

1 Article 2.

2 Local Administration.

3 **§ 115D-12. Each institution to have board of trustees; selection of trustees.**

4 (a) Each community college established or operated pursuant to this Chapter shall be  
5 governed by a board of trustees consisting of 13 members, or of additional members if selected  
6 according to the special procedure prescribed by the third paragraph of this subsection, who  
7 shall be selected by the following agencies. No member of the General Assembly may be  
8 appointed to a local board of trustees for a community college.

9 Group One – four trustees, elected by the board of education of the public school  
10 administrative unit located in the administrative area of the institution. If there are two or more  
11 public school administrative units, whether city or county units, or both, located within the  
12 administrative area, the trustees shall be elected jointly by all of the boards of education of  
13 those units, each board having one vote in the election of each trustee, except as provided in  
14 G.S. 115D-59. No board of education shall elect a member of the board of education or any  
15 person employed by the board of education to serve as a trustee, however, any such person  
16 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the  
17 trustee's current term.

18 Group Two – four trustees, elected by the board of commissioners of the county in which  
19 the institution is located. Provided, however, if the administrative area of the institution is  
20 composed of two or more counties, the trustees shall be elected jointly by the boards of  
21 commissioners of all those counties, each board having one vote in the election of each trustee.  
22 Provided, also, the county commissioners of the county in which the community college has  
23 established a satellite campus may elect an additional two members if the board of trustees of  
24 the community college agrees. No more than one trustee from Group Two may be a member of  
25 a board of county commissioners. Should the boards of education or the boards of  
26 commissioners involved be unable to agree on one or more trustees the senior resident superior  
27 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the  
28 institution is located shall fill the position or positions by appointment.

29 Group Three – four trustees, appointed by the Governor.

30 Group Four – the president of the student government or the chairman of the executive  
31 board of the student body of each community college established pursuant to G.S. 115D shall  
32 be an ex officio nonvoting member of the board of trustees of each said institution.

33 (b) All trustees shall be residents of the administrative area of the institution for which  
34 they are selected or of counties contiguous thereto with the exception of members provided for  
35 in G.S. 115D-12(a), Group Four.

36 (b1) No person who has been employed full time by the community college within the  
37 prior 5 years and no spouse or child of a person currently employed full time by the community  
38 college shall serve on the board of trustees of that college.

39 (c) Vacancies occurring in any group for whatever reason shall be filled for the  
40 remainder of the unexpired term by the agency or agencies authorized to select trustees of that  
41 group and in the manner in which regular selections are made. Should the selection of a trustee  
42 not be made by the agency or agencies having the authority to do so within 60 days after the  
43 date on which a vacancy occurs, whether by creation or expiration of a term or for any other  
44 reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired  
45 term. (1963, c. 448, s. 23; 1977, c. 823, s. 104; 1979, c. 462, s. 2; 1985, c. 757, s. 147; 1987, c.  
46 564, ss. 10, 12; 1987 (Reg. Sess., 1988), c. 1037, s. 111; 1991, c. 283, s. 1; 1995, c. 470, s. 1;  
47 2009-549, s. 19.)

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49 **§ 115D-13. Terms of office of trustees.**

50 (a) The regular terms of trustees appointed in 1981 and trustees appointed in 1987 shall  
51 be extended for one year. The term of one or more trustees, as appropriate, elected pursuant to

1 G.S. 115D-12 may be extended for one year so that these terms will be staggered, unless they  
2 are already staggered.

3 (b) Except for the one year extensions of terms set forth in subsection (a) of this section,  
4 and for the ex officio member, as the terms of trustees currently in office expire, their  
5 successors shall be appointed for four-year terms.

6 All terms shall commence on July 1 of the year. (1963, c. 448, s. 23; 1977, c. 823, s. 5;  
7 1979, c. 462, s. 2; 1985, c. 58; 1989, c. 521, s. 1.)  
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9 **§ 115D-14. Board of trustees a body corporate; corporate name and powers; title to**  
10 **property.**

11 The board of trustees of each institution shall be a body corporate with powers to enable it  
12 to acquire, hold, and transfer real and personal property, to enter into contracts, to institute and  
13 defend legal actions and suits, and to exercise such other rights and privileges as may be  
14 necessary for the management and administration of the institution in accordance with the  
15 provisions and purposes of this Chapter. The official title of each board shall be "The Trustees  
16 of \_\_\_\_\_" (filling in the name of the institution) and such title shall be the official corporate  
17 name of the institution.

18 The several boards of trustees shall hold title to all real and personal property donated to  
19 their respective institutions by private persons or purchased with funds provided by the  
20 tax-levying authorities of their respective institutions. Title to equipment furnished by the State  
21 shall remain in the State Board of Community Colleges. In the event that an institution shall  
22 cease to operate, title to all real and personal property donated to the institution or purchased  
23 with funds provided by the tax-levying authorities, except as provided for in G.S. 115D-14,  
24 shall vest in the county in which the institution is located, unless the terms of the deed of gift in  
25 the case of donated property provides otherwise, or unless in the case of two or more counties  
26 forming a joint institution the contract provided for in G.S. 115D-71 provides otherwise. (1963,  
27 c. 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1.)  
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29 **§ 115D-15. Sale, exchange or lease of property; use of proceeds from donated property.**

30 (a) The board of trustees of any institution organized under this Chapter may, with the  
31 prior approval of the North Carolina Community Colleges System Office, convey a  
32 right-of-way or easement for highway construction or for utility installations or modifications.  
33 When in the opinion of the board of trustees the use of any other real property owned or held  
34 by the board of trustees is unnecessary or undesirable for the purposes of the institution, the  
35 board of trustees, subject to prior approval of the State Board of Community Colleges, may  
36 sell, exchange, or lease the property. The board of trustees may dispose of any personal  
37 property owned or held by the board of trustees without approval of the State Board of  
38 Community Colleges. Personal property titled to the State Board of Community Colleges  
39 consistent with G.S. 115D-14 and G.S. 115D-58.5 may be transferred to another community  
40 college at no cost and without the approval of the Department of Administration, Division of  
41 Surplus Property.

42 Article 12 of Chapter 160A of the General Statutes shall apply to the disposal or sale of any  
43 real or personal property under this subsection. Personal property also may be disposed of  
44 under procedures adopted by the North Carolina Department of Administration. The proceeds  
45 of any sale or lease shall be used for capital outlay purposes, except as provided in subsection  
46 (b) of this section.

47 (b) Subject to rules adopted by the State Board, if real or personal property is donated to  
48 a community college to support a specific educational purpose, the board of trustees may use  
49 the proceeds from the sale or lease of the property according to the terms of the donation. The  
50 board of trustees shall use the procedures authorized under Article 12 of Chapter 160A of the  
51 General Statutes when selling or leasing property under this subsection. (1969, c. 338; 1979, c.

1 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1998-72, s. 1; 1998-217, s. 39; 2001-82, s.  
2 1; 2011-145, s. 8.9.)

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4 **§ 115D-15.1. Disposition, acquisition, and construction of property by community college.**

5 (a) Disposition. – Notwithstanding the provisions of G.S. 115D-14, 115D-15, and  
6 160A-274, the board of trustees of a community college may, in connection with additions,  
7 improvements, renovations, or repairs to all or part of its property, lease, sell, or otherwise  
8 dispose of any of its property to the county in which the property is located for any price and on  
9 any terms negotiated between the board of trustees of the community college and the board of  
10 county commissioners.

11 (b) Transfer. – An agreement under subsection (a) of this section shall require the  
12 county to transfer the property back to the board of trustees of the community college when any  
13 financing agreement entered into by the county to finance the additions, improvements,  
14 renovations, and repairs has been satisfied.

15 Notwithstanding the transfer of property to the county, the provisions of subsection (d) of  
16 this section, G.S. 143-129, and G.S. 143-341 apply to the capital improvement project.

17 (c) Acquisition and Construction. – Notwithstanding the provisions of G.S. 115D-14  
18 and G.S. 115D-20(3), the board of trustees of a community college may acquire, by any lawful  
19 method, any interest in real or personal property in the county in which the community college  
20 is located or in its service delivery area for use by the board of trustees. The board of trustees  
21 may contract for the construction, equipping, expansion, improvement, renovation, repair, or  
22 otherwise making available for use by the board of trustees of the community college of all or  
23 part of the property upon any terms negotiated between the board of trustees of the community  
24 college and the board of county commissioners.

25 (d) Approval. – The actions of a board of trustees of a community college taken  
26 pursuant to this section are subject to the approval of the State Board of Community Colleges.

27 (e) Contract Responsibility. – A county's obligations under a financing contract entered  
28 into by the county to finance improvements to real or personal property pursuant to this section  
29 shall be the responsibility of the county and not the responsibility of the board of trustees of the  
30 community college. (1999-115, s. 2; 2007-484, s. 29(b).)

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32 **§ 115D-16. Elective officials serving as trustees.**

33 The office of trustee of any institution established or operated pursuant to this Chapter is  
34 hereby declared to be an office which may be held by the holder of any elective office, as  
35 defined in G.S. 128-1.1(d), in addition to and concurrently with those offices permitted by G.S.  
36 128-1.1. Appointments made on or before July 1, 1985, by boards of county commissioners or  
37 local boards of education of their own members as trustees are hereby validated, ratified, and  
38 confirmed. (1979, c. 462, s. 2; 1985, c. 773.)

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40 **§ 115D-17. Compensation of trustees.**

41 Trustees shall receive no compensation for their services but shall receive reimbursement,  
42 according to regulations adopted by the State Board of Community Colleges, for cost of travel,  
43 meals, and lodging while performing their official duties. The reimbursement of the trustees  
44 from State funds shall not exceed the amounts permitted in G.S. 138-5. (1963, c. 448, s. 23;  
45 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1.)

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47 **§ 115D-18. Organization of boards; meetings.**

48 At the first meeting after its selection, each board of trustees shall elect from its  
49 membership a chairman, who shall preside at all board meetings, and a vice-chairman, who  
50 shall preside in the absence of the chairman. The trustees shall also elect a secretary, who may

1 be a trustee, to keep the minutes of all board meetings. All three officers of the board shall be  
2 elected for a period of one year but shall be eligible for reelection by the board.

3 Each board of trustees shall meet as often as may be necessary for the conduct of the  
4 business of the institution but shall meet at least once every three months. Meetings may be  
5 called by the chairman of the board, a majority of the trustees, or the chief administrative  
6 officer of the institution. (1963, c. 448, s. 23; 1979, c. 462, s. 2; 2007-197, s. 1.)  
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8 **§ 115D-19. Removal of trustees.**

9 (a) Should the State Board of Community Colleges have sufficient evidence that any  
10 member of the board of trustees of an institution is not capable of discharging, or is not  
11 discharging, the duties of his office as required by law or lawful regulation, or is guilty of  
12 immoral or disreputable conduct, the State Board shall notify the chairman of such board of  
13 trustees, unless the chairman is the offending member, in which case the other members of the  
14 board shall be notified. Upon receipt of such notice there shall be a meeting of the board of  
15 trustees for the purpose of investigating the charges, at that meeting a representative of the  
16 State Board of Community Colleges may appear to present evidence of the charges. The  
17 allegedly offending member shall be given proper and adequate notice of the meeting and the  
18 findings of the other members of the board shall be recorded, along with the action taken, in the  
19 minutes of the board of trustees. If the charges are, by an affirmative vote of two-thirds of the  
20 members of the board, found to be true, the board of trustees shall declare the office of the  
21 offending member to be vacant.

22 Nothing in this section shall be construed to limit the authority of a board of trustees to hold  
23 a hearing as provided herein upon evidence known or presented to it.

24 (b) A board of trustees may declare vacant the office of a member who does not attend  
25 three consecutive, scheduled meetings without justifiable excuse. A board of trustees may also  
26 declare vacant the office of a member who, without justifiable excuse, does not participate  
27 within six months of appointment in a trustee orientation and education session sponsored by  
28 the North Carolina Association of Community College Trustees. The board of trustees shall  
29 notify the appropriate appointing authority of any vacancy. (1963, c. 448, s. 23; 1979, c. 462, s.  
30 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1989, c. 521, s. 2; 1995, c. 470, s. 2.)  
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32 **§ 115D-20. Powers and duties of trustees.**

33 The trustees of each institution shall constitute the local administrative board of such  
34 institution, with such powers and duties as are provided in this Chapter and as are delegated to  
35 it by the State Board of Community Colleges. The powers and duties of trustees shall include  
36 the following:

- 37 (1) To elect a president or chief administrative officer of the institution for such  
38 term and under such conditions as the trustees may fix, such election to be  
39 subject to the approval of the State Board of Community Colleges.
- 40 (2) To elect or employ all other personnel of the institution upon nomination by  
41 the president or chief administrative officer, subject to standards established  
42 by the State Board of Community Colleges. Trustees may delegate the  
43 authority of employing such other personnel to its president or chief  
44 administrative officer.
- 45 (3) To purchase any land, easement, or right-of-way which shall be necessary  
46 for the proper operation of the institution, upon approval of the State Board  
47 of Community Colleges, and if necessary, to acquire land by condemnation  
48 in the same manner and under the same procedures as provided in General  
49 Statutes Chapter 40A. For the purpose of condemnation, the determination  
50 by the trustees as to the location and amount of land to be taken and the  
51 necessity therefor shall be conclusive.

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- (4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:
    - a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:
      - 1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
      - 2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
      - 3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.
    - b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.
    - c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.
  - (5) To receive and accept donations, gifts, devises, and the like from private donors and to apply them or invest any of them and apply the proceeds for purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of this Chapter and the regulations of the State Board of Community Colleges.
  - (6) To provide all or part of the instructional services for the institution by contracting with other public or private organizations or institutions in accordance with regulations and standards adopted by the State Board of Community Colleges.
  - (7) To perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations, and bylaws for the government and operation of the institution under this Chapter and for the discipline of students.
  - (8) If a board of trustees of an institution provides access to its buildings and campus and the student information directory to persons or groups which make students aware of occupational or educational options, the board of trustees shall provide access on the same basis to official recruiting representatives of the military forces of the State and of the United States for the purpose of informing students of educational and career opportunities available in the military.
  - (9) To encourage the establishment of private, nonprofit corporations to support the institution. The president, with approval of the board of trustees, may assign employees to assist with the establishment and operation of such corporation and may make available to the corporation office space, equipment, supplies and other related resources; provided, the sole purpose of the corporation is to support the institution. The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an

1 annual audit of the financial accounts of the corporation. The board of  
2 directors shall transmit to the board of trustees a copy of the annual financial  
3 audit report of the private nonprofit corporation.

4 (10) To enter into guaranteed energy savings contracts pursuant to Part 2 of  
5 Article 3B of Chapter 143 of the General Statutes.

6 (10a) To enter into loan agreements under the Energy Improvement Loan Program  
7 pursuant to Part 3 of Article 36 of Chapter 143 of the General Statutes.

8 (11) To enter into lease purchase and installment purchase contracts for  
9 equipment under G.S. 115D-58.15.

10 (12) Notwithstanding the provisions of this Chapter, a community college may  
11 permit the use of its personnel or facilities, in support of or by a private  
12 business enterprise located on a community college campus or in the service  
13 area of a community college for the specific purposes set out in G.S.  
14 66-58(c)(3a) and G.S. 66-58(c)(3d). The board of trustees of a community  
15 college must specifically approve any use of facilities or personnel under  
16 this subdivision. The State Board shall adopt rules to implement this  
17 subdivision, G.S. 66-58(c)(3a), and G.S. 66-58(c)(3d).

18 (13) To enter into a public/private partnership in which all of the following  
19 conditions are met:

20 a. The agreement is approved in advance by the State Board of  
21 Community Colleges.

22 b. The board of trustees agrees to lease community college land to a  
23 private entity on condition that the entity construct a facility on the  
24 leased land.

25 c. The facility will be jointly owned and used by the private entity and  
26 the community college.

27 d. The board of trustees is not authorized to lease the facility as lessee  
28 under a long-term lease or capital lease from the private entity as  
29 lessor.

30 e. The board of trustees is not authorized to finance its portion of the  
31 facility by entering into an installment contract or other financing  
32 contract with the private entity.

33 f. State bond funds shall not be used to pay for construction of that part  
34 of the facility to be owned and used by the private entity.

35 g. The provisions of G.S. 143-341(3)a. apply to the construction of a  
36 facility under this subsection.

37 (14) To comply with the design and construction requirements regarding energy  
38 efficiency and water use in the Sustainable Energy-Efficient Buildings  
39 Program under Article 8C of Chapter 143 of the General Statutes. (1963, c.  
40 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1;  
41 1981, c. 901, s. 2; 1983, c. 378, s. 1; c. 596, s. 1; 1985, c. 191; 1987, c. 383,  
42 s. 2; 1993 (Reg. Sess., 1994), c. 775, s. 7; 1998-111, s. 1; 2001-368, s. 2;  
43 2003-286, s. 1; 2005-247, s. 2; 2006-259, s. 21; 2007-476, s. 1; 2008-203, s.  
44 2; 2009-119, s. 1; 2011-145, s. 7.1A(h); 2011-284, s. 82; 2011-391, s. 13(c).)

46 **§ 115D-20.1. Policy prohibiting tobacco use in community college buildings, grounds, and**  
47 **at community college-sponsored events.**

48 (a) As used in this section:

49 (1) "Tobacco product" includes cigarettes, cigars, blunts, bidis, pipes, chewing  
50 tobacco, snus, snuff, and any other items containing or reasonably  
51 resembling tobacco or tobacco products.

1 (2) "Tobacco use" includes smoking, chewing, dipping, or any other use of  
2 tobacco products.

3 (b) Local community college boards of trustees may adopt, implement, and enforce a  
4 written policy prohibiting at all times the use of any tobacco product by any person in  
5 community college buildings, in community college facilities, on community college  
6 campuses, in vehicles owned, leased, or operated by the local community college, and in or on  
7 any other community college property owned, leased, or operated by the local community  
8 college. The policy may also prohibit the use of all tobacco products by persons attending a  
9 community college-sponsored event.

10 (c) The policy adopted by a local community college board of trustees may include the  
11 following elements:

12 (1) Adequate notice of the policy to students, parents, the public, and school  
13 personnel.

14 (2) Posting of signs prohibiting at all times the use of tobacco products by any  
15 person in and on community college property.

16 (3) Requirements that community college personnel develop plans for  
17 successful implementation of and compliance with the policy.

18 (4) Permission for tobacco products to be included in instructional or research  
19 activities in community college buildings if the activity is conducted or  
20 supervised by the faculty member overseeing the instruction or research and  
21 the activity does not include smoking, chewing, or otherwise ingesting the  
22 tobacco product.

23 (d) Nothing in G.S. 130A-498, G.S. 143-595 through G.S. 143-601, or any other section  
24 prohibits a local community college board of trustees from adopting and enforcing a more  
25 restrictive policy on the use of tobacco in community college buildings, in community college  
26 facilities, on community college campuses, or at community college-related or community  
27 college-sponsored events, and in or on other community college property.

28 (e) The North Carolina Tobacco Prevention and Control Branch and the Health and  
29 Wellness Trust Fund Commission shall work with local community college boards of trustees  
30 to provide assistance with the development and implementation of the policy including  
31 providing information regarding smoking cessation and prevention resources. (2008-95, ss. 2,  
32 3.)

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34 **§ 115D-21. Traffic regulations; fines and penalties.**

35 (a) All of the provisions of Chapter 20 of the General Statutes relating to the use of  
36 highways of the State of North Carolina and the operation of motor vehicles thereon shall apply  
37 to the streets, roads, alleys and driveways on the campuses of all institutions in the North  
38 Carolina Community College System. Any person violating any of the provisions of Chapter 20  
39 of the General Statutes in or on the streets, roads, alleys and driveways on the campuses of  
40 institutions in the North Carolina Community College System shall, upon conviction thereof,  
41 be punished as prescribed in this section and as provided by Chapter 20 of the General Statutes  
42 relating to motor vehicles. Nothing contained in this section shall be construed as in any way  
43 interfering with the ownership and control of the streets, roads, alleys and driveways on the  
44 campuses of institutions in the system as is now vested by law in the trustees of each individual  
45 institution in the North Carolina Community College System.

46 (b) The trustees are authorized and empowered to make additional rules and regulations  
47 and to adopt additional ordinances with respect to the use of the streets, roads, alleys and  
48 driveways and to establish parking areas on or off the campuses not inconsistent with the  
49 provisions of Chapter 20 of the General Statutes of North Carolina. Upon investigation, the  
50 trustees may determine and fix speed limits on streets, roads, alleys, and driveways subject to  
51 such rules, regulations, and ordinances, lower than those provided in G.S. 20-141. The trustees

1 may make reasonable provisions for the towing or removal of unattended vehicles found to be  
2 in violation of rules, regulations and ordinances. All rules, regulations and ordinances adopted  
3 pursuant to the authority of this section shall be recorded in the proceedings of the trustees;  
4 shall be printed; and copies of such rules, regulations and ordinances shall be filed in the office  
5 of the Secretary of State of North Carolina. Violation of any such rules, regulations, or  
6 ordinances, is an infraction punishable by a penalty of not more than one hundred dollars  
7 (\$100.00).

8 Regardless of whether an institution does its own removal and disposal of motor vehicles or  
9 contracts with another person to do so, the institution shall provide a hearing procedure for the  
10 owner. For purposes of this subsection, the definitions in G.S. 20-219.9 apply.

11 (1) If the institution operates in such a way that the person who tows the vehicle  
12 is responsible for collecting towing fees, all provisions of Article 7A,  
13 Chapter 20, apply.

14 (2) If the institution operates in such a way that it is responsible for collecting  
15 towing fees, it shall:

16 a. Provide by contract or ordinance for a schedule of reasonable towing  
17 fees,

18 b. Provide a procedure for a prompt fair hearing to contest the towing,

19 c. Provide for an appeal to district court from that hearing,

20 d. Authorize release of the vehicle at any time after towing by the  
21 posting of a bond or paying of the fees due, and

22 e. If the institution chooses to enforce its authority by sale of the vehicle,  
23 provide a sale procedure similar to that provided in G.S. 44A-4,  
24 44A-5, and 44A-6, except that no hearing in addition to the probable  
25 cause hearing is required. If no one purchases the vehicle at the sale  
26 and if the value of the vehicle is less than the amount of the lien, the  
27 institution may destroy it.

28 (c) The trustees may by rules, regulations, or ordinances provide for a system of  
29 registration of all motor vehicles where the owner or operator does park on the campus or keeps  
30 said vehicle on the campus. The trustees shall cause to be posted at appropriate places on  
31 campus notice to the public of applicable parking and traffic rules, regulations, and ordinances  
32 governing the campus over which it has jurisdiction. The trustees may by rules, regulations, or  
33 ordinances establish or cause to have established a system of citations that may be issued to  
34 owners or operators of motor vehicles who violate established rules, regulations, or ordinances.  
35 The trustees shall provide for the administration of said system of citations; establish or cause  
36 to be established a system of fines to be levied for the violation of established rules, regulations  
37 and ordinances; and enforce or cause to be enforced the collection of said fines. The fine for  
38 each offense shall not exceed five dollars (\$5.00), which funds shall be retained in the  
39 institution and expended in the discretion of the trustees. The trustees shall be empowered to  
40 exercise the right to prohibit repeated violators of such rules, regulations, or ordinances from  
41 parking on the campus. (1971, c. 795, ss. 1-3; 1979, c. 462, s. 2; 1983, c. 420, s. 4; 1985, c.  
42 764, s. 38.)  
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#### 44 **§ 115D-21.1. Campus law enforcement agencies.**

45 (a) The board of trustees of any community college may establish a campus law  
46 enforcement agency and employ campus police officers. These officers shall meet the  
47 requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by  
48 Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement  
49 officers generally. The territorial jurisdiction of a campus police officer shall include all  
50 property owned or leased to the community college employing the officer and that portion of

1 any public road or highway passing through the property and immediately adjoining it,  
2 wherever located.

3 (b) The board of trustees of any community college that establishes a campus law  
4 enforcement agency under subsection (a) of this section may enter into joint agreements with  
5 the governing board of any municipality to extend the law enforcement authority of campus  
6 police officers into the municipality's jurisdiction and to determine the circumstances under  
7 which this extension of authority may be granted.

8 (c) The board of trustees of any community college that establishes a campus law  
9 enforcement agency under subsection (a) of this section may enter into joint agreements with  
10 the governing board of any county, with the consent of the sheriff, to extend the law  
11 enforcement authority of campus police officers into the county's jurisdiction and to determine  
12 the circumstances under which this extension of authority may be granted. (1999-68, s. 1.)  
13

14 **§ 115D-22. State Retirement System for Teachers and State Employees; social security.**

15 Solely for the purpose of applying the provisions of Chapter 135 of the General Statutes of  
16 North Carolina, "Retirement System for Teachers and State Employees, Social Security," the  
17 institutions of this Chapter are included within the definition of the term "public school," and  
18 the institutional employees are included within the definition of the term "teacher," as these  
19 terms are defined in G.S. 135-1. (1963, c. 448, s. 23; 1979, c. 462, s. 2.)  
20

21 **§ 115D-23. Workers' Compensation Act applicable to institutional employees.**

22 The provisions of Chapter 97 of the General Statutes of North Carolina, the Workers'  
23 Compensation Act, shall apply to all institutional employees. The State Board of Community  
24 Colleges shall make the necessary arrangements to carry out those provisions of Chapter 97  
25 which are applicable to employees whose wages are paid in whole or in part from State funds.  
26 The State shall be liable for compensation, based upon the average weekly wage as defined in  
27 the act, of an employee regardless of the portion of his wage paid from other than State funds.

28 The board of trustees of each institution shall be liable for workers' compensation for  
29 employees whose salaries or wages are paid by the board entirely from local public or special  
30 funds. Each board of trustees is authorized to purchase insurance to cover workers'  
31 compensation liability and to include the cost of insurance in the annual budget of the  
32 institution.

33 The provisions of this section shall not apply to any person, firm or corporation making  
34 voluntary contributions to institutions for any purpose, and such a person, firm, or corporation  
35 shall not be liable for the payment of any sum of money under the provisions of this section.  
36 (1963, c. 448, s. 23; 1979, c. 462, s. 2; c. 714, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1.)  
37

38 **§ 115D-24. Waiver of governmental immunity from liability for negligence of agents and  
39 employees of institutions; liability insurance.**

40 The board of trustees of any institution, by obtaining liability insurance as provided in G.S.  
41 115D-53, is authorized to waive its governmental immunity from liability for the death or  
42 injury of person or for property damage caused by the negligence or tort of any agent or  
43 employee of the board of trustees when the agent or employee is acting within the scope of his  
44 authority or the course of his employment. All automobiles, buses, trucks, or other motor  
45 vehicles intended primarily for use on the public roads and highways which are the property of  
46 a board of trustees shall be insured at all times with liability insurance as provided in G.S.  
47 115D-53. Governmental immunity shall be deemed to have been waived by the act of obtaining  
48 liability insurance, but only to the extent that the board is indemnified for the negligence or  
49 torts of its agents and employees and only as to claims arising after the procurement of liability  
50 insurance and while such insurance is in force. (1963, c. 448, s. 23; 1979, c. 462, s. 2.)  
51

1 **§ 115D-25. Purchase of annuity or retirement income contracts for employees.**

2 Notwithstanding any provision of law relating to salaries or salary schedules for the pay of  
3 faculty members, administrative officers, or any other employees of community colleges, the  
4 board of trustees of any of the above institutions may authorize the finance officer or agent of  
5 same to enter into annual contracts with any of the above officers, agents and employees which  
6 provide for reductions in salaries below the total established compensation or salary schedule  
7 for a term of one year. The financial officer or agent shall use the funds derived from the  
8 reduction in the salary of the officer, agent or employee to purchase a nonforfeitable annuity or  
9 retirement income contract for the benefit of said officer, agent or employee. An officer, agent  
10 or employee who has agreed to a salary reduction for this purpose shall not have the right to  
11 receive the amount of the salary reduction in cash or in any other way except the annuity or  
12 retirement income contract. Funds used for the purchase of an annuity or retirement income  
13 contract shall not be in lieu of any amount earned by the officer, agent or employee before his  
14 election for a salary reduction has become effective. The agreement for salary reductions  
15 referred to in this section shall be effected under any necessary regulations and procedures  
16 adopted by the State Board of Community Colleges and on forms prepared by the State Board  
17 of Community Colleges. Notwithstanding any other provisions of this section or law, the  
18 amount by which the salary of an officer, agent or employee is reduced pursuant to this section  
19 shall not be excluded, but shall be included, in computing and making payroll deductions for  
20 social security and retirement system purposes, and in computing and providing matching  
21 funds for retirement system purposes.

22 In lieu of the annuity and related contracts provided for under this section, interests in  
23 custodial accounts pursuant to Section 401(f), Section 403(b)(7), and related sections of the  
24 Internal Revenue Code of 1986 as amended may be purchased for the benefit of qualified  
25 employees under this section with the funds derived from the reduction in the salaries of such  
26 employees. (1965, c. 366; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1987,  
27 c. 564, s. 11; 1989, c. 526, s. 2.)

28  
29 **§ 115D-25.1. Dependent care assistance program.**

30 The State Board of Community Colleges is authorized to provide eligible employees of  
31 constituent institutions a program of dependent care assistance as available under Section 129  
32 and related sections of the Internal Revenue Code of 1986, as amended. The State Board may  
33 authorize constituent institutions to enter into annual agreements with employees who elect to  
34 participate in the program to provide for a reduction in salary. With the approval of the Director  
35 of the Budget, savings in the employer's share of contributions under the Federal Insurance  
36 Contributions Act on account of the reduction in salary may be used to pay some or all of the  
37 administrative expenses of the program. Should the State Board decide to contract with a third  
38 party to administer the terms and conditions of a program of dependent care assistance, it may  
39 select a contractor only upon a thorough and completely competitive procurement process.  
40 (1989, c. 458, s. 2; 1991 (Reg. Sess., 1992), c. 1044, s. 14(c); 1993, c. 561, s. 42; 1993 (Reg.  
41 Sess., 1994), c. 769, s. 7.28A; 1997-443, s. 33.20(a); 1999-237, s. 28.27(a).)

42  
43 **§ 115D-25.2. Flexible Compensation Plan.**

44 Notwithstanding any other provisions of law relating to the salaries of employees of  
45 community college boards of trustees, the State Board of Community Colleges is authorized to  
46 provide a plan of flexible compensation to eligible employees of constituent institutions for  
47 benefits available under Section 125 and related sections of the Internal Revenue Code of 1986  
48 as amended. This plan shall not include those benefits provided to employees under Articles 1,  
49 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other  
50 leave that may be carried forward from year to year by employees as a form of deferred  
51 compensation. In providing a plan of flexible compensation, the State Board may authorize

1 constituent institutions to enter into agreements with their employees for reductions in the  
2 salaries of employees electing to participate in the plan of flexible compensation provided by  
3 this section. With the approval of the Director of the Budget, savings in the employer's share of  
4 contributions under the Federal Insurance Contributions Act on account of the reduction in  
5 salary may be used to pay some or all of the administrative expenses of the program. Should  
6 the State Board decide to contract with a third party to administer the terms and conditions of a  
7 plan of flexible compensation as provided by this section, it may select such a contractor only  
8 upon a thorough and completely advertised competitive procurement process. (1989 (Reg.  
9 Sess., 1990), c. 1059, s. 2; 1991 (Reg. Sess., 1992), c. 1044, s. 14(g); 1993, c. 561, s. 42; 1993  
10 (Reg. Sess., 1994), c. 769, s. 28.A; 1997-443, s. 33.20(a); 1999-237, s. 28.27(a).)

11  
12 **§ 115D-25.3. Voluntary shared leave.**

13 The State Board of Community Colleges, in cooperation with the State Board of Education  
14 and the State Personnel Commission, shall adopt rules and policies to allow any employee at a  
15 community college to share leave voluntarily with an immediate family member who is an  
16 employee of a community college, public school, or State agency; and with a coworker's  
17 immediate family member who is an employee of a community college, public school, or State  
18 agency. For the purposes of this section, the term "immediate family member" means a spouse,  
19 parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and  
20 in-law relationships. The term "coworker" means that the employee donating the leave is  
21 employed by the same agency, department, institution, university, local school administrative  
22 unit, or community college as the employee whose immediate family member is receiving the  
23 leave. (2003-9, s. 3; 2003-284, s. 30.14A(c).)

24  
25 **§ 115D-26. Conflict of interest.**

26 All local trustees and employees of community colleges covered under this Chapter are  
27 subject to the conflict of interest provisions found in G.S. 14-234. (1981, c. 157, s. 5; 1987, c.  
28 564, s. 9; 2001-409, s. 5.)