance.

**Community:** We support programs that enhance the economic and social development of Essex County. We value our role as a vital community resource and are dedicated to forging effective partnerships with our many constituencies.

**Diversity and Access:** We embrace the rich diversity of our student population and our employees. We recognize the historical, intellectual, and artistic contributions of all cultures, and promote an atmosphere in which critical examination of perspectives is accepted and encouraged. We believe all people should have access to affordable, quality higher education

that will prepare them to succeed in a dynamic world.

**Legacy:** We honor our history and the valued traditions of Essex County College, the City of Newark and the County of Essex. We also welcome the transformative power of education to change lives. Building upon our past achievements, we eagerly embrace the future by pursuing innovations in teaching, administration, and student services.

**POLICY HISTORY:**

- Approved: 8/ /79
- Revised: 11/2/81
- Revised: 9/ /97
- Revised: 5/5/05
- Revised: 12/15/09
- Current Form
- Adopted: 4/19/2022

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 1-4                      CODE OF ETHICS/CONFLICT OF INTEREST**

**REFERENCE:**        N.J.A.C. 9A:3-1.1/N.J.S.A. 52:13D-12.1/ N.J.S.A. 52:13D-23

**a.** This Code of Ethics/Conflict of Interest Board Policy is applicable to all members of the Board of Trustees of Essex County College.

**b. Definitions:**

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

**Board** means the Board of Trustees of Essex County College.

**College matter** means any application, award, bid, claim, contract, license, proceeding, resolution or transaction made by, against, or with the College, or which requires any official action by the Board, officers, or employees.

**Employee** means any person compensated for full-time or part-time employment services rendered to the College.

**Immediate family member** means the spouse, civil union partner, natural or adopted child, grandchild, parent, or sibling of a trustee.

**Interest** means any personal, financial, economic, or property interest, or other concern amounting to a right, advantage, share or portion, inuring either directly or indirectly to a trustee or to an immediate family member of a trustee, or any organization or entity which that trustee is an officer, director, member or shareholder, either singly, or in affiliation with any person or party as defined herein.

**Person or party** means any natural person, association, corporation, estate, partnership, proprietorship, trust, or other legal entity.

**c. Standards of Ethics**

1. No trustee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of the trustee's duties to the College.

2. No trustee shall use his or her official position to secure unwarranted privileges or advantages for himself or herself or others.
3. No trustee shall act in his or her official capacity in any College matter in which the trustee or immediate family member of the trustee has a direct or indirect financial interest that might reasonably be expected to impair the trustee's objectivity or independence of judgment.
4. No trustee shall undertake any employment or engage in any business, transaction, service or professional activity, whether compensated or not, which might reasonably be expected to impair the trustee's objectivity or independence of judgment in the exercise of his or her official duties as a trustee.
5. No trustee shall accept, directly or indirectly, any gift, favor, service, or other things of value under circumstances from which it might be reasonably inferred, or which the trustee knows or has reason to believe, is offered for the purpose of influencing the discharge of his or her duties as a trustee.
6. No trustee shall act in any way that might reasonably be expected to create an impression among the public, having knowledge of the trustee's acts, that he or she might be engaged in conduct that violates his or her trust as a public official.
7. No trustee, nor any member or employee of a firm or corporation with which the trustee is affiliated, shall appear or negotiate on behalf of a party not affiliated with the College, in any matter before the College or in any cause or proceeding involving the College.
8. No Trustee should knowingly act in an official capacity, by voting or otherwise, on any College matter in which he/she has an Interest as defined herein.
9. No Trustee should willfully disclose to any person or party any information not generally available to the general public which he/she receives or acquires in the course of his/her official duties as a trustee.
10. No Trustee should transmit, without disclosure to and approval by the Board of Trustees, to any Person or Party with which the Trustee has an Interest, of College sponsored work products, results, materials, records, or information that are not made generally available.
11. A trustee should devote time, thought, and study to the duties and responsibilities of a College trustee so as to render effective and creditable service.
12. As an individual, a trustee has no legal authority outside of the meeting of the Board and should conduct himself or herself accordingly with the College staff, local citizens, and all facets of the local community.



13. An important function of the Board is to establish the policies and the goals of the College and to audit the performance of the administration in the fulfillment of these policies and the progress toward the goals. However, trustees should leave the conduct of the educational program and the College's business to the President and the administration of the College.

**d. Duty of Confidentiality**

Any information regarding the College, a College matter (as defined above), obtained by a board member in a non-public session of the Board or in a Committee meeting of the Board, or in a non-public discussion with a College officer, fellow board member or trustee, cannot be disclosed to any other party other than other board members, the President, other College administrators, if appropriate, unless the board member is authorized by the Board to do so or until such College matter becomes disclosed publicly at a public meeting of the Board or by a duly authorized officer of the College.

**e. Duty of Loyalty and Independence**

A board member's fiduciary duty of loyalty and independence to the College includes the following:

1. To diligently and honestly discharge his/her duties as a board member by attending meetings of the Board, becoming knowledgeable and informed about matters before the Board, and using independent judgment to make objective decisions in the College's best interest.
2. To place the College's interests in any transaction ahead of their personal interests, and attempt to avoid or resolve any potential conflict of interest related to any transaction.
3. To exercise his or her powers as a member in the interest of the College, rather than in the member's own self-interest or in the interest of any other person or group, including the member's appointive authority. A member taking action on a particular item must be independent, meaning that he or she can consider the issue of what is in the best interests of the college on its merits, free from any extraneous influences. Such influences include political interference in the affairs of the institution, as such interference presents a threat to the College's freedom and effectiveness. Direct intervention by elected or appointed officials, political parties, or pressure groups in the selection of faculty, staff, administration, the determination of curricula, textbooks, course content, the awarding of contracts, or in admissions or retention policies, injects factors which are often inimical to the fulfillment of the College's mission.

**f. Disclosure of Potential Conflict**

1. At first knowledge of a transaction involving the College that reasonably could give rise to a conflict of interest, a trustee shall disclose to the Board the precise nature of the interest or involvement of the trustee or the trustee's Immediate family member, or an organization or entity which that trustee is an officer, director, member or shareholder, in any College matter to be considered by the Board or that was formerly considered by the Board.
2. Upon notification of the appointment or reappointment of a trustee, the President of the College shall provide the trustee with a copy of this Code of Ethics/Conflict of Interest Board Policy.

**g. Enforcement**

1. The President or a Trustee shall notify the Chair of the Board if he/she believes that a Trustee has violated this Code of Ethics/Conflict of Interest Policy or any other Bylaw or Board Policy. The notification shall be referred to the Policy and Governance Committee for a determination within 90 days of the notification. The Policy and Governance Committee shall notify a Trustee that it has been notified that the Trustee may have violated the provisions of this Code of Ethics. The notification shall be in writing and specify the section of the Code of Ethics alleged to have been violated and the facts and circumstances surrounding such allegations. The Trustee shall have an opportunity to present information, including documents and written and other oral statements to refute the allegations. The Policy and Governance Committee shall make a recommendation for disposition of the matter to the full board of Trustees. The Trustees shall then determine by a majority vote whether to adopt the recommendation, and if a violation is found, may ask for the resignation of such Trustee, remove a Trustee as an officer, remove a chair or committee assignment, and such other relief as it may deem appropriate under the circumstances. If deemed appropriate under the circumstances, the Board shall make a recommendation to the Board of County Commissioners that such Trustee be removed from the Board of Trustees for cause, or make such other recommendation for a penalty as the Board may deem appropriate under the circumstances.
2. The Policy and Governance Committee may recommend that the Board of Trustees refer, to the appropriate prosecutor, any matter that in its judgment, might involve criminal misconduct. The full board shall vote on whether such referral shall be made. If such a referral is made, the Board shall defer taking any further action in the matter pending a determination by the prosecutor that the matter will or will not result in a prosecution.

**POLICY HISTORY:**

Approved: 1/17/2017  
Revised: 11/21/2017  
Revised: 12/19/2017  
Reviewed: 3/15/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 1-5 POLICY ON BOARD OF TRUSTEES' SELF-EVALUATION**

**REFERENCE:** N.J.S.A. 18A:64A-12

The Board of Trustees of Essex County College acknowledges that they are the final authority for the institution, whose assets and operations they hold in trust. Cognizant of its fiduciary and fiscal responsibilities, the Board is committed to assessing its own performance on an annual basis, in order to identify its areas of strength and improve its areas of weakness, as to better serve the College. To assess its performance, the Board has established the following criteria:

- 1) The Board will annually evaluate and assess its own performance, using the Trustee Evaluation Instrument and process as approved by the Board;
- 2) The instrument shall incorporate criteria contained in Board policies regarding operations, in addition to criteria defining board effectiveness, promulgated by recognized practitioners in the field;
- 3) All Trustees shall complete the annual evaluation instrument from which a summary shall be presented and discussed during a Board Retreat. During the Retreat, the Board of Trustees shall discuss and develop a plan based on the summary. Additionally, during the Retreat, the Board shall discuss and develop goals to be utilized in the assessment of the President of the College. The Board of Trustees shall vote on the plan developed at the retreat at the next regularly scheduled meeting following Retreat;
- 4) In addition to identifying specific issues, the discussion of the Board's roles and responsibilities can build communication and understanding among Board members of each other's values and strengths, and lead to a stronger, more cohesive working group; and
- 5) The President may also provide the Board with comments and perspectives about the performance and accomplishments of the Board during the previous year and may suggest goals for the following year.

### **POLICY HISTORY:**

Approved: 2/21/2017  
Revised: 10/17/2017  
Revised: 12/17/2019  
Reviewed: 3/15/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 1-6 “MOSAICS” DIVERSITY, EQUITY & INCULSION POLICY**

#### **Purpose**

The intent of this policy is to address diversity and assuring inclusive excellence by supporting College efforts to achieve the goal of attracting and retaining diverse students, faculty, staff and administrative leaders, fostering student completion, and implementing programs and strategies to establishing a welcoming environment for all.

#### **Application**

Essex County College is an open access community college that serves the diverse needs of students through comprehensive educational programs, training, and continuing education. In efforts to achieve this goal, the College strives to ensure that the student population we serve and the administrative staff and faculty we employ are representative of the diversity of our community.

Essex County College will develop strategic diversity and inclusion action plans that tangibly demonstrate its commitment to the principles of inclusive excellence as well as identify diversity, equity and inclusion as essential aspects of system and campus planning and as indispensable characteristics of academic excellence and the ongoing experience of every member of the Essex County College community.

Diversity and inclusiveness are integral components of the highest quality academic programs and the strongest campus climate. The College’s mission makes clear its responsibility to provide the broadest possible access, fully representative of all segments of the community. The College will employ best practices to attract diverse students, faculty, staff and administrative leaders, including efforts to strengthen the pipeline of diverse individuals with advanced credentials; ensure that services are in place to support retention (of faculty and students) and foster student completion at a rate that closes existing achievement gaps; and implement programs and strategies to establish a welcoming environment for all.

#### **POLICY HISTORY:**

Approved: 4/30/2019  
Revised: 12/17/2019  
Reviewed: 3/15/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 2-1                    PRESIDENTIAL SEARCHES

**REFERENCE:**        N.J.A.C. 9:4-1.10

a. The Board of Trustees of Essex County College shall conduct presidential searches in accordance with severally accepted practices which may include:

1. Assistance from, or consultation with, a nationally recognized higher education group, agency or association, at least at the inception of the search process.
2. Assessment of the needs of the institution.
3. The adoption by the Board of appropriate criteria governing the selection of a new president;
4. Creation of a search committee that, if it is to contain persons other than trustees, is broadly representative of the constituencies of Essex County College, and whose purpose is to make recommendations to the Board of Trustees for its consideration and action;
5. Opportunity for the search committee to consult with various groups within the institutional community in establishing appropriate search criteria;
6. Public advertisement of the position of the presidency with a minimum of 60 days to respond from the first notice published in a newspaper of regional or national circulation suitable for the institution.
7. Development of a pool of qualified candidates, evaluating each in comparison to the criteria established by the College.
8. Interviews of at least four candidates, evaluating each in comparison to the criteria established by the College.

### **POLICY HISTORY:**

Approved: 3/ /96  
Revised: 9/ /97  
Revised: 5/5/05  
Reviewed: 4/12/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-2                      EVALUATION OF ADMINISTRATIVE PERSONNEL**

**REFERENCE:**     N.J.S.A. 18A:64A-12(f); N.J.S.A. 18A:64A-13

a. There shall be a uniform system for the evaluation of administrative personnel which is consistent with the following considerations:

1. Uniform standards shall be applied.
2. Staff shall be evaluated on their contributions to their attainment of institutional goals and objectives.
3. Staff will be provided with objective feedback regarding their performance and, if warranted, a plan for facilitating their professional development.
4. It will allow the administrator to review his/her progress and respond to the evaluation.
5. It will afford the President an adequate basis for recommendations to the Board of Trustees on the retention, non-retention and promotion of an administrator.

b. If requested, the President shall submit to the Board of Trustees an analytical summary of this evaluation after reviewing same with the administrator.

c. To the extent required by law, evaluation procedures may be negotiated with the Administrative Association, but establishment of criteria shall be the responsibility of the President.

**POLICY HISTORY:**

Approved: 6/5/74  
Revised: 9/ /80  
Revised: 9/ /97  
Revised: 5/5/05  
Reviewed 4/12/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 2-3 POSITION DESCRIPTIONS

**REFERENCE:** N.J.S.A. 18A:64A-12(g)

a. In order to develop clear and definitive lines of responsibility and authority within the institution, there should exist a detailed description of the duties of each College employee. The description should contain at least the following elements:

1. Title
2. Area of Authority
3. Characteristics, Duties & Responsibilities
4. Supervision Received and Given
5. Minimum Acceptable Qualifications
6. Additional Desirable Qualifications

b. Every individual in the employment of the College shall have job descriptions.

c. Nothing in this policy shall affect the rights and obligations of either the President or the Board of Trustees as set forth in Title 9A of the New Jersey Administrative Code or Title 18A of the New Jersey Statutes.

### **POLICY HISTORY:**

Approved: 6/5/74  
Revised: 11/2/81  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 11/21/2017  
Reviewed: 4/12/22



**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-4                      RECOGNITION OF EMPLOYEE NEGOTIATING UNITS**

**REFERENCE:**        *New Jersey Employer-Employee Relations Act P.L. 1968, c 303*

a. The Board of Trustees recognizes the following employee negotiating units as the sole and exclusive bargaining representative of employees in the appropriate units.

1. Adjunct Faculty Federation
2. Administrative Association
3. ECC Security Association
4. Faculty Association
5. Fraternal Order of Police
6. Professional Association
7. Support Staff Association

b. Recognition is extended solely to all regular full-time College employees within those titles, classifications and positions, that are recognized and understood to be within the above designated units, and contained in the recognition clause of the unit's negotiated agreement and explicitly excludes all confidential employees.

**POLICY HISTORY:**

Approved: 7/25/74  
Revised: 11/2/81  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 6/20/2017  
Reviewed: 4/12/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 2-5 AWARDING HONORARY DEGREES

**REFERENCE:** N.J.S.A. 18A:64A-12(i)

a. The College awards honorary degrees in recognition of an individual's career of extraordinary achievement. The College may recognize an individual by conferring: (i) an Honorary Degree of Associate in Arts (A.A); (ii) an Honorary Degree of Associate in Science (A.S.); or (iii) an Honorary Degree of Associate in Applied Science (A.A.S). The following sets forth procedures and criteria for the awarding of such degrees.

b. Nominations will emanate from the President's Cabinet, which is comprised of the President of the College and members of the senior administration. One or more names will be presented prior to May Commencement to the College's Board of Trustees for consideration. In only the rarest of circumstances will more than two persons in a given year be awarded any honorary degree by the College.

c. The President shall be responsible for managing the selection process at the Cabinet level. The chairperson of the Board of Trustees shall be responsible for managing the selection process at the Board level.

d. Nominations, stating reasons for the prospective awarding of such honor, shall be accompanied, wherever possible, by the following supporting information in narrative form:

1. Full name of nominee for award
2. Current and past positions held relevant to the nomination
3. Degrees received and granting institutions
4. Significant honors, achievements, contributions
5. Societies, associations for which nominee hold membership
6. General qualifications for award/other pertinent information

e. The nomination process shall be confidential. Nominees should not be contacted during the nomination process, out of regard for those individuals who are not selected.

1. Every effort will be made to select honorary degree candidates that reflect the demographic (male-female, racial, ethnic) composition of the Essex County population.

2. While persons of national standing may be considered for honorary degrees, normally only those persons who have made significant contributions to the College and the County of Essex will be considered for such degrees.

3. Honorary degrees shall be conferred on persons exemplifying concepts of excellence, service, and integrity most cherished by an institution of higher learning:

- i. Distinguished scholarship;
- ii. Eminent accomplishment in the professions, sciences, arts, humanities, public service, and public policy;
- iii. Dedication to student access and achievement in higher education;
- iv. Philanthropy in education, the arts and sciences, and social welfare;
- v. Direct contribution to the College;
- vi. Recipients must attend graduation ceremony to be eligible to receive the award.

**POLICY HISTORY:**

Approved: 7/10/74

Revised: 11/2/81

Revised: 8/ /95

Revised: 4/28/05

Revised: 6/20/2017

Reviewed: 4/12/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-6                      EVALUATION FOR TENURE**

**REFERENCE:**            N.J.S.A. 18A:60-1 *et seq.*  
                                 N.J.A.C. 9A:7-3.1 *et seq.*

a. Any person holding academic rank must be evaluated annually for the granting of tenure. The administration will ensure that the evaluation is performed in accordance with the unit contract and applicable law prior to the awarding of tenure.

**POLICY HISTORY:**

Approved: 7/25/74  
Revised: 11/2/81  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 3/20/2018  
Revised: 6/21/2022

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 2-7 TENURE PLAN

**REFERENCE:** N.J.S.A. 18A:60 et seq.  
N.J.S.A. 18A:64A-71  
N.J.A.C. 9A:7-3.1 et seq.

a. In order to maintain the flexibility of the College to respond to the changing educational needs of future generations of students, the ECC Board of Trustees shall take appropriate steps to achieve a balance between tenured and non-tenured faculty.

b. The factors for maintaining a desirable balance between tenured and non-tenured faculty are listed below:

1. Tenure should be awarded to faculty only after clear and convincing evidence of excellence in scholarship and classroom performance is presented. It should be clear that the individual is prepared to make a significant and continuing contribution to the College, i.e., its student population and the community.

2. When considering the granting of tenure, the centrality of an individual's discipline and department in the life of the College shall be considered a relevant criterion.

Examination of tenured faculty positions should be performed. Where faculty lines seem unjustified in light of new trends in teaching modalities, professions, careers, and vocations, they should be eliminated after giving the instructors involved opportunities to re-train themselves.

3. The Board of Trustees may, as an exceptional action and upon the recorded two-thirds majority roll call vote of all its members and upon the recommendation of the President, grant tenure to an individual faculty member after two consecutive academic years of employment in the College in accordance with N.J.S.A. 18A:60-9.

4. Tenure for those engaged in support services, such as counselors, librarians, and administrators, will be administered in accordance with the State and County College Tenure Act (N.J.S.A. 18A:60-6)

5. The College may establish a maximum desirable tenure percentage. This percentage shall be reviewed periodically as deemed appropriate.

### POLICY HISTORY:

Approved: 12/4/74  
Revised: 11/2/81  
Revised: 9/ /97

Revised: 5/5/05  
Revised: 6/21/2022

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-8            ACADEMIC RANK AND NON-TEACHING PROFESSIONALS**

**POLICY HISTORY:**

Approved: 5/16/17

Repealed: 12/17/19

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-9                   DISSEMINATION OF PERSONAL INFORMATION  
REGARDING TRUSTEES AND EMPLOYEES**

**REFERENCE:**     N.J.S.A. 18A:64A-12(o)

a. Personal information regarding Trustees and employees of the College shall be protected from indiscriminate use by outside parties.

b. In the event that outside parties make inquiry for information relating to Trustees or employees of the College, such information, unless in the Public Domain, shall be reviewed and approved by College Counsel prior to its dissemination.

**POLICY HISTORY:**

Approved: 8/21/80

Revised: 9/ /97

Revised: 5/5/05

Reviewed: 5/17/22



**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-10 GRANT PROGRAM APPROVAL AND IMPLEMENTATION**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

- a. Board approval of a grant program may be requested by the President prior to official appropriation of grant funding to the College
- b. Advance preparation for implementation may be authorized by the President upon receipt of the award letter.
- c. The President shall issue directives as needed to implement this Policy.

**POLICY HISTORY:**

Approved: 12/1/81  
Revised: 9/ /97  
Revised: 5/5/05  
Reviewed: 5/17/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 2-11 VOLUNTARY SERVICES**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

- a. The President or his designee may accept voluntary services from those persons who wish to provide assistance to the College in the areas where a need exists.
- b. The procedures governing the intake and screening of volunteers shall be governed by administrative regulation.

**POLICY HISTORY::**

Approved: 6/22/83  
Revised: 9/ /97  
Revised: 5/5/05  
Reviewed: 5/17/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 2-12 EVALUATION OF COLLEGE PRESIDENT

#### President's Performance Evaluation – Description

Performance appraisal and evaluation is deemed an inherent function and responsibility of by the Board of Trustees. Consistent with the College's commitment to ensure that all employees are evaluated and properly positioned for success, and to serve the best interests of the Institution, the evaluation of the President is conducted by the College's Board of Trustees.

The President's evaluation is a process whereby the Board shall communicate what is expected from the role of President, provide feedback as to the President's current performance, discuss areas that may be in need of improvement, and discuss matters related to the President's employment that the President wishes to discuss.

The President is evaluated annually by the Board of Trustees in accordance with evaluation procedures. All evaluation materials are stored within the independent legal firm representing the Board of Trustees with a copy provided to the President for his/her records.

The evaluation of the President is conducted annually by the Board of Trustees.

- May: Summary Evaluation, which will be presented at the June Meeting.

The Board of Trustees shall complete the prior year Summary Evaluation based on:

- Self - evaluation from the President (derived from previous year's agreed upon goals) and includes suggested President's goals and institutional goals for the coming year; and
- Completed performance survey completed by each member of the Board of Trustees

The Summary Evaluation consists of written responses to questions approved by the Board of Trustees.

The Board of Trustees shares the Summary Evaluation in a meeting with the President. The outcomes of the meeting include:

- agreement on Summary Evaluation

- agreement on President's goals for coming year
- agreement on institutional goals for coming year
- agreement on President's remuneration package for the upcoming year

The Board of Trustees will agree on President's goals for the upcoming year at the next regularly scheduled meeting of the Board of Trustees.

- January: Mid-year Summary of Goals

A mid-year summary of the status of progress on the President's goals is prepared by the President and shared with the Board of Trustees.

- May: Summary Evaluation

Performance evaluation cycle continues.

**POLICY HISTORY:**

Adopted: 5/16/17

Revised: 1/23/18

Reviewed: 5/17/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 3-1 UNRESTRICTED FUND BALANCE**

In accordance with sound fiscal management and with the intent of maintaining sufficient financial resources to effectively respond to unexpected fluctuations in revenues or expenditures, Essex County College shall strive to maintain an unrestricted fund balance equivalent to a minimum of 4% to 7% of its unrestricted operating budget.

Due to the funding streams being unpredictable and the desire to impose an equitable tuition rate upon our students, Essex County College establishes a fund balance policy that sets a minimum recommended level consistent with community college operations. Such minimum recommended level shall be an unreserved fund balance of no less than 4% of the prior year's operating budget. However, when favorable revenue streams materialize and/or the College experiences minimal unanticipated expenditures, such fund balance should strive for between 4% and 7% of the prior year's operating budget.

In addition to unreserved fund balance, the administration and Board of Trustees may establish reserves for contingencies which take into consideration issues that are specific to the College, not inconsistent with law. Other reserves that are authorized by State law may be established. Such reserves may help stabilize the policy objectives of the College. Unreserved fund balance may be used for emergencies of a non-recurring nature as a result of natural disasters or physical plant emergencies. Such emergencies are defined as expenditures necessary to remedy situations that impede the delivery of our mandated services to our students or situations that may cause physical harm to individuals or property on the Campus. Fund balance, below the stated minimum levels, should not be used to fund recurring expenditures and/or to merely supplement operating revenues to balance a budget and should be utilized solely for extraordinary items which are "infrequent or unusual" in nature. However, use of the fund balance may be necessary and permitted if unanticipated reductions in revenue streams occur after the operating budget has been adopted. The Board of Trustees must be notified, and approve of any use of the minimum unreserved fund balance.

In the event that fund balance is below the 4% minimum as set forth above, subsequent budgets should recognize the need and desire to maintain such level. The operating budget should be adjusted accordingly so as to raise sufficient funds to meet both the minimum desired level of fund balance and to fund the operating expenditures. Generally, the College should re-establish the desired fund balance level within three (3) years, unless otherwise approved by the Board of Trustees.

The Board of Trustees shall be advised of the current fund balance on a monthly basis.

**POLICY HISTORY:**

Approved: 12/19/17

Reviewed: 9/13/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-2 CERTIFYING AGENT - PENSION PLANS**

**REFERENCE:** N.J.S.A. 18A:3B-33 and 43:3C-15

a. The Chief Financial Officer/Senior Comptroller, Director of Human Resources, and the Manager of Employee Benefits are designated as the administrator authorized by the Board of Trustees to process and certify all documents pertaining to enrollments, transfer of members' accounts, retirements, withdrawals, loans, insurance, claims, and other matters which require such certification by the College

b. This policy resolution shall apply to all College pension plans, including but not limited to:

1. Teachers' Pension and Annuity Fund
2. Alternate Benefit Program
3. Public Employees' Retirement System
4. Police and Firemen's Retirement System

**POLICY HISTORY:**

Approved: 7/31/74  
Revised: 1/12/81  
Revised: 9/ /97  
Revised: 5/5/05  
Revised 3/20/18  
Reviewed: 9/13/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 3-3 ANNUAL AUDIT OF ESSEX COUNTY COLLEGE

**REFERENCE:** N.J.S.A. 18A:3B-50

- a. The Higher Education Restructuring Act of 1994 requires that each county community college shall annually file with the Education and Local Government Section of the Office of Management and Budget, an audit of the College’s accounts, financial transactions, and enrollment (the “audited financial statement”). This audited financial statement must be conducted by a certified accounting firm of the State of New Jersey.
- b. In order to ensure that such audits and reviews permit a detailed analysis of the operations, it is also beneficial that the independent auditing firm, selected annually, be so retained on or before June 1 of the year in which the annual audit is to be conducted. Audited financial statements should be completed no later than six months after the end of the fiscal year.
- c. The Board of Trustees of Essex County College shall appoint a certified public accounting firm on or before June 1 of the year in which the annual audit is to be conducted.
- d. The annual audit shall be presented to the Board of Trustees by the President at the first Board meeting following the issue of the final audit report and shall be accepted with public discussion.
- e. Every four years, the College shall either change certified public accounting firms or, within the same firm, change partners and auditing staff who may have participated in the audit during the prior four years. If the College changes firms, partners, or auditing staff, no member of the group from the prior four years shall perform audit services in the following four years.

#### **POLICY HISTORY:**

Approved: 5/7/95  
Revised: 8/ /95  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 6/20/17  
Revised: 12/19/17  
Revised: 1/23/18  
Reviewed: 9/13/22



# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 3-4 INVESTMENT POLICY

**REFERENCE:** N.J.S.A.18A:3B 6(g)

#### **Overview**

This Investment Policy establishes the policies and guidelines for the administration and investment of Essex County College funds. Its purpose is to document the policies, guidelines and procedures that are intended to provide the greatest probability that the investment funds objectives are met in a prudent manner consistent with the established guidelines. The College will consolidate cash balances from all funds, except for cash in certain restricted and special funds, to maximize investment earnings. Investment earnings from earned income and/or realized capital gains will be allocated to the various funds or re-invested in accordance with College policy. Investment of restricted funds, where applicable, will also be guided by this policy, in addition to any other specific fund restrictions that may apply.

#### **Investment Objectives**

##### Operating Cash Short-term Investment Objective

Operating cash of the College (cash not needed for six months) will be invested in short-term interest-bearing accounts to the extent it is not needed in the operating bank account to cover checks drawn on the account.

##### Intermediate-term Investment Objective

The overall objectives for the College's intermediate-term investments (cash not needed for 1.5 years) is maximization of total return and preservation of capital without undue exposure to risk within the parameters specified in this policy statement.

##### Long-term Investment Objective

Funds will be invested in long-term assets, such as equities, (with modified duration/intervals of 2 to 5 years) with the objective of achieving a balance between preserving the long-term real purchasing power and long-term growth potential of the portfolio needed to offset the effects of inflation while providing a relatively predictable and growing stream of as much real spendable income as possible; to provide sufficient liquidity and avoid taking excessive risk with the portfolio. Guidelines and Procedures for Short-term, Intermediate-term and Long-term Investments

The portfolio(s), under the management of investment manager(s), represents the assets of Essex County College. Investment manager(s) and Essex County College recognize the fiduciary nature of the portfolio and the important responsibilities associated with its management.

The investment manager(s) is responsible for optimizing investment return and growth of the College's assets within the guidelines that have been established and are identified herein. The investment manager(s) has investment discretion over the assets in the portfolio within the policy while ensuring they act competently, carefully, skillfully, prudently and diligently with regards to investing the assets.

#### Competitive Selection of Investment Manager(s)

All investment activities are affected through competitive bidding. The College will accept the offer that most closely mirrors the guidelines established within this policy and as consistent with the law. The investment manager(s) selected will provide the highest rate of return, net of fees, within the required time to maturity, while preserving the principal amount and creating economic stability. Consideration will be given to historical performance and fee structure during the selection process.

#### Investment Oversight and Internal Control

The President has overall management responsibility for the College's finances, the Chief Financial Officer/Senior Comptroller will provide oversight of the College's investment management policy. The Office of the Chief Financial Officer/Senior Comptroller is responsible for the custody and disbursement of all investment funds, as well as the receipt and safekeeping of all investment monthly statements and other investment documents in accordance with established policies and procedures. No person may engage in an investment transaction on behalf of the College except as provided under the terms of this policy and the procedures established by the Office of The Chief Financial Officer/Senior Comptroller. The Chief Financial Officer/Senior Comptroller will ensure the establishment of a system of controls to regulate investment activities. The controls shall be designed to prevent unauthorized assignment of College funds for investment purposes and to prevent and control losses of funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets or imprudent actions by officers or employees. The Chief Financial Officer/Senior Comptroller will chair an internal Investment Advisory Group consisting of the Bursar, the Director of Fiscal Operations, the Purchasing Director, a faculty member from the Business Department and the General Counsel as an ex-officio member to approve the selection of an outside investment manager(s) and to review the results of the investment portfolio (hereinafter "investment portfolio") against the state Cash Management Fund and other relevant market indexes. The Chief Financial Officer/Senior Comptroller is charged with the responsibility to ensure that the quality of the investment portfolio remains consistent with this policy.

The Chief Financial Officer/Senior Comptroller will provide summary performance results and status of the investment portfolio to the Chief Financial Officer/Senior Comptroller who will provide

recommendations to the President. The President will present recommendations to the Board Finance Committee as requested, or at least annually.

### Investment Guidelines:

#### 1. Permissible Investments

The College's investment portfolio may consist of the following and based on short-term, intermediate-term and long-term investment objectives as outlined above:

- a. Obligations of the U.S. government and its agencies
- b. Money market instruments, repurchase agreements, commercial paper, bankers' acceptance, certificates of deposit, and approved money market funds
- c. State bonds
- d. Municipal, local and agency bonds
- e. Corporate bonds
- f. Floating rate securities without interest rate caps
- g. U.S. and International Equity Securities

The College reserves the right to select investment opportunities with companies specifically aligned with our mission.

#### 2. Quality

Commercial paper must be rated A-1, P-1, or better by either Standard and Poor's Corporation ("S&P") or Moody's Investor Services ("Moody's") at the time of purchase. Certificates of Deposit, Bankers' Acceptance, and Repurchase Agreements will be collateralized and where applicable, principal is guaranteed through the Governmental Unit Deposit Protection Act ("GUDPA") and Federal Deposit insurance Corporation ("FDIC") insured.

Securities of issuers with a long-term credit rating must be rated at least "AA" or "Aa" by S&P or Moody's, respectively with a maturity of no more than five years. Securities of finance companies must be senior debt securities and rated A/A. The primary benchmarks for U.S. equity securities are Russell 3000 and S&P 500. The primary benchmark for international equity securities is the MSCI All Country World ex-U.S. index. If S&P, Moody's and/or any other high ranking Nationally Recognized Statistical Rating Organization (NRSRO) downgrades a security held in the investment portfolio below the minimum rating specified above, the investment manager will notify the Chief Financial Officer/Senior Comptroller and recommend appropriate action.

The weighted average credit quality of the investment portfolio is to be no less than AA (or its equivalent rating).

#### 3. Asset Allocation/Diversification – Credit Risk, Investment Risk and Interest Rate Risk

It is the policy of the College to strategically allocate its investment portfolio comprising of a fixed

income portion and an equity portion. The expected role of equity investments will be to maximize the long-term real growth of portfolio assets, while the role of fixed income investments will be to generate current income, provide for more stable periodic returns, and provide some protection against a prolonged decline in market value of portfolio equity investments.

Portfolio diversification is employed as a way to limit certain types of risk. *Credit Risk* will be minimized by limiting investments to the safest types of securities, prequalifying the financial institutions, brokers/dealers, and diversifying the investment portfolio so that potential losses including capital losses will be minimized or avoided. *Investment Risks* will be reduced while attaining market average rates of return by diversifying the investment portfolio with respect to the type of securities, the concentration of investments held by any financial institution, and the length of maturities of investments in the portfolio. *Interest Rate Risk* will be minimized by structuring the investment portfolio so that securities mature to meet cash flow requirements, thereby avoiding the need to sell securities before maturity. Any deviation from the guidelines established herein shall be allowed only with the expressed approval of the Board of Trustees.

The investment manager(s) will *not* invest more than 20 percent of total assets under their control (market value at time of investment) in the securities of issuers in any particular industry, other than United States government securities, or government agency securities. No more than 10 percent of the account, valued at market at the time of purchase, will be invested in securities (other than United States Government) of any one issuer. No more than 10 percent of the outstanding securities of an issuer will be purchased, except such restrictions shall not apply to United States government or government agency securities or repurchase agreements.

For purposes of this asset allocation/diversification policy, securities of a parent company and its subsidiaries will always be combined except for captive finance companies. Such captives will be included with their parent company only if their primary purpose is to finance the parent's business. Securities issued by the U.S. Treasury and U.S. government agencies are specifically exempted from these restrictions.

#### Security and Issuer Diversification

	Permissible Investments	Maximum Percent of Portfolio Allowed	Maximum Percent of Portfolio Per Issuer
A.	U.S. Government	100%	100%
B.	U.S. Treasury	100%	100%
C.	U.S. Agencies	100%	33%
D.	Certificates of Deposits	25%	10%
E.	Banker's Acceptances	25%	10%
F.	Commercial Paper	25%	10%
G.	Corporate Bonds	25%	10%

H.	Money Market Mutual Funds	25%	10%
I.	Repurchase Agreements	25%	10%
J.	U.S. Equity Securities	10%	5%
K.	International Equity Securities	5%	3%

#### 4. Marketability/Liquidity

Investment manager(s) will purchase securities that regularly trade in a secondary market under normal conditions. Investment manager(s) will structure the investment portfolio so that securities mature concurrent with the College's cash needs. Cash flow forecasts, based on reasonable knowledge of future fiscal events and historical fiscal trends, will be developed by the College's Fiscal Affairs Director. Investment Portfolio holdings will be sufficiently liquid to ensure that 5% of the portfolio can be sold on a day's notice with no material impact on market value.

#### 5. Maturity/Portfolio Duration

The investment portfolio's average duration should not exceed the BofA Merrill Lynch 1-3-Year Government Bond index; however, the benchmark index is subject to change at the discretion of the Chief Financial Officer/Senior Comptroller. The final maturity of each security within the investment portfolio will not exceed five years.

#### 6. Performance Measurement/Yield

Due to the inevitability of short-term market fluctuations, it is intended that the following performance objectives will be achieved by the Investment manager(s) over a five-year moving period, net of investment fees. The investment portfolio shall be designed with the objective of regularly exceeding the average return on the three-month U.S. Treasury bills. Nonetheless, the College reserves the right to evaluate and make any necessary changes regarding the Investment manager(s) over a shorter term using the criteria established in this policy statement.

#### Rebalancing

The investment manager(s) will review the investment portfolio semiannually (June 30 and December 31) to determine the deviation from target weightings. If any asset class (equity or fixed income) within the portfolio is +/-5 percentage points from its target weighting, then the investment portfolio will be rebalanced. If any fund within the portfolio has increased or

decreased by greater than 20% of its target weighting, the fund will be rebalanced. The investment manager may provide a rebalancing recommendation at any time and shall act within a reasonable period of time to evaluate deviation from these ranges.

### Reporting

The investment manager(s) will meet with the Investment Advisory Group on quarterly basis and will be available for regular telephone contact. Investment manager(s) will submit, to the Office of the Chief Financial Officer/Senior Comptroller, monthly statements of transactions along with asset allocation, historical cost and market valuation of investment portfolio assets.

### Market Benchmark

Quarterly, the investment manager(s) will provide an overview of the markets and review of the investment portfolio's performance, net of fees, relative to an appropriate index and allocation benchmarks as agreed to by the Chief Financial Officer/Senior Comptroller, along with other members of the Investment Advisory Group and the performance results of the New Jersey Cash Management Fund.

### Peer Group Ranking

The total return, net of fees, for each investment manager(s) shall rank in the top third of the fixed income peer group over a market cycle of 3-5 years.

## 7. Performance Measurement

Due to the inevitability of short-term market fluctuations, it is intended that the following performance objectives will be achieved by the Investment manager(s) over a five-year moving period, net of investment fees. Nonetheless, the College reserves the right to evaluate and make any necessary changes regarding the Investment manager(s) over a shorter term using the criteria established in this policy statement.

## 8. Prohibited Investments

The investment manager(s) **shall not utilize derivative securities** to increase the actual or potential risk posture of the accounts. Subject to other provisions in this Investment Policy, the **use of primary derivatives is prohibited**. These include but are not limited to structured notes, all class tranches (as defined by the Federal Financial Institutional Examination Council) of collateralized mortgage obligations (CMOs), principal only (PO) or interest only (IO) strips, inverse floating securities, futures contracts, options, short sales, margin trading, and such other specialized investment activity.

**Moreover, the Investment manager(s) may not use derivatives to affect a leveraged**

**portfolio structure.**

9. Ethics and Disclosure of Conflicts of Interest

Members of the Board Finance Committee and The Board of Trustees, the President, and the Chief Financial Officer/Senior Comptroller along with other members of the Investment Advisory Group will refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions. Disclosure shall be made of any material financial interests in financial institutions that conduct business with the College, membership on any Board of such institutions or any personal financial interest or investments that could be related to the performance of the College's portfolio that could reasonably be considered a conflict of interest.

Requirement for Periodic Review

The Board Finance Committee shall review this policy annually.

**POLICY HISTORY:**

Approved: 11/21/17  
Revised: 9/20/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### BP 3-5 INTERNAL CONTROLS AND FINANCIAL REPORTING

**REFERENCE:** MSCHE Standard 3

- a. Essex County College (“the College”) shall continue to develop, implement, and sustain resource acquisition and allocation procedures that provide for (1) adequate internal controls to deal with financial, administrative and auxiliary operations, (2) rational and consistent policies and procedures to determine and monitor the acquisition and allocation of resources, and (3) periodic assessment of the effective and efficient use of institutional resources.
- b. In accordance with sound fiscal management and with the intent of having accurate information available to College decision-makers, the College shall strive to record, reconcile, and report on financial accounts on a monthly basis.
  - i. The President shall approve the monthly reporting schedule.
  - ii. The Chief Financial Officer/Senior Comptroller is responsible for establishing the monthly reporting schedule of parties responsible for submissions and dates.
  - iii. Area Heads are responsible for their offices complying with this policy and related regulations for submitting information needed to determine and monitor resources.
  - iv. The Chief Compliance Officer shall coordinate a group to conduct periodic assessments of internal controls.

#### **POLICY HISTORY:**

Adopted: 2/27/2018

Reviewed: 9/13/22



## ESSEX COUNTY COLLEGE

### BOARD POLICY

#### **BP 3-6 APPROVAL OF TRUSTEE EXPENSE VOUCHERS**

**REFERENCE:** N.J.S.A. 18A:64A-12(o) and (p)

a. All expense vouchers presented by the President must be approved by the Finance Committee of the Board of Trustees.

b. All pre-approved College business expenditures personally incurred by Board members shall be presented to the Board Chairperson for signature to authorize reimbursement.

c. Each Board member will submit to the Chairperson of the Board for approval of up to two major conferences, conventions, meetings or workshop they wish to attend during the academic year, subject to budget.

d. The only exception to the above limitation shall be when a Board member holds office in a duly recognized county, junior or community college organization and their attendance at meetings, conferences, etc., of such organization is required in the performance of their office. In this event, the Chairperson may approve attendance at two additional meetings, conferences, etc.

e. All College-related day or overnight travel and related expenses incurred by Board members must be approved by the Finance Committee or the Board Chairperson prior to reimbursement.

#### **POLICY HISTORY:**

Revised: 9/83

Revised: 9/97

Revised:5/5/05

Revised: 12/17/19

Revised: 9/20/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-7 REIMBURSEMENT AND ELECTRONIC DISBURSEMENTS**

**REFERENCE:** N.J.S.A. 18A:64A-12(p), N.J.A.C. 5:30-9A

- a. The voucher system shall generally be used to control and reimburse personnel for expenses authorized and incurred while serving as an agent of the College.
- b. The President shall implement Procurement Card program (hereinafter “P-Card”) which may be issued to the Director of Purchasing and/or the Chief Financial Officer/Senior Comptroller, or other persons as permitted by N.J.A.C. 5:30-9A.7.
- c. The aforementioned persons are further authorized to use “standard electronic funds transfer technologies” for “electronic funds transfers” as those terms are defined by the Local Finance Board regulations.
- d. The President shall develop internal policies and procedures for use of the P-Card or any standard electronic funds transfer technologies for authorized College expenditures. Such internal policies and procedures shall implement the internal controls set forth in New Jersey Administrative Code Title 5, Chapter 30, Subchapter 9A (“Subchapter 9A”). Subchapter 9A is incorporated in this Policy as if set forth at length herein.

**POLICY HISTORY:**

Approved: 11/7/77  
Revised: 11/2/81  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 04/30/19  
Reviewed: 10/11/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-8 PURCHASE AND CONSUMPTION OF ALCOHOLIC BEVERAGES - PAYMENT PROHIBITED**

**REFERENCE:** N.J.S.A. 18A:64A-12(o) and (p)

a. The expenditure of public funds of the College for the purchase of or the payment for alcoholic beverages is prohibited.

b. It shall be the responsibility of the individual board member, staff person or student to pay for his or her own alcoholic drink while attending a meeting or conference for educational purposes or for the benefit of the College.

**POLICY HISTORY:**

Approved: 1/11/78

Revised: 9/ /97

Revised: 5/5/05

Reviewed: 10/11/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-9 AUTHORIZATION OF SIGNATURES FOR EXPENDITURES**

**REFERENCE:** N.J.S.A. 18A:64A-12

- a. The President and the Chief Financial Officer/Senior Comptroller are authorized to jointly disburse payment of expenditures for all manual disbursements.
- b. In the absence of the President or the Chief Financial Officer/Senior Comptroller, the authorized alternate signatory is:
  1. For the President, the alternate is the Vice President/Executive Dean of Faculty and Academic Affairs.
  2. For the Chief Financial Officer/Senior Comptroller, the alternate is the Deputy Chief Financial Officer/Comptroller.
- c. The Chief Financial Officer/Senior Comptroller is authorized to obtain a facsimile plate of their signature or the Deputy Chief Financial Officer/Comptroller to be imprinted on all manual and computer-generated disbursements under five thousand dollars (\$5,000) by the College.

**POLICY HISTORY:**

Approved: 7/9/79  
Revised: 11/2/81  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 12/17/2019  
Revised: 2/22/2022  
Revised: 10/18/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-10 SALARY SUPPLEMENTS**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

a. When institutional priorities cannot be realistically accomplished through existing personnel and/or resources, an employee may be granted supplementary pay for work performed above and beyond the employee's normal duties.

1. The tasks to be performed shall be delineated, along with a timetable for completion and expected outcomes.

2. The benefits to the institution must be presented.

3. The individual recommended must be qualified for the supplementary assignment and be recommended through appropriate administrative channels.

4. Work to be performed by a person granted a supplement is not to be part of the individual's job description and contract responsibility.

5. The compensation, based on a pro-rated calculation, shall not exceed the salary the individual is receiving for his/her contractual responsibilities.

6. For consistency, where supplements are to be granted for administrative positions, the total compensation of base and supplement shall not exceed the maximum salary allowable for that level.

b. Employee supplements in excess of \$5,000 on an annual basis require the approval of the Board of Trustees.

**POLICY HISTORY:**

Approved: 8/21/80  
Revised: 12/3/80  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 10/18/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-11 RESERVED**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-12 PURCHASING AND COLLEGE CONTRACTS**

**REFERENCE:** N.J.S.A. 18A:64A-12(l)

The Board of Trustees endorses the provisions of the “County College Contracts Law” and directs the President to develop appropriate regulations to ensure that the purchasing functions of the College are implemented in accordance with N.J.S.A. 18A:64A-25.1 et seq. and the directives set forth herein:

1. All purchases involving the acquisition of goods or services which exceed the threshold established by State law will be subject to a formal bid process as required under the County College Contracts Law (N.J.S.A. 18A: 64A-25.1 et seq.), unless otherwise exempted by that law.
2. All Purchases with an aggregate amount/value equal to, or greater than, \$17,500 but less than the statutory threshold requiring formal bidding shall be subject to a “Request for Proposals” or “Fair and Open” process to the extent required by New Jersey Play-To-Play Law (N.J.S.A. 19:44A-20.4 et seq.)
3. All purchases with an aggregate amount/value equal to, or greater than, \$17,500 shall be submitted to the Board of Trustees for review and approval. The President shall have discretion to approve any purchase with an aggregate value/amount less than \$17,500.
4. All payments for services exempt from advertising per N.J.S.A. 18A:64A-25.5 including “the supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities ...” (8), shall not require Board of Trustees approval.

**POLICY HISTORY:**

Approved: 3/15/83  
Revised: 9/ /97  
Revised: 5/5/05  
Revised: 2/26/19  
Revised: 12/17/19  
Reviewed: 10/11/22

## ESSEX COUNTY COLLEGE

### BOARD POLICY

#### **BP 3-13 BOARD POLICY FOR LEGAL RESOURCE UTILIZATION**

**REFERENCE:** N.J.S.A. 18A:64A-12(p)

This Policy provides principles to be followed by Essex County College concerning the retention of outside legal counsel.

1. Except as required by insurance, the Board authorizes the President to accept recommendations by the General Counsel for retention of Outside Counsel. "Outside Counsel" is defined as those attorneys who are not employees of the College. All engagements of Outside Counsel to provide services must be consistent with County College Contracts Law and the College Purchasing Manual. No engagement of Outside Counsel where the services to be provided are estimated to be in excess of \$5,000 may be commenced without approval of the Board of Trustees or its Executive Committee (subject to ratification by the full Board). Any resolution by the Board to approve an engagement must include a provision setting forth a compensation amount "not to exceed" without further Board approval and must be accompanied by an engagement letter setting forth the fees and services to be provided.

2. The work of Outside Counsel shall be overseen by Essex County College Office of the General Counsel ("ECC OGC"), and General Counsel will provide regular updates to Board Counsel and President, except on those matters which require that Board Counsel oversee the work due to: (1) a conflict of interest (as defined in the Rules of Professional Conduct) in the ECC OGC; (2) vote by a majority of the Board of Trustees that a matter should be overseen by Board Counsel, which will be reflected in the resolution approving the retention of Outside Counsel.

3. Invoices must be sent to ECC OGC (or Board Counsel, when required) on a monthly basis, within the first thirty (30) days of the following month and should be transmitted via e-mail and hard copy to the General Counsel, or Board Counsel in those matters overseen by Board Counsel. All bills must be sent to, and approved by the General Counsel, or Board Counsel on those matters overseen by Board Counsel. In providing services to the College, outside counsel must acknowledge the Board of Trustees right to refuse payment for invoices which are submitted late.

#### 4. Board Counsel

The attorney or firm assigned as Board Counsel shall not be considered "Outside Counsel" as that term is used in this policy. Board Counsel shall attend all Board meetings and may attend Board Committee meetings, or other events or functions as desired by the Board and provide counsel during (or in connection with) such meetings, events, or functions.



#### 5. RFQ for Outside Counsel and Board Counsel

In every year ending in an odd number, Essex County College will publish a Request for Qualification (RFQ) for the various areas of law for which there is a possibility the College would need outside counsel legal services, including Board Counsel. The responses formulate a referral list for the College to choose outside counsel, if the need arises, based on the respondent's demonstrated competence and qualifications to perform the legal services for a fair and reasonable price. Inclusion of a law firm or attorney on the referral list does not guarantee that law firm or attorney an engagement for services. The College reserves the right to engage a firm not on the referral list.

#### 6. Requirement to Assent to Terms

All Outside Counsel engaged to perform services by Essex County College shall be provided a copy of this policy and any related College Regulations, and to the extent permissible by law, shall acknowledge and agree to the terms set forth in those documents.

#### **POLICY HISTORY:**

Approved: 1/23/18

Reviewed: 10/11/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 3-14                    HONORARIA**

**REFERENCE:**        N.J.S.A. 18A:64A-12

The President may approve honoraria not to exceed \$5,000 per program. Any honorarium in excess of \$5,000 must receive prior approval of the Board of Trustees.

**POLICY HISTORY:**

Approved: 8/1/73

Revised: / /80

Revised: 9/ /97

Revised: 5/5/05

Revised: 10/18/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-1      RESERVED**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-2      RESERVED**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-3                    RESERVED**

**REFERENCE:**

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 4-4 AFFIRMATIVE ACTION POLICY**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

It is the policy of the College to provide equal employment opportunities without regard to race, religion, sex, gender identity or expression, national origin, age, disability, marital status, family status, veteran status, sexual orientation, genetic information or any other protected characteristics under applicable law.

The College will take affirmative action measures to ensure against discrimination in employment, recruitment, advertisements for employment, compensation, termination, upgrading, promotions, transfers, reduction in force, and other conditions of employment against any employee or job applicant on the basis of any protected group.

The College will also take affirmative action to ensure that employees are not be subjected to harassment, intimidation or retaliation for filing a complaint and/or assisting or participating in an investigation, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity, or exercising any other legal right protected by federal, state or local law requiring equal opportunity.

The President shall have the ultimate responsibility in ensuring that equal employment opportunities and affirmative action procedures and goals comply with the Board's policy and applicable law. The Board of Trustees' Affirmative Action Committee will assist the President and the Affirmative Action Officer in coordinating, reviewing, and reinforcing the Affirmative Action Plan of the College.

### **POLICY HISTORY:**

Approved: 11/15/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-5 CAREER DEVELOPMENT**

**REFERENCE:** N.J.S.A. 18A:60-10

In order to provide a mechanism for improving the quality of the learning environment and the professional development of employees, the College will implement a career development program. The Board of Trustees and the President in connection with the Faculty Association and other appropriate bargaining units, and in accordance with labor contracts and agreements, shall establish a formal procedure for the career development of all members of the professional staff including, but not limited to a systematic and regular evaluation for the purpose of identifying deficiencies, extending assistance for their correction, and improving instruction.

**POLICY HISTORY:**

Initiated: 11/ /94

Revised: 9/ /97

Revised: 5/5/05

Reviewed: 11/8/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-6 GRANTING OF MULTI-YEAR CONTRACTS  
TO MEMBERS OF PROFESSIONAL STAFF  
NOT HOLDING ACADEMIC RANK**

**REFERENCE:** N.J.S.A. 18A:60-14; N.J.A.C. 9A:7-4.1 et seq.

Members of the professional staff not holding faculty rank may be appointed by the Board of Trustees for 1-year terms. However, after employment with the College for 5 consecutive academic years or for the equivalent of 5 academic years within a period of any 6 consecutive academic years, the Board of Trustees may offer such employees contracts of no more than 5 years in length.

For the purpose of the application of N.J.S.A. 18A:60-14 and N.J.A.C. 9A:7-4.1, a member of the “professional staff” shall be:

1. A full -time employee of Essex County College, and
2. One who does not have concurrent academic rank, and
3. One who serves in a position requiring at least a Bachelor’s Degree or its equivalent,  
and
4. One whose salary is not derived in whole or in part from restricted sources such as Federal, State and private grants.

**POLICY HISTORY:**

Revised: 9/ /97  
Revised: 5/5/05  
Revised: 11/15/22



**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-7                      PROFESSIONAL LEAVES OF ABSENCE**

**REFERENCE:**     N.J.S.A. 18A:64A-12(f)

Each member of the professional staff of the College who is granted a leave of absence in order to pursue more formal education or to participate in some activity that will advance the interests of Essex County College shall be required to submit, at least two weeks prior to returning from said leave, a detailed activity report to the President. Said report must delineate specific accomplishments and ways in which the activities have increased the individual's professional expertise. The President's acceptance of the report is essential before the employee will be permitted to return from leave. Upon request by the Board of Trustees, the President may be required to submit this report to the Board for its review.

**POLICY HISTORY:**

Approved: 9/3/75  
Revised: 9/ /97  
Revised: 5/5/05  
Reviewed: 11/8/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 4-8                      CRITERIA FOR EXTENDED MAXIMUM (FACULTY COMPENSATION)**

**REFERENCE:**     N.J.S.A. 18A:64-12(f)

a.    The following criteria, together with procedures negotiated with the Faculty Association, shall be applicable for determining whether the extended maximum may be granted:

1.    Excellence in the teaching/learning relationship as evidence by class observations, peer evaluation, student evaluation, and evaluation by the appropriate Dean or the Dean's designee;

2.    Evidence of consistent departmental and College-wide service as demonstrated by committee work, program development, and related activities;

3.    Carrying out other professional activities without special compensation from the College, over and above that which is usually expected, such as the following:

- a.    Publications and/or scholarship
- b.    Activities in professional organizations
- c.    Curriculum development
- d.    Relevant educational growth evidenced through course work
- e.    Active participation in community service
- f.    Active participation in professional conferences
- g.    Active service to the College
- h.    Grantsmanship/proposal development
- i.    Student services activities

### **POLICY HISTORY:**

Approved:    3/30/70

Revised:     9/ /97

Reviewed:    11/8/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-9                    DISCRETIONARY SABBATICALS**

**REFERENCE:**        N.J.S.A. 18A:64A-12 [Expired 8/30/81]

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-10 PERSONNEL DECISIONS**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

The President shall establish regulations and procedures maintaining the opportunity for each recognized employee negotiations unit to have input in personnel matters relative to their membership. The President shall also establish regulations and procedures assuring the timely, orderly and accurate processing of information with regard to all personnel decisions.

**POLICY HISTORY:**

Approved: 7/ /79  
Revised: 9/ /97  
Reviewed: 11/8/22

## ESSEX COUNTY COLLEGE

### BOARD POLICY

#### **BP 4-11 PERSONNEL APPOINTMENTS AND REAPPOINTMENTS**

#### **REFERENCE N.J.S.A. 18A:64A-12(f); N.J.A.C. 9A:7-1.1**

- a. The President is authorized to hire budgeted personnel except in the following categories, where they shall nominate to the Board persons for appointment or reappointment action:
  1. Administrative positions;
  2. Faculty positions;
  3. Professional positions above Level II;
  4. Multi-year appointments and reappointments; and
  5. Appointments of Administrators or Professionals in acting capacities for longer than six months.
  
- b. Changes in employment status as specified below shall be brought before the Board of Trustees for action:
  1. Granting of Tenure
  2. Granting of unpaid leaves of absence to Faculty and Administrators
  3. Promotions of Administrators and Faculty and Professionals.
  
- c. The President is authorized to place any employee on a paid administrative leave, pending the next meeting of the Board of Trustees. The President shall inform the Board of Trustees within two (2) business days of beginning of any paid administrative leave or other disciplinary action and the reasons therefore. The Board of Trustees shall decide at the next scheduled meeting whether (based on the President's recommendation) to continue the administrative leave, whether such leave should be paid, and the duration of the leave. Appropriate notice must be provided to any affected employee.
  
- d. No commitment for employment in accordance with the above provisions shall be given nor shall any employee commence his/her work schedule without Board of Trustees approval, except that the President shall have the power to make temporary/acting appointments for period of six months or less. At the end of the temporary or acting appointment, the President shall recommend to the Board of Trustees a disposition of the acting/temporary employee's status at the meeting prior to the expiration of the appointment.

- e. The President may accept the resignation of any employee who was appointed in a temporary or acting capacity. If an employee was formally approved by the Board of Trustees, their resignation must be accepted by the Board.
- f. To the extent any other Board Policy is inconsistent with the foregoing, such policy shall be abrogated.

**POLICY HISTORY:**

Approved: 11/02/81  
Amended: 1/27/82  
Revised: 11/ /96  
Revised 11/21/17  
Reviewed: 11/8/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 4-12 RESERVED**

## ESSEX COUNTY COLLEGE

### BOARD POLICY

#### BP 4-13                    EXTERNAL COMMUNICATIONS

**REFERENCE:**        N.J.S.A. 18A:64A-12(p)

A. The President, or their designee, serves as the official spokesperson for Essex County College. No other individual may speak for the College unless authorized by the Board of Trustees or the President. All media communications and requests from outside the College will be directed to the Office of the President who may then forward the matter to the appropriate Vice President or Administrator. Following an initial contact by the media, it may be appropriate for other College personnel to conduct the necessary business, as directed. All publicity concerning Essex County College and its activities will be released through the Office of the President, with the exception of student club/organization publicity, which will be approved in conjunction with and released by Student Life and Activities Office. All information for release to press, radio, television, and web entities must be cleared by the Office of the President or the Chairperson of the Board of Trustees before dissemination. As required, the President and the Board of Trustees will be kept informed of all communications with outside media agencies and offices conducted on behalf of the College. Any deviation from this policy shall be cleared through the President or the Executive Committee of the Board of Trustees.

B. Board members who are seeking data, records or other material or information from the College administration are to do so by preparing in writing a request to the President.

C. Inquiries received by Board members from College employees, students or members of the public shall be referred to the President.

#### **POLICY HISTORY:**

Approved:            11/21/17  
Revised:              12/19/17  
Reviewed:            11/8/22



# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 4-14                    PREVENTING THE SPREAD OF INFECTIOUS DISEASES IN THE COLLEGE**

**REFERENCE:**        N.J.S.A. 18A:64A-12(p)

In order for Essex County College to maintain effective operations and to ensure the health and safety of its students, faculty, staff and visitors in an event or period of an infectious disease outbreak, such as but not limited to COVID-19, the Board of Trustees authorizes the President of the College to implement the following safety measures. The Board of Trustees shall be advised as soon as practicable of all safety measures implemented pursuant to this policy.

1.        **Vaccination Requirement:**

When deemed appropriate or necessary, the College is authorized to require that all eligible students, faculty, and staff are fully vaccinated against COVID-19 or other infectious diseases unless a medical or religious exemption is approved by the College. The College is further authorized to require proof of vaccination for students, faculty and staff, and that such proof be submitted to the College. Furthermore, when deemed appropriate or necessary all, students, faculty and staff shall be subject to the College's current infectious disease protocols. Students shall adhere to all immunization requirements of the College.

2.        **Masks/Face Covering Requirement:**

When deemed appropriate or necessary, the College is authorized to require all individuals on campus to wear a mask/face covering indoors regardless of vaccination status unless an accommodation or medical exemption has been approved by the College. Masks/Face coverings may be removed while students, faculty and staff are eating so long as social distancing is maintained to the greatest extent possible. Faculty and staff may also remove face coverings at their work stations while alone. Failure to adhere to the mask/face covering requirement will result in removal and/or denial of entry to the College campus.

3.        The President may implement these and any additional safety measures and protocols mandated by local, state or federal law or executive order for any infectious disease outbreak or emergency situation.

4.        **Exemptions:**

Any exemption approved by the College and implemented pursuant to this policy will be processed consistent with the College's current infectious disease protocols, policies and procedures, and in accordance with all relevant local, state and federal laws and guidance.

5.        Failure to comply with the College's current infectious disease protocols implemented pursuant to this policy shall result in discipline actions in accordance with this

and other College's policies and procedures and where applicable, the corresponding collective bargaining agreements.

6. The College's current infectious disease protocols will be lifted when the emergency has ended as determined by the President of the College.

**POLICY HISTORY:**

Approved: 1/25/22

Revised: 11/15/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 5-1 ATTENDANCE POLICY**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

Attendance at classes by students is considered an integral and vital part of the learning process. Regulations will be developed to implement this policy.

**POLICY HISTORY:**

Approved: 1/22/75

Revised: 9/ /97

Revised: 12/17/19

Reviewed: 12/6/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 5-2                    PRIVACY RIGHTS OF EDUCATION RECORDS**

**REFERENCE:**     20 U.S.C. 1232(g); 34 CFR Part 99

- a.     The College will fully comply with the Family Educational Rights and Privacy Act (“Act”), which is designed to safeguard the privacy of students’ education records.
  
- b.     Regulations adopted by the College and procedures followed will be consistent with requirements of the Act.

**POLICY HISTORY:**

Approved:    12/ /76  
Revised:      9/ /97  
Revised:      12/13/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 5-3            RESERVED**

**REFERENCE:**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 5-4 TUITION AND FEE-FREE COMMUNITY SERVICE COURSES**

**REFERENCE:** N.J.S.A. 18A:64A- 12(p)

a. Tuition and fee-free community service courses may be offered when the President determines that such offerings meet the criteria below, and when they determine that doing so is in the best interests of the College:

1. Such offerings assist in the College's fulfillment and enhancement of its community service philosophy;
2. The ability to offer such opportunities to the community on a no-fee basis would be advantageous in enhancing greater participation; and
3. Such participation would earn State aid revenue for the College to cover any and all indirect costs, subject to Auditing and Accounting Standards for County Colleges.

**POLICY HISTORY:**

Approved: 3/ /74  
Revised: 9/ /97  
Reviewed: 12/6/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 5-5 TUITION WAIVER**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

The Board empowers the President to establish a specific tuition-free allocation of resources not to exceed 300 FTE per year to be assigned to such programs as they deem necessary for meeting the community needs.

**POLICY HISTORY:**

Approved: 9/6/78

Revised: 9/ /97

Reviewed: 12/6/22

# ESSEX COUNTY COLLEGE

## BOARD POLICY

### **BP 5-6 SENIOR CITIZEN TUITION**

**REFERENCE:** N.J.S.A. 18A:62-3

It is the policy of Essex County College to waive tuition fees for any senior citizen who wishes to register in College courses. Any person 65 years of age or older, who are residents of Essex County, may enroll in any regularly scheduled College courses, without payment of tuition, provided that there is available classroom space and that tuition paying students constitute the minimum number of students required for the course. Additionally, it shall be within the discretion of the Board of Trustees of the College to determine whether any such Senior Citizen(s) shall pay registration fees.

#### **POLICY HISTORY:**

Approved: 11/ /94

Revised: 9/ /97

Revised: 12/13/22



**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 5-7                    STUDENT ASSISTANCE**

**REFERENCE:**        N.J.S.A. 18A:64A-12(o)

a. Essex County College shall actively participate in the solicitation of funds for student assistance from Federal, State, and private sources, and effectuate the necessary regulations and procedures to provide for the proper and efficient administration of said funds; and

b. The College shall award and disburse funds to qualified applicants without regard to race, creed, color, religion, age, sex, national origin, gender and/or sexual orientation, and in full compliance with the guidelines set forth by the funding agency.

**POLICY HISTORY:**

Revised: 9/83

Revised: 8/95

Revised: 9/ /97

Revised: 12/13/22

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-1                      REGISTRATION, ARTICULATION, AND AFFILIATION  
AGREEMENTS WITH OTHER INSTITUTIONS**

**REFERENCE:**        N.J.S.A. 18:64A-12(j)

a. The President of the College, upon consultation with the Educational Programs Committee, is authorized to enter into cross-registration, joint registration, and articulation agreements with other institutions of higher education.

b. The President of the College, upon consultation with the Educational Programs Committee, is authorized to enter into clinical affiliation agreements with facilities which meet appropriate licensing/accreditation and insurance requirements.

**POLICY HISTORY:**

Approved: 7/ /75

Revised: 9/ /97

Revised: 3/20/2018

Revised: 1/24/23

## ESSEX COUNTY COLLEGE

### BOARD POLICY

#### **BP 6-2                    EMERITUS STATUS**

**REFERENCE:**     N.J.S.A. 18A:64A-12( o)

The Board of Trustees may grant emeritus status to a retiring President, dean, or professor who meets the following criteria:

1. The title “Emeritus” is to be granted upon recommendation by the President. The President, dean or professor must meet the minimum service requirement of fifteen years in one or more public educational institutions in the State of New Jersey.

2. The President, dean or professor must have possessed the title or rank for which the individual is to receive emeritus status for a minimum of five years preceding the date of retirement.

#### **POLICY HISTORY:**

Approved: 9/3/75

Revised: 9/ /97

Revised 1/24/23

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-3                    ADVISORY COMMITTEE**

**REFERENCE:**        N.J.S.A. 18A:64A-12(p)

a.        The Board of Trustees may create Advisory Committees, which shall be in accordance with the Board's By-Laws. Advisory Committee members shall be appointed for a two-year term, and shall be eligible for reappointment at the pleasure of the Board.

b.        Advisory Committees for academic programs and to various College departments shall be named by the President in accordance with College regulations.

**POLICY HISTORY:**

Revised:    9/ /97

Revised:    1/24/23

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-4                    INSTITUTIONAL REVIEW BOARD**

**REFERENCE:**        45 C.F.R Part 46; 21 C.F.R Part 50; 21 C.F.R Part 56; 34 C.F.R Part 97, 34  
C.F.R. Part 98; 34 C.F.R. Part 99; 34 C.F.R. Part 350; 34 C.F.R. Part 356.

The President shall establish regulations and procedures for the establishment of an Institutional Review Board in accordance with applicable federal, state and local laws and regulations. The President shall also establish regulations and procedures assuring the protection of human subjects and the timely, orderly and accurate processing of applications submitted to the Institutional Review Board.

**POLICY HISTORY:**

Approved: 2/22/22

Reviewed: 1/24/23

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-4.1      RESERVED**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6.5**

**RESERVED**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6.5.1      RESERVED**



**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-6 ESTABLISHMENT OF BRANCH CAMPUSES  
OR EXTENSION CENTERS**

**REFERENCE:** N.J.S.A. 18A:64A-12(o)

a. The College desires to provide educational services to all areas of the County, and has determined that this can often be best accomplished through the establishment of branch campuses or extension centers.

b. The President is empowered to take whatever action may be necessary to plan, develop and implement such programs, subject to requirements of the appropriate state, local, and federal laws, regulations and guidelines.

**POLICY HISTORY:**

Approved: 9/6/78

Revised: 9/ /97

Revised: 1/24/23

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-7 CURRICULUM AND EDUCATIONAL PROGRAMS**

**REFERENCE:** N.J.S.A. 18A:64A-12(d)

The institution will develop, implement and review degree, certificate and non-credit programs and courses which respond to the needs of county residents.

The College's mission statement, as approved by the Board, will provide guidance and direction for a development and approval process consistent with contractual agreements and the principles of academic freedom. The Board authorizes the implementation of courses and programs when they have been reviewed and recommended by the appropriate committees and administrators and they have been approved by the President.

The Board shall periodically review both the College's mission and the curriculum and programs offered by the institution to fulfill it.

**POLICY HISTORY:**

Initiated: 11/ /96  
Revised: 9/ /97  
Revised: 1/24/23

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-8**

**RESERVED**

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-9 GRADING POLICY**

**REFERENCE:** N.J.S.A. 18A: 64A-12(o)

a. The College will take all steps necessary to ensure that the standards used for grades awarded to students are similar to the standards for grades which are awarded in four-year institutions for the level and quality of academic work produced by the student.

b. The College will maintain academic articulation with four-year receiving institutions as a control over levels of student achievement, and will periodically assess grade correlation.

**POLICY HISTORY:**

Approved: 9/6/78

Revised: 11/2/81

Revised: 9/ /97

Revised: 1/24/23

**ESSEX COUNTY COLLEGE**

**BOARD POLICY**

**BP 6-10 CABLE TELEVISION**

**REFERENCE:** N.J.S.A. 18A: 64A-12(d) and (p)

The Board of Trustees delegates to the President or his designee(s) the authority to plan, initiate, and conduct joint operations with authorized Cable Television outlets so that increased educational services may be made available to residents of Essex County.

**POLICY HISTORY:**

Approved: 9/6/78  
Revised: 9/ /97  
Revised: 1/24/23

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## ESSEX COUNTY COLLEGE BY-LAWS

### ARTICLE I — IDENTIFICATION

**Section 1.** Essex County College shall hereinafter be referenced as (“the College”).

**Section 2.** Essex County College Board of Trustees shall hereinafter be referenced as (“the Board”).

### ARTICLE II — PURPOSE

**Section 1.** The Board is responsible to the people of Essex County and to the people of the State of New Jersey for developing the policies governing the general conduct of the affairs of the College.

**Section 2.** The College is a comprehensive institution. The need to provide post-secondary educational opportunity for the many is accepted as far more imperative in the philosophy of the College than the need to limit such opportunity to a selected few. Thus, the College maintains a liberal admissions policy designed to afford every potentially able student the opportunity to develop themselves to the limits of their capacities. Once given the opportunity, students at the College are expected to apply themselves seriously to the task of self-development and intellectual growth. The College practices an “open-door” policy to the institution and to certain programs. Students with poor admissions credentials will have to earn their admission to some programs by demonstrating capabilities in developmental preparatory programs.

**Section 3.** To implement a philosophy of opportunity for the many, the College offers a variety of programs on a year-round basis:

- a) Degree Programs — To provide freshman and sophomore level courses culminating in associate degrees acceptable for transfer to baccalaureate programs and occupational (career) and technical degree programs culminating in associate degrees.
- b) College Career Programs — To provide pre-employment preparation for persons entering into an occupation and courses designed for retraining or occupational advancement for persons already employed.
- c) Transfer Programs — To provide the first two years of college instruction for students planning to transfer to four-year collegiate institutions.



d) Preparatory and Developmental Programs — To provide a program of remedial and developmental courses to enable students deficient in the basic skills of reading, writing and arithmetic, to acquire the necessary tools to engage in college-level study.

e) Certificate Programs — To provide short term, less than two-year programs, for the student whose educational goals are limited and specific.

f) Community Services — To provide, through credit and non-credit courses, opportunities to enrich community living, to increase and improve the participation of citizens in the affairs that affect them and, to release the potentialities of adults as wage earners, as creative beings and as social individuals.

**Section 4.** A comprehensive institution demands equally comprehensive student services. Therefore, the College offers counseling and remedial programs, as well as specialized student support services.

**Section 5.** In preparing its graduates as well-informed citizens, as skilled workers, and as empathetic and responsible human beings, the College matches variation in programs with appropriate variation in teaching. Traditionally, effective college instruction is supplemented with new technologies and new methods, which the College embraces in its pedagogical approach.

### **ARTICLE III — BOARD OF TRUSTEES RELATIONSHIPS, COMPOSITION, RESPONSIBILITIES**

**Section 1.** Powers and Duties

The Board shall have the following general powers and duties to fulfill its mission and the Statewide goals in cooperation with other institutions and the State coordinating structures:

a) To develop an institutional plan and to determine the programs and degree levels to be offered by the institution consistent with this plan and the institution's programmatic mission;

b) To have authority over all matters concerning the supervision and operations of the institution including fiscal affairs, the employment and compensation of staff not classified under *Title 11A of the New Jersey Statutes*, and capital improvements in accordance with law;

c) To set tuition and fees. However, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the College community who wish to testify with an opportunity to be heard;

d) To establish admission standards and requirements and standards for granting diplomas, certificates and degrees;

e) To recommend for appointment by the Governor, members to the institution's governing board. The recommendation shall be made with regard to the mission of the institution and the diversity of the community to be served;

f) To have final authority to determine controversies and disputes concerning tenure, personnel matters of employees not classified under *Title 11A of the New Jersey Statutes*, and other issues arising under *Title 18A of the New Jersey Statutes* involving higher education except as otherwise provided herein. Any hearings conducted pursuant to this section shall conform to the requirements of the "*Administrative Procedures Act*," N.J.S.A. 52:14B-1 et seq. The final administrative decision of a governing board of a public institution of higher education is appealable to the Superior Court of New Jersey, Appellate Division;

g) To invest and reinvest the funds of the institution;

h) To retain counsel of the institution's choosing;

i) To be accountable to the public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution;

j) To submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the Commission of Higher Education;

k) To have prepared and made available to the public an annual financial statement and a statement setting forth generally the monies expended for government relations, public relations and legal costs; and

l) To have prepared an annual independent financial audit, which audit and any management letters regarding that audit shall be deemed public documents.

**Section 2.** Relationship of the Board to the Board of School Estimate

The Essex County Board of School Estimate shall fix and determine the amount of money necessary to be appropriate for the use of the College for the operation and capital outlay expenses for the school year, exclusive of the amount to be received from the State and other sources.

The Essex County Board of School Estimate shall consist of the County Executive, two appointed members of the Board of County Commissioners, and two appointed Trustees.

Appointments to the Board of School Estimate shall be made annually, on or before December 1, and any vacancy in the Board's membership shall be filled by the Board that originally appointed the members.

The Secretary of the Board shall be the Secretary of the Board of School Estimate but shall receive no additional compensation therefor.

On or before February 1 in each year, the Board of the College shall prepare and deliver to each member of the Board of School Estimate an itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses of the College for the ensuing year.

The Board of School Estimate shall then inform, on or before February 15, the Board of County Commissioners of the monies necessary for the College. The Board of County Commissioners shall then appropriate these monies.

If it becomes necessary for the Board to raise money in addition to its annual budget, it shall act according to N.J.S.A. 18A:64A-20-21.

**Section 3.** Composition of the Board

The Board shall consist of the county superintendent of schools and 10 persons, eight of whom shall be appointed by the appointing authority of the county with the advice and consent of the Board of County Commissioners, at least two of whom shall be women and two of whom shall be appointed by the Governor, according to criteria and for such initial terms as shall be established. However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county. The President of the College shall serve as an ex-officio member of the Board without vote. In addition, the student body of each county college shall be entitled to elect from the graduating class one (1) representative to serve as a non-voting member on the Board for a term of one year, commencing at the next organization of the Board following graduation of his/her class.

**Section 4.** Term of Appointment

Appointed members of the Board shall have been residents of the county for a period of four (4) years prior to said appointment, and no elected public official or employee of the county college shall serve as a voting member of the Board. The term of office of appointed members, except for the first appointments, shall be for four (4) years. Each member shall serve until his/her successor shall have been appointed and qualified.

Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any appointed member may be removed by the Board of County Commissioners of the appointing county for cause upon notice and opportunity to be heard. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

A voting member of a Board shall not be eligible to accept employment as an employee of the College at which they have served as a member of the board for a period of two (2) years following resignation or expiration of their term as a member.

**Section 5.** Responsibilities

The Board shall have general supervision over and be vested with the conduct of the College. It shall have the authority and responsibility to:

- a) Adopt or change the name of the county college;
- b) Adopt and use a corporate seal;
- c) Sue or be sued;
- d) Determine the educational curriculum and program of the College consistent with the programmatic mission of the institution;
- e) Appoint and fix the compensation and term of office of a President of the College, who shall be the Executive Officer of the College and an ex-officio member of the Board;
- f) Appoint, upon nomination of the president, members of the administrative and teaching staff and fix their compensation and terms of employment, subject to the provisions of N.J.S.A.18A:64A-13;
- g) Appoint other officers, agents and employees, as may be required, to carry out the provisions of N.J.S.A. 18A:64A et seq., and fix and determine their qualifications, duties and compensation, terms of office and all other conditions and terms of employment and retention;
- h) Fix and determine tuition rates and other fees to be paid by students;
- i) Grant diplomas, certificates or degrees;
- j) Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the county, State or United States, or with any individual, firm or corporation, which is deemed necessary or advisable by the Board pursuant to N.J.S.A.18A:64A-12(p);
- k) Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the Board may use for its purposes;
- l) Acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for College purposes;
- m) Determine that any property owned by the College is no longer necessary for College purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the Board;

n) Exercise the right of eminent domain, pursuant to the provisions of *Title 20, Eminent Domain*, of the Revised Statutes, to acquire any property or interest therein;

o) Make and promulgate such rules and regulations deemed necessary and proper for the administration and operation of a county college pursuant to N.J.S.A.18A:64A-12(p);

p) Exercise all other powers which may be reasonably necessary or incidental to the establishment, maintenance and operation of a county college pursuant to N.J.S.A.18A:64A-12(p); and

q) Establish and maintain a dedicated reserve fund for minor capital needs which in any given year shall not exceed 3% of the replacement value of the College's physical plant.

## ARTICLE IV — OFFICERS

### **Section 1.** Election of Officers

In November of each year, the Board shall elect from its membership by majority of those present and voting, a Chairperson, Vice Chairperson, Secretary, and Treasurer, as provided by law, to serve for one (1) year. The Board may elect other such officers as the need of the body corporate may require. Any two offices may be held by the same person except that the Chairperson and Vice Chairperson shall not hold any other offices unless specifically permitted to do so by these By-laws. All vacancies occurring in office during a year shall be filled by the Board for the unexpired term.

### **Section 2.** Duties of the Chairperson

They shall preside at all meetings of the Board and shall decide all questions of order, subject to an appeal to the Board. They shall have general supervision of the affairs of the corporation, subject to the approval of the Board. They shall appoint all standing and special committees. They shall sign and execute all contracts or other documents requiring corporate execution for, and on behalf of, the body corporate. They shall sign all reports required to be filed by law or by the New Jersey Commission on Higher Education. They shall be an ex-officio member of all committees and shall appoint the members of all Board committees. They shall perform other duties common to this office or as may be assigned to them from time to time by the Board of Trustees.

### **Section 3.** Duties of the Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in their absence. They shall also perform other duties that are common to this office, or as may be assigned to them from time to time by the Chairperson of the Board.

**Section 4.** Duties of the Treasurer

The Treasurer shall perform the duties which are common to this office or as may be assigned to them from time to time by the Chairperson of the Board.

**Section 5.** Duties of the Secretary

The Secretary shall cause to be recorded all votes and minutes of all proceedings. The Secretary shall give or cause to be given, notice of all meetings of the Board, and shall sign and affix the Seal of the Body Corporate to all documents that may require corporate execution, and shall have charge of the Seal of the Body Corporate and such other books and papers as the Board may prescribe, and shall make such reports to the Board as it may request, and shall prepare and file or cause to be prepared and filed such reports or statements as may be required by law and by the rules and regulations of the New Jersey Commission on Higher Education. Upon authorization from the Board the responsibilities and position of Secretary may be assigned to a member of the College staff. The Secretary of the Board shall also be the Secretary of the Board of School Estimate but shall receive no additional compensation therefor.

**ARTICLE V — COMMITTEES**

**Section 1.** Standing Committees

The Board shall have the power to create and dissolve standing committees, each consisting of at least three (3) Trustees, which shall report directly to the Board to aid it in carrying on the business of the body corporate. The Chairperson of the Board shall immediately appoint the members and designate the chairperson of each standing committee. The members of the standing committees shall each be members of the Board. The Chairperson of the Board shall be a member ex-officio of each standing committee, except for the Executive Committee on which they can be a full member. All standing committees shall keep their records of their action and submit the same to the Board at its next meeting for approval. Each standing committee shall have full power and prescribe its own organization and procedure. A majority of the members of a committee, exclusive of the ex-officio member(s), shall constitute a quorum for the transaction of committee business.

The Standing Committees of the Board shall be:

- a) Executive Committee;
- b) Committee on Personnel;
- c) Committee on Finance;
- d) Committee on Educational Programs;
- e) Committee on Site, Facilities and Equipment;

f) Committee on Community Relations; and

g) Committee on Governance and Policy.

Special committees shall be appointed by the Chairperson of the Board from time to time to deal with specific problems.

## **Section 2. Executive Committee**

The Executive Committee shall have authority to act on behalf of the Board on all matters except for the following, which shall be reserved for the Board as specified elsewhere in these By-laws: presidential selection and termination; Trustee and Board officer selection; Charter and By-law amendment; review of institutional mission and purposes; incurring corporate indebtedness; approval of the annual budget; and conferral of degrees.

The Committee's central purpose is to strengthen the Board's performance by helping it to function efficiently and effectively. Its broad powers shall be used only as necessary and appropriate on routine housekeeping business, or on emergency matters which cannot or should not be delayed until the Board's next regularly scheduled meeting or until a special meeting of the Board should be called as specified in these By-laws.

The Committee shall oversee the work of standing committees, the institution's planning process, the Board's support of the chief executive and their compensation. Committee minutes shall be mailed or e-mailed to all Trustees within 30 days after its meetings and shall require formal ratification of the Board at its next meeting.

## **Section 3. Advisory Committees**

The Board shall be empowered to create advisory committees to the Board, the members of which shall serve at the pleasure of the Board and without compensation. After consultation with the President of the College, and upon the advice and consent of the Board, the Chairperson of the Board shall have the power to appoint the members of such advisory committees and the chairperson thereof. The Chairperson of the Board shall propose to the full Board the establishment and/or the membership of the particular advisory committee. Approval at a public meeting will take place no earlier than one month from the original presentation to the full Board.

## **Section 4. Administrative and Faculty Committees**

The Board shall authorize the President of the College to create administrative and faculty committees for the purpose of carrying on the business functions of the College. Qualifications for membership on such committees shall be determined by the President of the College. The members of the administrative and faculty committees shall be appointed by the President of the College and the committees and their members shall be responsible to, and report to, the President of the College.

## ARTICLE VI — MEETINGS

### Section 1. Annual Meetings

Pursuant to N.J.S.A.18A:64A-10, the annual Meeting of the Board shall take place in November.

### Section 2. Regular Meetings

Regular public meetings shall be held every month at the principal office of the body corporate or any other place and/or forum, which the Chairperson of the Board or a majority of the Board may designate, on a date to be fixed and announced at the annual meeting.

### Section 3. Executive Meetings

Unless otherwise ordered by the Chairperson of the Board or a majority of the Trustees then in office, there shall be regular executive meetings of the Board every month. The said executive meetings of the Board shall be held at such time and place as the Board may determine. Such executive meetings shall be held whenever called by the Chairperson of the Board. Upon written request by three (3) members of the Board, the Chairperson of the Board shall call a special executive meeting.

### Section 4. Special Meetings

Special meetings shall be held at the call of the Chairperson of the Board or at the call of three (3) members of the Board, provided that written notice of such special meeting shall be given to each member of the Board not less than 48 hours in advance and shall state the matters to be considered. No other matters shall be considered at said meetings, except with the consent of 2/3 of the members of the Board present at such meeting.

### Section 5. Notice

Notice of each meeting of the Board, public or executive, shall be given to each Trustee by the Secretary one week in advance of the meeting, or upon receiving word that a meeting has been called, whichever is later. Notice of any special meeting shall state the general subjects to be considered. If a meeting is continued to a future meeting date by agreement of those members of the Board present, the Secretary shall thereupon notify in writing only the absent members.

The foregoing notice requirements are intended to describe the duties of the Secretary and shall not be deemed conditions of the validity of any meeting. Except in the event of an emergency, it shall be a condition of the validity of a special public meeting that each Trustee be notified of the general subjects to be considered. It shall have been (a) sent to the residence of the Trustee as shown on the Board records by ordinary mail or e-mail, posted 72 hours in advance of the meetings; (b) delivered to the said residence 24 hours in advance of the meetings; or (c) waived in writing by the Trustee at the meeting.



## **Section 6. Quorum**

A simple majority of the Board shall constitute a quorum. A smaller number may call the roll, record the names of absentees, and adjourn to meet at a specified future time.

## **Section 7. Presiding Officer**

The Chairperson of the Board, or in their absence, the Vice Chairperson, shall preside at all meetings of the Board. In case the Chairperson of the Board and Vice Chairperson shall not attend at the time appointed for any meeting of the Board, the Secretary shall call the roll, and, on appearance of a quorum, shall call the Board to order. A chairperson pro tempore shall be appointed by the Board for that meeting or until the appearance of the Chairperson of the Board or Vice Chairperson.

## **Section 8. Agenda for Board of Trustees Meetings**

The President of the College, in consultation with the Chairperson of the Board, shall cause to be prepared and the Secretary shall submit to the members of the Board, an agenda for each meeting. No items shall be considered that are not on this agenda except:

- a) On recommendation of the Chairperson of the Board;
- b) On recommendation of the chairperson of the appropriate committee; or
- c) By unanimous consent.

## **Section 9. Order of Business**

At all public meetings the business before the Board shall be disposed of in the following order. The Chairperson of the Board with the consent of the Board may change the order of business:

1. Consideration and approval of the minutes
2. Communications
3. Business Affairs
4. Personnel
5. Student Affairs
6. Academic Affairs
7. Unfinished Business
8. New Business
9. Public Statements
10. Adjournment

## **Section 10. Vote Required**

All questions coming before the Board shall be determined and decided by a majority vote of the Trustees present at the meeting, except those questions, which by law, rules and

regulations of the New Jersey Commission on Higher Education or by the provisions of these By-laws, require a different vote. The Board of Trustees shall be bound by all applicable Federal, State and local statutory requirements in their decision-making process. Wherever in these By-laws, reference is made to a majority vote of the Board of Trustees, it shall refer, unless otherwise stated, to a majority vote of the Trustees present at the meeting.

## **ARTICLE VII — EXECUTIVE OFFICER OF THE COLLEGE AND THE FACULTY**

### **Section 1. The President**

The President is the Executive Officer of the College through whom the Board carries out its programs and exercises its policies. They are responsible, not only for the conduct and operation of the College, but also for the administration and supervision of all of its departments.

### **Section 2. Duties**

- a) The President shall have general control over all phases of the operation of the College.
- b) The President shall serve as the professional leader of the faculty and administration.
- c) The President shall keep all necessary records and prepare all reports required for the efficient operation of the College.
- d) The President shall recommend the appointment, assignment, promotion, suspension, or termination of service of all teaching and other personnel.
- e) The President shall be responsible for the curriculum, faculty, student services, and community contacts.
- f) The President may delegate such of these duties as they deem appropriate appropriate to other members of their administrative staff.
- g) The President shall be responsible for the safety, proper care, and effective utilization of all College property.
- h) The President shall attend all meetings of the Board, except when their personal tenure or salary are under consideration.
- i) The President shall prepare and submit to the Board an annual report on the progress of the College.
- j) The President shall authorize the purchase of all supplies, materials, and services authorized by the annual budget in accordance with adopted policies of the Board.
- k) The President shall serve as the official channel for all communications between staff members and the Board.
- l) The President shall be responsible for preparing an annual budget for the operation of the College.
- m) The President shall be responsible for preparing an agenda for all Board meetings, in consultation with the Chairperson of the Board.
- n) The President shall continually strive to develop, improve, and advance

the best interests of the College.

**Section 3. Term**

The President shall be appointed by the Board for a term prescribed by contract. If the Board desires to terminate the contract of the President, they shall give the President ninety (90) calendar days' notice. In turn, the President of the College shall notify the Board ninety (90) calendar days in advance if they desire to be released from their contract.

**Section 4. Role of the Faculty**

The faculty as a body shall be the expert professional agency to which responsibility for developing and controlling the academic program is committed, under the leadership of the President and within the framework of the educational objectives established by the Board.

The faculty shall prescribe, subject to the approval of the Board, curricula, conditions for graduation, and rules and methods for the conduct of the educational work of the College.

**ARTICLE VIII — MISCELLANEOUS PROVISIONS**

**Section 1. By-laws**

The Board shall be governed by the stipulations specified within a set of stated By-laws.

In the event any provision or provisions of these By-laws are determined by a body of competent jurisdiction to be invalid, for any reason, the remaining provisions of these By-laws not so construed, shall remain in full force and effect.

The Board shall make and promulgate from time to time such rules and regulations not inconsistent with statutory provisions and with rules and regulations of the New Jersey Commission on Higher Education, as may be necessary and proper for the administration and operation of the College.

**Section 2. Amendments**

The By-laws may be amended, altered, repealed or added to in any manner not inconsistent with the laws of the State of New Jersey or the rules and regulations of the New Jersey Commission on Higher Education by the vote of a majority of the Board, then in office, at any public meeting of the Board, provided that a copy of the proposed amendment has been furnished to each member of the Board by the Secretary at least five (5) days before the said meeting.

**Section 3. Independent Audit**

The Board shall provide for an annual audit of the College's financial records by an independent certified public accountant. Such audit shall be in addition to the continuing review of the Finance Committee.

**Section 4. Periodic Review of College By-Laws and Board Policies**

The Board shall review all of the College By-Laws and Board Policies at least once every two years to ensure that such by-laws and policies remain consistent with the good and efficient conduct of the affairs of the College and reflect any changes in the laws and regulations which may have occurred over time.

Nothing in this section shall prevent the Board from revising, adding, or removing any by-law or policy at any time.

**Section 5. Parliamentary Rules**

The most recent edition of Robert's Rules of Order, Newly Revised, shall be followed in the conduct of the meetings of the Board and its committees, except as otherwise provided by these by-laws, or as otherwise required by law.