

## Board Powers and Duties\*\*

The Board shall be responsible for the general supervision and control of any and all community college campuses operated by the College. Consistent with any applicable rules of the ~~State Board of Education~~ Higher Education Coordinating Commission (HECC) and Northwest Commission on Colleges and Universities, the local Board may:

1. Employ administrative officers, professional personnel and other employees, define their duties, terms and conditions of employment and prescribe compensation therefore;
2. Enact rules for the ~~governance~~ government of the College, including professional personnel and other employees and students ~~therein~~ of the College;
3. Prescribe the educational program;
4. Control use of and access to the grounds, buildings, books, equipment and other property of the College;
5. Acquire, receive, hold, control, convey, sell, manage, operate, lease, lease-purchase, lend, invest, improve and develop any and all property of whatever nature given to or appropriated for the use, support or benefit of any activity under the control of the Board, according to the terms and conditions of such gift or appropriation;
6. Purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years;
7. Fix standards of admission, prescribe and collect tuition for admission to the College, including fixing different tuition rates for students who reside in the district, students who do not reside in the district, but are residents of the state, and students who do not reside in the state;
8. Prescribe and collect fees and expend funds raised for special programs and services for the students and for programs for the cultural and physical development of the students;
9. Provide and disseminate to the public, information relating to the mission, program, operation and finances of the College;
10. Establish or contract for advisory and consultant services;
11. Take, hold and dispose of mortgages on real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, duties and authority of the Board and

- institute, maintain and participate in suits and actions and other judicial proceedings in the name of the College for the foreclosure of such mortgages;
12. Maintain programs, services and facilities, and, in connection therewith, cooperate and enter into agreements with any person or public or private agency;
  13. Provide student services including health, guidance, counseling and placement services and contract for such services;
  14. Join appropriate associations and pay any required dues from resources of the College;
  15. Apply for federal funds and accept and enter into any contracts or agreements for the receipt of such funds from the federal government or its agencies for educational purposes;
  16. Exercise any other power, duty or responsibility necessary to carry out the functions under this section or required by law;
  17. Prescribe rules for the use and access to public records of the College that are consistent with ORS 192.420, and education records of students under applicable state and federal law and rules of the ~~State Board of Education~~ HECC. Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student. Faculty records relating to matters such as conduct, personal and academic evaluations, disciplinary actions, if any, and other personal matters shall not be made available to public inspection for any purpose except with consent of the person who is the subject of the record, or upon order of a court of competent jurisdiction;
  18. Enter into contracts for the receipt of cash or property, or both, and establish annuities pursuant to Oregon Revised Statutes, and, commit, appropriate, authorize and budget for the payment of or other disposition of general funds to pay, in whole or in part, sums due under an annuity agreement, and to provide the necessary funding for reserves or other trust funds pursuant to Oregon Revised Statutes;
  19. Encourage gifts to the College by faithfully devoting the proceeds of such gifts to the purposes for which intended;
  20. Build, furnish, equip, repair, lease, purchase and raze facilities; and locate, buy and acquire lands for all College purposes. Financing may be by any prudent method including but not limited to loans, contract purchase or lease. Leases, authorized by this section, include lease-purchase agreements whereunder the College may acquire ownership of the leased property at a nominal price. Such financing agreements may be for a term of up to 30 years except for lease arrangements which may be for a term of up to 50 years;
  21. Participate in an educational consortium with public and private institutions that offer upper division and graduate instruction. Community colleges engaged in such consortiums may expend money, provide facilities and assign staff to assist those institutions offering upper division and graduate instruction;

22. Enter into contracts of insurance or medical service contracts or may operate a self-insurance program as provided in ORS 341.312.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.420](#)  
[ORS 192.630](#)  
[ORS Chapter 238](#)  
[ORS Chapter 238A](#)  
[ORS 243.650 - 243.782](#)  
[ORS Chapters 279A, 279B and 279C](#)  
[ORS 294.305 - 294.565](#)  
[ORS 341.290](#)  
[ORS 341.312](#)

**Cross Reference(s):**

DJ - Purchasing

## **Individual Board Member's Authority and Responsibilities**

Any duty imposed upon the Board as a body shall be performed at a regular or special meeting and shall be made a matter of record. The consent to any particular measure obtained from individual Board members when the Board is not in session shall not be an act of the Board and shall not be binding upon the College.

A Board member has the authority to act in the name of the Board when authorized by a specific Board action. ~~The affirmative vote of the majority of members of the Board is required to transact any business.~~ When authorized to act as the designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

A Board member has the right to express personal opinions. When expressing such opinions in public, the Board member must clearly identify the opinions as his/her own.

Members will be knowledgeable of information requested through Board action, supplied by the President, gained through attendance at College activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

### **1. Request for Information**

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the Board chair and President. A copy of the material will be distributed to each member of the Board. Requests for the generation of reports or information which require additional expense must be submitted to the Board for consideration.

### **2. Requests for Legal Opinions**

~~A Board member may request a legal opinion. Such request, however, shall be made through the Board chair to the President.~~ A request for a legal opinion by a Board member must be approved by a majority vote of the Board before the request is made to legal counsel. If a legal opinion is requested, only the Board chair or President may contact counsel on behalf of the Board. If the legal opinion sought involves the President's employment or performance, the request should be made to the Board chair. Legal counsel is responsible to the Board.

### **3. Action on Complaints or Requests Made to Board Members**

When Board members receive complaints or requests for action from staff, students or members of the public, ~~such information is to be conveyed to the President for action~~ the Board member(s) will inform the President and direct the staff, students, or members of the public to the appropriate complaint policy. Board members will not take action on complaints or requests.

#### **4. Board Member's Relationship to Administration**

Individual Board members will be informed about the College's educational program, may visit classes or other facilities to gain information and may request information from the President. Board members will coordinate all visits to the College and information requests through the President's office. Board members will not intervene in the administration of the College.

#### **5. Contracts or Agreements Made By Individual Board Members**

Contracts or agreements made by individual Board members without the Board's authority are invalid.

END OF POLICY

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#### **Legal Reference(s):**

[ORS 332.045](#)  
[ORS 332.055](#)

[ORS 332.057](#)  
[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)  
S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

#### **Cross Reference(s):**

BHD - Expenses of Board Members

# Oregon School Boards Association Selected CC Sample Policy

Code: **BBC**  
Adopted:

## Board Member Resignation

The Board believes that any citizen who files and seeks election or appointment to the Board should do so with full knowledge of and appreciation for the investment in time, effort and dedication expected of all Board members, and that the citizen's intent ~~is to serve~~ reflects intention to serve a full term of office.

When a member decides to terminate service, the Board requests earliest possible notification of intent to resign so the Board may plan for the continuity of Board business. ~~[A verbal resignation made to [ ] will be considered official unless a written statement to the contrary is made within three business days.]~~ Resignations must be made in writing. Board members can resign the office effective at a future date. If the resignation is effective at a future date, the resignation is binding unless withdrawn in writing by the end of the third business day after the resignation is made.

The Board will announce the resignation and declare the vacancy at ~~its next regular~~ a Board meeting.

The Board will determine the procedures to be used in filling the vacancy. The Board may begin a replacement process and select a successor prior to the effective date of resignation; however, the actual appointment shall not be made before the resignation date.

END OF POLICY

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### Legal Reference(s):

[ORS 236.320](#)  
[ORS 236.325](#)

[ORS 341.335](#)

## Board Meetings/Regular Board Meetings

~~“Meeting” means the convening of the Board as the College’s governing body to make a decision or to deliberate toward a decision on any matter. The Board has the authority to act only when a quorum is present at a duly called regular, or special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the College’s governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e., a work session. The affirmative vote of the majority of members of the Board is required to transact any business. Communications between and among a quorum of members convening on electronically linked personal computers or by telephone conference call are subject to the Public Meetings Law.~~

### 1. ~~Regular Meetings~~

All regular, ~~or special or emergency~~ meetings of the Board will be open to the public except as provided by law. All meetings will be conducted in compliance with state and federal statutes. All Board meetings, including Board retreats and work sessions, will be held within the ~~district~~ geographic boundaries over which the Board has jurisdiction. The Board may attend training sessions outside the community college boundaries but cannot deliberate toward a decision.<sup>1</sup> No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation<sup>2</sup>, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall provide an interpreter for hearing-impaired persons. Such other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. Communications with all qualified individuals with disabilities shall be as effective as communications with others.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.

~~The first regular meeting after July 1 of each year will be an organizational meeting to elect Board officers for the coming year and to establish the year’s schedule of Board meetings.~~

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<sup>1</sup>ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved.

<sup>2</sup>As defined in ORS 174.100.

## 1. Regular, Special and Emergency Meetings

No later than the next regular meeting following July 1, the Board will hold an organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31. Generally, ~~At least one regular Board meeting will be held each month, except as otherwise ordered by the Board. The regular meeting schedule will be established at the organizational meeting in July but and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business. The Board chair will conduct the meeting, or in his/her absence, the vice chair will conduct the meeting. If both are absent, the person with the longest period of service on the Board will conduct the meeting.~~

Special meetings can be convened by the Board chair, upon request of three Board members or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of the meeting. At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

## 2. ~~Electronic Communication~~ Communications Outside of Board Meetings

~~E-mail~~ Communications to, by, and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of ~~discussing~~ deliberating toward a decision on community college business. This includes electronic communication. ~~E-mail~~ Electronic communications among Board members shall be limited to: ~~(1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making.~~

~~E-mail~~ Electronic communications may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the President to each Board member (e.g., to share a report on community college progress on goals) so long as that information is also being made available to the public;
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.



~~E-mails~~ Electronic Communications sent to other Board members will have the following notice:

*Important: Please do not reply or forward this ~~e-mail~~ communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. ~~E-mails~~ Electronic communications on ~~district~~ community college business are governed by ~~Public~~ Records and Meetings Law.*

### 3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by the Public Meetings Law.

### 4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with the state law on public meetings, including notice and minutes. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

### 5. Executive Sessions

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law. (See Board policy BDC - Executive Sessions)

### ~~4. Special Meetings~~

~~If less than a quorum is present, or additional business needs to be conducted at the regular time of adjournment, a special meeting may be called. The time, date and place of the adjourned meeting will be specified and appropriate notice given.~~

~~All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.~~

END OF POLICY

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**Legal Reference(s):**

[ORS 174.104](#)

[ORS Chapter 192](#)

[ORS Chapter 193](#)

[ORS 332.045 - 332.111](#)

[ORS 433.835 - 433.875](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Americans with Disabilities Act Amendments Act of 2008.

**Cross Reference(s):**

ACA - Americans with Disabilities Act

BDB - Special and Emergency Board Meetings

BDC - Executive Sessions

## Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action.

~~Executive session means any meeting or part of a meeting of the Board which is closed to certain persons for deliberation on certain matters as defined by statute.~~

~~Executive sessions may be held during regular, special or emergency meetings for any reason permitted by law.~~ An executive session may be convened by the Board chair upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660, during a regular, special or emergency meeting. The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent. (Oregon Revised Statute (ORS) 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to College safety or a plan that responds to safety threats made toward the College. (ORS 192.660(k))

An executive session may be convened by the Board chair, upon request of four Board members or by common consent of the Board for a purpose authorized under ORS 192.660.

The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session.

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of minor students;
3. Matters pertaining to or examination of the confidential medical records of a student including that student's educational program; and
4. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

~~An executive session may be convened upon request of four Board members or by common consent of the Board for a purpose authorized under ORS 192.660.~~

All executive session minutes shall be kept in written form as required by law.

~~Content discussed in executive sessions is confidential and must not be made public.~~ Documents pertaining to evaluation, College personnel and students are also confidential and must not be made available to the public.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.610 to -192.710](#)  
[ORS 332.045](#)

[ORS 332.061](#)

**Cross Reference(s):**

BD/BDA - Board Meetings/Regular Board Meetings  
BDDG - Minutes of the Meetings  
CBG - Evaluation of the President

## Executive Sessions

The purposes for which an executive session may be held and the correct citation for this authority are as follows:

1. To consider the employment of a public officer, employee, staff member or individual agent - ORS 192.660(2)(a).
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless the officer, employee or agent requests an open meeting - ORS 192.660(2)(b).
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations - ORS 192.660(2)(d).
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions - ORS 192.660(2)(e).
5. To consider information records that are exempt by law from public inspection - ORS 192.660(2)(f).
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed - ORS 192.660(2)(h).
7. To review and evaluate the job performance of the chief executive officer, a public officer, employees and staff who does not request an open hearing- ORS 192.660(2)(i).
8. To consider a student expulsion or examine confidential medical records including the student's educational program - ORS 332.061.

No executive session may be held to take final action with the sole exception of student expulsion. This does not mean that initial offers of employment or real estate transactions must be made in a public meeting but the ultimate decision must be made in a public meeting.

In the case of executive sessions, the minutes shall be limited in nature so as not to disclose matters which, by law, are exempt from public disclosure. Executive session minutes should include all members of the governing body present and any other invited participants and the substance of the discussion on any matter.

Unless specific permission is granted by the Board chair, all staff, representatives of the media and any other parties present at the meeting must return all printed material disseminated at the executive session to the Board secretary before leaving the room. Board members may inform the Board chair of their intention to keep any/all printed executive session materials.

Approved by President's Council: 12/06/11  
(Date)

Executive Sessions - BDC-AR  
2-2

## Evaluation of the President

The Board will formally evaluate the President's job performance ~~will be evaluated formally~~ at least ~~annually~~ once each year. The evaluation will be based on the administrative job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the President and/or the Board.

Additional criteria of the evaluation, if any, will be developed at a public Board meeting prior to conducting the evaluation. The President will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the President and his/her performance will be ~~conducted~~ in executive session, unless the President requests an ~~open~~ session ~~open to the public~~. Such an executive session will not include a general evaluation of any College goal, objective or operation. Results of the evaluation will be written and placed in the President's personnel file.

~~Any time the President's performance is deemed to be unsatisfactory, the President will be notified in writing of specific areas to be remedied and will be given an opportunity to correct the problem(s). If performance continues to be unsatisfactory, the Board may dismiss the President pursuant to Board policy, the employment contract with the President and applicable state law and rules.~~ At the Board's discretion, it may notify the President in writing of specific areas to be remedied, and the President may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the President's performance remains unsatisfactory, the Board may dismiss or non-renew the President pursuant to Board policy, the President's employment contract and state law and rules. In those situations where the President's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

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### Legal Reference(s):

[ORS 192.660\(2\), \(8\)](#)

[ORS 341.290\(2\)](#)

[OAR 589-008-0100\(1\)\(h\)](#)

### Cross Reference(s):

BDC - Executive Sessions

CB - Chief Executive Office

CBA - Qualifications and Duties of the President

## Evaluation - Administrators

Each administrator will be evaluated by his/her immediate supervisor. The administrator's objectives for the year as well as the continuing duties and responsibilities as defined in the job description for each position will be the basis for the evaluation.

The purpose of administrator evaluations is to assist administrators to develop and strengthen their professional abilities, to improve the instructional program and to improve the management of the College.

The administrative evaluation system will also include provisions for initiating dismissal or demotion procedures if the need for such procedures is indicated.

END OF POLICY

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### Legal Reference(s):

[ORS 196.660\(2\)\(I\), \(8\)](#)

[ORS 341.290](#)

[OAR 589-008-0100\(1\)\(h\)](#)



## Auxiliary Enterprises

This policy defines auxiliary enterprises and provides guidelines for their financial operations, including their relationship to the college General Fund.

### Definition

Auxiliary enterprises furnish goods or services to students, faculty, staff, or incidentally to the general public. An auxiliary enterprise charges a fee directly related to, although not necessarily equal to, the cost of the goods or services. The distinguishing characteristics of an auxiliary enterprise are:

1. There is nexus between the fee paid by the user and the goods and services received; the user exchanges money for goods and services of equivalent value.
2. It is managed as an essentially self-supporting activity.

Clackamas Community College accounts for auxiliary enterprises in proprietary funds, as follows:

- ~~1.~~ **1.** Bookstore;
- ~~2.~~ ~~Technical Mechanical;~~
- ~~3.~~ **2.** Customized Training;
- ~~4.~~ **3.** Internal Service.

Auxiliary enterprises do not include the following.

1. Activities lacking a direct, proportionate relationship between the fees paid and the goods and services received.

Example: Intramurals and Athletics, Student Life and Leadership (Associated Student Government) and the Computer Lab funds are financed by the per-credit general student fee. The amount of the fee an individual student pays is not proportionate to the level of their participation in or use of any of these services. The same is true for the Student Technology Fund, which is financed by the per-credit technology student fee.

Example: The Fee Fund accounts for course fees which, per Board policy, may be used for costs related to instructional delivery and support. A given course fee may or may not pay for the specific personnel and supplies used in a particular course section. The Automotive department, for instance, may accumulate course fees for several years to periodically replace expensive equipment.

2. Functions which are not necessarily self-supporting. The college is engaged in numerous functions where fees are intended to cover direct costs, but which are not self-supporting to the same degree as auxiliary enterprises. Auxiliary enterprises typically cover significant capital costs; maintain working capital; and cease operations if revenues are insufficient over time. Excluded functions typically do not cover capital costs; lack inventory or other working capital needs; and may be subsidized by the General Fund.

Example: High school referral classes are classes held on the Clackamas Community College campus. The students enrolled must be referred by their individual district in order to attend. The districts are charged based on the rate the State pays to them for K-12 education. Although the intent is that high school referral classes break even financially, General Fund resources may be used to subsidize if necessary because of the integral link between local high schools and the college.

## **Financial Relationships**

Auxiliary enterprise charges are set by the division which has managerial responsibility for the financial results. These rates are monitored by the college vice presidents as are related fund financial results.

Financial expectations for auxiliary enterprises follow:

1. Cover direct cost of operations. Direct costs are those specifically identified with delivery of goods and services. It includes the cost of goods sold, personnel delivering or directly supporting the services, materials and supplies consumed in provision of the goods and services, and items such as maintenance agreements for equipment and software essential to the enterprise.
2. Contribute toward indirect costs. Indirect costs are not solely attributable to enterprise operations. These costs typically benefit more than one activity. Examples include insurance, academic, administrative and support personnel, utilities, and other building costs. The amount of the transfer from auxiliary enterprises to the General Fund, if any, is determined annually during the budget process.
3. Maintain fund balance sufficient for cash needs and future capital outlay. Auxiliary enterprises should maintain fund balance equal to the sum of net assets plus expected capital outlay for a defined number of years. Net assets typically include accounts receivable and inventory, less accounts payable. Capital outlay includes but is not limited to software, vehicles, copiers, equipment, and building fixtures integral to auxiliary operations. Fund balance is reviewed during the annual budget process. The Vice Presidents may choose to transfer excess fund balance to the General Fund as a contribution toward indirect costs. Transfers of "excess" reserves for other purposes may also be effected upon approval of college president.

General operating funds are not used to subsidize auxiliary enterprises.

END OF POLICY

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### **Legal Reference(s):**

[ORS 341.290](#)

# Clackamas Community College

Code: **DFA**  
Adopted: 11/14/07  
Readopted: 10/12/11  
Orig. Code(s): 712

## Investment of Funds

The Board authorizes the investment of funds that are not immediately needed for operation of the College. Such investments will comply with state law and regulations. Objectives to be considered in such investments are:

1. Safety of the principal;
2. Liquidity to meet operating requirements;
3. Yield.
4. Maximum balance limits in Local Government Investment Pool.

The President/designee will develop procedures for the appropriate investments of College funds and for the regular reporting of such investments to the Board. The procedures will include the areas of portfolio distribution, investment maturity, safekeeping and collateralization. Procedures will be maintained by the Business office.

END OF POLICY

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### Legal Reference(s):

[ORS 294.035 - 294.048](#)  
[ORS 294.145](#)  
[ORS 295.001](#)  
[ORS 341.290\(2\), \(5\)](#)

# Clackamas Community College

Code: **DH**  
Adopted: 10/12/11

## Protection from Employee Dishonesty

A number of College employees are responsible for funds, fees, cash collections, inventory control and/or key electronic systems. The College maintains crime insurance to protect itself against loss from employee dishonesty, forgery or alteration, theft, disappearance and destruction and computer fraud. Coverage is limited to \$750,000 and includes a \$5,000 deductible.

END OF POLICY

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### Legal Reference(s):

[ORS 341.290\(2\)](#)

# Clackamas Community College

Code: **DJ**  
Adopted: 10/12/11

## Purchasing

The function of College purchasing is to serve the educational program by providing the necessary supplies, equipment and services.

The President is appointed by the Board to serve as purchasing agent. He/She may delegate authority for developing and administering the College's purchasing program.

No obligation may be incurred by any officer of the Board or employee unless that expenditure has been authorized in the budget or by Board action and/or Board policy.

Clackamas Community College is a member of the Participating Oregon Community Colleges (POCC). The POCC develops the Community College Rules of Procurement (CCRP) in accordance with state public purchasing laws. The College adopts the CCRP when changes to public procurement occur during state legislative sessions.

The Vice President of College Services or designee will review bills due and payable for the purchase of supplies and services to determine if they are within budget amounts. After appropriate administrative review, the Dean of Business Services ~~director of fiscal services~~ will direct payment of the just claims against the College. The President and the Dean of Business Services ~~director of fiscal services~~ are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this College shall use or attempt to use his/her official position to obtain financial gain or for avoidance of financial detriment for himself/herself, a relative or for any business with which the Board member or a relative is associated. Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the College by any Board member, officer or employee of the College is prohibited.

The President/designee will develop procedures for the appropriate expenditures of College funds for travel, meals and gifts. Procedures will be maintained by the business office. Procedures will address the allowability, amount and payment expenses for both employees and Board members.

END OF POLICY

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### Legal Reference(s):

[ORS 244.040](#)

[ORS Chapters 279A](#), 279B and 279C

[ORS 341.290](#)

### Cross Reference(s):

BBA - Board Powers and Duties

BBFA - Board Member Ethics and Conflicts of Interest

DJC - Procurement Requirements

# Clackamas Community College

Code: **DLB**  
Adopted: 4/96  
Readopted: 10/12/11  
Orig. Code(s): AR 604-001

## **Tax Deferred Annuities Salary Deduction**

Under Federal law, College employees are eligible to defer federal and state income taxes on money deposited to a Tax Deferred Annuities (TDA) and qualifying investment plans.

The College makes TDAs available as a service to its employees. The College does not endorse or recommend them, either generally or specifically. ~~The following “ground rules” shall be adhered to relating to the sale of TDA’s and investment plans:~~

### **Requirements**

1. ~~There shall be a minimum of six staff members signed up before the company may be added to the list of qualified companies.~~
2. ~~There is a minimum of \$25 per month participation requirement.~~
3. ~~The College salary reduction agreement shall be the only instrument used for payroll deduction. No external forms will be processed. All deduction forms must process through the human resources office by the 10th of any given month to be reflected on the check dated the 1st of the following month.~~
4. ~~There shall be only one designated agent of record for each approved company, with that designation verified in writing to the human resources office by the agent’s home office.~~
5. ~~TDA billings must be sent to the College address, marked to the attention of the payroll department.~~
6. ~~Billings must be received by the end of any given month and must list each employee participating by name, social security number and amount of deduction. The College will deduct the amount indicated on the salary reduction agreement and/or written cancellations received prior to the 10th of the month, even though such transactions may not coincide with company billings.~~
7. ~~All agents shall adhere to the following regulations for soliciting without exception:~~
  - a. ~~Random solicitation on campus is prohibited;~~
  - b. ~~Random or bulk mailings to employees at the college address is prohibited;~~
  - c. ~~Solicitation by telephone during working hours is prohibited;~~
  - d. ~~No staff directories or staff lists will be made available;~~
  - e. ~~TDA’s will be authorized for only 50 percent or more annually budgeted positions;~~
  - f. ~~Each agent of record may have an opportunity each September during inservice week to present their program to interested staff. Staff shall be notified of the opportunity through College information;~~

- ~~g. Companies may make arrangements to use campus facilities for other presentations through the College's facilities use procedures. Staff will be notified through the College human resources office;~~
- ~~h. Discussions with employees by appointment during their lunches or breaks are permitted. However, this shall not be permitted in employee work areas;~~
- ~~i. Brochures may be left at the human resources office (2nd floor, Barlow) for the convenience of employees.~~

END OF POLICY

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**Legal Reference(s):**

[ORS 243.650\(10\), \(16\)](#)

[ORS 243.666](#)

[ORS 341.290\(1\)](#)

[ORS 652.110](#)

[ORS 652.120](#)

[ORS 652.610](#)

I.R.C. §403 (2006).

29 C.F.R. § 541.603 (2004)

## Advance Salary Payments

An advance salary payment is payment of a portion of an anticipated future pay check. Advance salary payments are a privilege elected by an employer and are intended to assist employees with isolated emergency incidents. Advance salary payments are intended to assist with unusual, short-term financial issues, not as a routine means of pay. Employees are limited to two draws per calendar year. Advance salary payments will not exceed the amount of net salary earned at the time of request.

Advanced salaried payments will be paid only once each month.

1. Requests due to human resources: 15th day of the month (or closest regular business day);
2. Approved requests paid: 20th day of the month (or closest regular business day).

END OF POLICY

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### Legal Reference(s):

[ORS 341.290\(2\)](#)  
[ORS 652.140](#)



# Clackamas Community College

Code: **DN**  
Adopted: 10/12/11

## Disposal of College Property

The Board follows Public Contracting Law which includes disposal of property. Procedures for surplus are included in Community College Rules of Procurement (CCRP).

If the College property was purchased with state, federal, or private grant funds, disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

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### Legal Reference(s):

[ORS 279B.055](#)  
[ORS Chapters 279A](#), 279B and 279C  
[ORS 341.290\(5\)](#)

### Cross Reference(s):

DID - Fixed Assets

# Clackamas Community College

Code: **DP**  
Adopted: 4/11/07  
Readopted: 10/12/11  
Orig. Code(s): 404

## Student Financial Aid

The Board recognizes that a properly administered student financial aid program is important to assure equality of educational opportunity.

The purpose of the College's student financial aid program is to promote full educational opportunity by:

1. Assisting eligible students in obtaining federal, state and local financial aid funds and scholarship funds;
2. Recognizing student achievement, and/or talent, and contributions to the college and student community through a college tuition waiver program.

END OF POLICY

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### Legal Reference(s):

[ORS 341.290\(2\)](#), (15)

**Use or Possession of Tobacco Products or Inhalant Delivery Systems**  
**~~Tobacco Use on College Premises~~**

The Use of tobacco products or inhalant delivery systems on College premises is restricted to designated outdoor areas.

Possession of tobacco products and inhalant delivery systems by persons under the age of 21 is prohibited on all College grounds and property. This includes, but is not limited to: in facility buildings, at facility-sponsored activities, and in vehicles on facility grounds on all campuses, including satellite properties.

For the purpose of this policy, “tobacco product” is defined to include, but is not limited to, any lit cigarette, cigar, pipe, bidi, clove cigarette, electronic cigarette and any other lit smoking product; and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form.

An “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from a device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, marketed and sold solely for the approved purpose.

This policy applies to all College employees, volunteers, clients, students, visitors, vendors, and contractors.

Exceptions to this policy may be made for persons for whom a tobacco or nicotine products or a substance to be used with an inhalant delivery systems has been lawfully prescribed.

This policy shall be enforced at all times. The College President will develop administrative regulations and procedures as necessary to implement this policy, including provisions for notification, signage, disciplinary consequences, complaint procedures, and enforcement.

END OF POLICY

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**Legal Reference(s):**

[ORS 339.883](#)  
[ORS 341.290\(2\)](#)

[ORS 431.840](#)  
[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)  
SB 754 (2017)

**Cross Reference(s):**

JFCG/KGC/GBK - Tobacco Use on College Premises  
KGC/GBK/JFCG - Tobacco Use on College Premises