

Mesalands Community College



Board Policies

**Reviewed, Revised, Presented, and Approved
September 15, 2020**

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

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MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

HISTORY OF BOARD POLICY REVIEWS

The following dates are the historical notes of when the Board of Trustees reviewed and approved the Board Policies as a whole:

July 12, 1994
August 19, 1994
November 12, 1996
November 10, 1998
January 21, 2003
February 18, 2003
May 11, 2010
September 13, 2011
September 10, 2013
September 16, 2014
September 15, 2015
September 20, 2016
September 12, 2017
September 11, 2018
September 17, 2019
September 15, 2020

Each policy has always been reviewed/revised/approved individually as noted on each section.

Presented, Reviewed and Approved: 11-19-13
Reviewed, Revised, Presented, and Approved: 09-16-14
Reviewed, Revised, Presented, and Approved: 09-15-15
Reviewed, Revised, Presented, and Approved: 09-20-16
Reviewed, Revised, Presented, and Approved: 09-12-17
Reviewed, Revised, Presented, and Approved: 09-11-18
Reviewed, Revised, Presented and Approved: 09-17-19
Reviewed, Revised, Presented, and Approved: 09-15-2020

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

FOREWORD

The Board of Trustees of Mesalands Community College is an elected body of individuals comprised of five members, one elected from each of the five districts comprising Mesalands Community College District, County of Quay, and State of New Mexico. However, once elected, Trustees collectively represent the entire population of the District, not the citizens of the District by sub-divisions which elected them.

The Board is responsible for broad policies that govern all phases of the educational program offered at Mesalands Community College.

Policy statements are regularly adopted and promulgated with the intention of expressing the educational mission, goals and expectations of the Board of Trustees. The policies are intended for the use of college employees, students and other citizens to provide general policies for guiding decisions related to the operation of the College.

The Board is acutely aware of its ultimate responsibility to the general public and to the student population at large. Recommendations for Board policy changes will be received by the Board in an orderly manner through the duly constituted arrangements described in Board policies and implemented by current administrative procedures. The Board relies upon the President and the administrative staff for their experience and expertise in higher education and college administration to provide the Board with general guidance in developing, implementing, and maintaining currency in Board policies.

The implementation of the policies through administrative measures is delegated by the Board to the President as the Chief Executive Officer for the Board of Trustees.

Together, we are a team of educators working to build a better college which will serve the citizens of this area, and ultimately the State of New Mexico, more effectively by providing quality college education accessible to all qualified students.

James P. Streetman
Chair
Board of Trustees
Mesalands Community College

Reviewed and Approved: 11-19-13
Reviewed, Revised, Presented, and Approved: 9-11-18

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 1.0, MISSION STATEMENT

POLICY TITLE: 1.1, MISSION AND GOALS

MISSION: Mesalands Community College is an institution of higher education that promotes student learning through quality education and services while fostering personal growth, leadership, and opportunity to a culturally diverse community.

GOALS: The goals of Mesalands Community College are to provide:

- An environment where learning is appreciated, encouraged, and assessed.
- Academic and technical programs for qualified individuals to enhance their lifelong educational opportunities with an emphasis in a general core base of knowledge.
- Accessible, multi-faceted services to qualified participants.
- Opportunities to develop leadership skills and achieve personal growth by valuing academic and social responsibility.
- Quality community service programs responding to the diverse needs of the region.

Approved: 08-09-94
Revised: 06-12-95
Revised: 10-08-96
Revised: 11-11-97
Revised: 11-10-98
Revised: 12-14-99
Revised: 12-12-00
Reviewed: 12-11-01
Reviewed: 01-21-03
Reviewed: 12-09-03
Reviewed: 12-14-04
Reviewed: 12-13-05
Reviewed: 12-12-06
Reviewed: 12-11-07
Reviewed: 12-09-08
Reviewed: 12-08-09

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 2.0, BOARD OF TRUSTEES

POLICY TITLE: 2.1, BOARD STRUCTURE

- 2.1.1 MEMBERSHIP OF THE BOARD OF TRUSTEES: The Board of Trustees of Mesalands Community College is an elected body of individuals comprised of five members, one elected from each of the five districts comprising Mesalands Community College District, County of Quay, and State of New Mexico, for a six (6) year term. Trustees are elected under the provisions of Section 21-13-8 New Mexico Statutes Annotated (NMSA), 1978.
- 2.1.2 VACANCIES: In the event that a position on the Board of Trustees becomes vacant, a majority of the remaining trustees shall appoint a new member to serve until the next scheduled Board election.
- 2.1.3 ORGANIZATION OF THE BOARD: The Board shall hold an organizational meeting following each regular Board election and shall elect its officers at that meeting.
- 2.1.3.1 The officers of the Board shall be a Chair, Vice Chair, and Secretary/Clerk. A parliamentarian *pro tem* may be appointed by the Chair at any meeting when the Chair considers this advisable.
- 2.1.3.2 In the event that an organizational office of the Board is vacated by an officer of the organization, a majority of the Board shall elect a member of the Board to fill the unexpired term of a vacated position to serve until the next regular Board election.
- 2.1.3.3 Standing committees of the Board include the Finance Committee. Standing committee members are appointed by the Chair of the Board.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.1, BOARD STRUCTURE (Continued)

- 2.1.3.4 Ad hoc committees may be appointed by the chair or elected by the Board as needed to facilitate special work and/or research needs of the Board.

Approved: 08-09-94
Revised: 10-08-96
Reviewed: 12-13-02
Revised: 10-14-03
Reviewed: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.2, BOARD MEETINGS

All public meetings of the Board of Trustees are conducted in compliance with the requirements of the New Mexico Open Meetings Act. Public meetings of the Board of Trustees are conducted **in** public but not **for the public**.

- 2.2.1 **PROTOCOL:** To the extent not provided for in these rules, policies, and procedures and to the extent that the reference does not conflict with the spirit of same, the Board shall refer to Roberts Rules of Order, Revised, for unresolved procedural questions. (Note: Inasmuch as RRO is designed to govern large legislative assemblies, many of its provisions are inappropriate for small boards. However, it is the best source of parliamentary procedure available to the Board. Care should simply be taken to adjust RRO to meet the needs of the Board of Trustees of Mesalands Community College.)
- 2.2.2 **REGULAR MEETINGS** of the Board of Trustees are normally held at 5:30 p.m. on the third Tuesday of each month in Building 'A', room 214 of Mesalands Community College.
- 2.2.2.1 Annually, the Board shall pass a resolution identifying the normal time and place of its public meetings, time requirements for announcing a public meeting, place of posting the agenda to include Mesalands Community College's Website, and availability of the agenda to the local media. The Board may alter the schedule with adequate public notice per current regulation.
- 2.2.2.2 Agenda items for regular meetings are determined by the Chair of the Board and the President of the College. Board members may suggest items for the agenda.
- 2.2.3 **CALLED MEETINGS** (special meetings) where official action is expected, at least seventy-two hours advance notice shall be given to the public.
- 2.2.3.1 The agenda for a special session or called meeting is comprised only of the item or items specified in the announcement of the special session or called meeting, except for an emergency item.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.2, BOARD MEETINGS (Continued)

- 2.2.4 EMERGENCIES: If, in the opinion of the Chair, an emergency requires action which cannot be deferred until it can be pre-scheduled on an agenda, any action taken by the Board must be placed on the next publicly announced agenda for consideration.
- 2.2.5 EXECUTIVE SESSIONS (closed sessions): The Board may choose to enter into closed or executive session to consider certain matters which exclude all but members of the Board and invited participants.
- 2.2.5.1 In compliance with NMSA 1978, 10-15-1 and the Open Meetings Act, the Board can enter into closed or executive session to consider the following issues:
- (1) Limited personnel matters.
 - (2) Deliberations in connection with an administrative adjudicatory proceeding.
 - (3) Bargaining strategy preliminary to collective bargaining negotiations.
 - (4) Decisions concerning purchases with contracts larger than \$2,500.
 - (5) The discussion of personally identifiable information about a student.
 - (6) Matters subject to the attorney-client privilege pertaining to threatened or pending litigation.
 - (7) Discussion of the purchase, acquisition or disposal of real property or water rights.
 - (8) Matters pertaining to issuance, suspension, renewal or revocation of a license.
- * Any other item that may be deemed appropriate by future regulation.
- 2.2.5.2 The Board shall not conduct public business in closed meetings except as otherwise provided in the Open Meetings Act, Sections 10-15-1 et seq. [NMSA 1978].
- 2.2.6 QUORUM: A majority of all members of the Board shall constitute a quorum.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.2, BOARD MEETINGS (Continued)

2.2.7 MINUTES OF THE BOARD: Records of all transactions of the Board shall be set forth in the official minutes of the Board except as otherwise provided in the Open Meetings Act. The minutes shall be kept on file with the Board Secretary as the permanent official records of the Tucumcari Area Vocational School (dba Mesalands Community College).

Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended, or disapproved at the next meeting where a quorum is present.

Minutes shall not become official until approved by the policymaking body (Board of Trustees).

Draft and approved minutes will be posted on the College Website.

2.2.8. The College will provide an honorarium of \$58.00 to each Board Member who attends a Board Meeting where action is taken.

Approved: 08-09-94
Revised: 10-08-96
Reviewed: 12-13-02
Revised: 01-21-03
Reviewed: 09-10-13

Reviewed, Revised, Presented, and Approved: 09-15-15
Reviewed, Revised, Presented, and Approved: 09-20-16

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.3, PROCEDURES FOR ADDRESSING THE BOARD

- 2.3.1 PUBLIC COMMENTS: A time is provided for public comment at an early time on the agenda for regular meetings of the Board.
 - 2.3.1.1 A person who desires to address the Board in a public meeting must sign the guest register prior to the meeting, and must be recognized to speak by the Board Chair as provided for on the agenda.
 - 2.3.1.2 A guest may be recognized to speak during the meetings of the Board during the "Public Comments" section on those items on the agenda, upon formal recognition by the Chair of the Board.
 - 2.3.1.3 An individual may speak on any item that appears on the adopted agenda at the time provided for during the "public comments" section on the agenda upon recognition by the Chair of the Board prior to speaking.
 - 2.3.1.4 Any guest who speaks on an agenda item should limit remarks to five minutes.
 - 2.3.1.5 An individual recognized by the Chair of the Board to speak shall address only the Board of Trustees and not other individuals present or absent.
 - 2.3.1.6 A speaker must speak to the issue being addressed. Vituperation and demeaning characterizations of others is prohibited.
- 2.3.2 AGENDA ITEMS: A citizen who seeks consideration of a matter by the Board shall submit a request in writing (with appropriate supporting materials) to the Board Secretary that it be considered at least ten (10) business days prior to a scheduled meeting.
 - 2.3.2.1 A complaint against the personal action of an identifiable employee shall not be an allowable agenda item.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.3, PROCEDURES FOR ADDRESSING THE BOARD (Continued)

- 2.3.2.2 Administrative remedies shall be exhausted prior to an item being placed on the agenda.
- 2.3.2.3 If the President is unable to resolve the matter administratively, he may present it to the Board Chair and a decision shall be made whether or not to include the matter as an agenda item for Board consideration.
- 2.3.2.4 The Board Secretary shall notify the person whether or not the matter will be placed on the agenda. If placed on the agenda, the citizen may have five (5) minutes to address the Board.

Approved: 08-09-94
Revised: 04-11-95
Revised: 10-08-96
Reviewed: 12-13-02
Revised: 06-08-04
Revised: 12-14-04
Revised: 05-10-10
Reviewed: 11-19-13

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.4, DUTIES AND POWERS OF THE BOARD

The Board retains and reserves unto itself all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the Constitution and statutes of the State of New Mexico, including those prescribed in Article 13 Community Colleges (Section 21-13-10 and 21-13-12) NMSA 1978. In execution of those powers and duties specifically provided by law, the Board adopts the following policies:

- 2.4.1 **AUTHORITY OF MEMBERS:** Only the majority vote of the Board of Trustees has the authority of the Board. Members of the Board shall have authority only as a Board when a majority of the Board supports or disapproves a motion legally before the Board for consideration in a regular or special session. Individual members have no authority except in a legally convened quorum of the Board acting in compliance with the New Mexico Open Meetings Act.
- 2.4.2 The chief administrative function of the Board shall be to appoint a President.
- 2.4.3 The Board, in consultation with the President, shall make and adopt, and may amend and repeal upon a majority vote of the entire Board membership, policies, rules, regulations and bylaws for its meetings and proceedings for the governance of the institution.
- 2.4.4 The Board will seek to provide opportunities for cooperative planning in policy formulation.
- 2.4.5 The Board may make provisions for interpreting the mission and programs of the institution to the public and shall consult with citizens of the district about matters concerning the educational program.
- 2.4.6 The Board will work cooperatively with the administrative staff of the institution and district citizens in a continuous effort to improve the educational program of the institution through strategic planning and assessment.
- 2.4.7 The primary responsibility of the Board is the formation of College policy. Policy formation will be based on a variety of inputs and recommendations primarily from and in concert with the President and his administration.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.4, DUTIES AND POWERS OF THE BOARD (Continued)

- 2.4.8 The Board shall be stewards of all College property and funds in accordance with federal and state guidelines.
- 2.4.9 The Board will take steps to increase the professional growth of Board members by subscribing to suitable professional publications, participating in professional organizations and professional development both at the state and national levels.
- 2.4.10 Members of the Board shall not divulge any confidential information disclosed in a closed or executive meeting subject to the attorney-client privilege or pending litigation in which the Board is or may become a participant.
- 2.4.11 Annually, or as necessary, the Board will review, reaffirm and revise, if necessary, the Mission and Goals of the College.
- 2.4.12 Annually, or as necessary, the Board policies will be reviewed to assure currency.

Approved: 08-09-94
Revised: 10-08-96
Revised: 09-11-01
Revised: 12-13-02
Revised: 10-14-03
Revised: 01-22-08
Revised: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.5, AMENDMENT OR SUSPENSION OF RULES AND REGULATIONS

- 2.5.1 Any rules of the Board not specifically prescribed by statute may be suspended or revoked by a majority vote of the Board.
- 2.5.2 The President may, in case of emergency, suspend any part of rules and regulations as they pertain to the administration of Mesalands Community College, provided, however, that the President shall report the facts and the reasons for such suspension at the next meeting of the Board, and provided further that the suspension shall expire at the time of said report unless continued in effect by vote of the Board.

Approved: 08-09-94
Revised: 10-08-96
Reviewed 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.6, CONFLICT OF INTEREST

2.6.1 No member of the Board shall knowingly:

- (1) Be placed in a position of conflict of interest and will refrain from using his/her board position for personal partisan gain.
- (2) Disclose or use confidential information about Mesalands Community College to advance the financial or other private interests of said member or others;
- (3) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which the member has a financial interest, either directly or indirectly;
- (4) Accept any gift of value, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the member's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with Mesalands Community College.

2.6.2 Nothing in this policy is intended to preclude or prevent a member of the Board from participating in sealed competitive bidding when advertised by the College.

Approved: 08-09-94
Revised: 10-08-96
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.7, CODE OF ETHICS FOR TRUSTEES OF MESALANDS COMMUNITY COLLEGE

The Code of Ethics for Trustees of Mesalands Community College shall include the following:

- 2.7.1 To devote time, thought, and study to the duties and responsibilities of a Community College Board member so that I may render effective and creditable service.
- 2.7.2 To work with my fellow Board Members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates of points of issue.
- 2.7.3 To base my personal decision upon all available facts in each situation: to vote my honest conviction in every case, unswayed by partisan bias of any kind; therefore, to abide by and uphold the final majority decision of the Board.
- 2.7.4 To remember at all times that as an individual I have no legal authority outside the meetings of the Board, and to conduct my relationships with the community College staff, the local citizenry, and all media of the community on the basis of this fact.
- 2.7.5 To resist every temptation and outside pressure to use my position as a Community College Board Member to benefit either myself or any other individual or agency apart from the total interest of the Community College district.
- 2.7.6 To recognize that it is as important for the Board to understand and evaluate the educational program of the Community College as it is to plan for the business of College operation.
- 2.7.7 To bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the Community College is to be administered, but that the administration of the educational program and the conduct of College business shall be left to the employed President of the Community College and his/her professional and non-professional staff.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.7, CODE OF ETHICS FOR TRUSTEES OF MESALANDS COMMUNITY COLLEGE (Continued)

- 2.7.8 To welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current College operation and proposed future developments.
- 2.7.9 To support the state and national community college trustees associations.
- 2.7.10 Finally, to strive step by step toward ideal conditions for the most effective community College Board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.
- 2.7.11 Ten Rules for Trustees:
Trustees should not:
- (1) Conduct Board meetings without the College President;
 - (2) Have more than one person, the President, directly responsible to the Board;
 - (3) Solicit or encourage employee gripes;
 - (4) Become an advocate for someone seeking a job at the College;
 - (5) Conduct personal investigations into charges of unfairness in some student's failure;
 - (6) Act like a trustee except when you are meeting as a Board or as a committee of the Board;
 - (7) Speak for the Board except when authorized to do so by the Board; and
 - (8) Form standing committees of the Board.
- Trustees should:
- (1) Refer questions pertaining to administration to the President of the College; and
 - (2) Insist upon written policies.

Approved: 08-09-94
Revised: 10-08-96
Reviewed: 12-13-02
Revised: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.8, EMERITA/EMERITUS POLICY

Purpose:

Mesalands Community College is grateful for the contributions of its retired faculty and recognizes their expertise as a valuable resource. The College is committed to fostering an active, ongoing relationship with them in whatever ways are found to be satisfying and mutually beneficial for the advancement of the College in serving students and community.

Eligibility Requirements/Criteria:

1. Upon retirement or up to 3 years thereafter.
2. Must be (or have been) a full-time employee of College.
3. Minimum of 10 years of full-time service at College.
 - a. Under extraordinary circumstances, individuals with less than 10 years full-time service at College may also be nominated for Emeriti/Emeritus status.
4. Must have made significant contributions to College.
5. Maintained high ethical standards in relationships with students, colleagues and superiors.

Nomination/Recommendation

1. Retiring Mesalands Community College faculty may be nominated by faculty, administration, or Board Member or nominate themselves.
2. All nominations should be submitted using the Mesalands Community College Emerita/Emeritus form to the Vice President of Academic Affairs.
3. If approved, the Vice President of Academic Affairs will forward the nomination for Emeritus status to the President.

Documentation required for nomination

1. A summary statement of eligibility and desire to become Professor Emeritus.
2. Detailed Curriculum Vitae.
3. Letters of support from three individuals including full-time and/or adjunct faculty, administration, Board Trustees, and/or individuals who are professionally acquainted with the candidate.
4. A statement of support by majority vote of the Faculty Senate.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.8, EMERITA/EMERITUS POLICY (Continued)

Approval Process

1. The Vice President of Academic Affairs will review the nomination and make a recommendation to the President to either confer/not confer Emeritus status.
2. If the nomination is rejected by the Vice President of Academic Affairs, the nomination may be appealed to the President.
3. The President will make a determination to either confer/not confer Emeritus status to the applicant within six months of receiving the nomination.
4. Individuals recognized/receiving Emerita/Emeritus status shall be officially so named at the College awards program in the year of their approval by the President.

Rights/Privileges/Benefits:

1. Email address and access to computer facilities.
2. Retention of ID.
3. Inclusion of name in the College Catalog, with identification of Emerita/Emeritus status.
4. Invitation to College professional and social activities.
5. Admission/Fossil Friend status to Mesalands Community College's Dinosaur Museum and Natural Science Laboratory.
6. Tuition waiver for credit or non-credit courses.
7. Option to participate in commencement exercises and other such official College events.
8. Access to Fitness Center.
9. Library use.
10. Business card with designation.
11. Eligible for paid adjunct position.
12. Office space if available and will be utilized.

Obligations/Responsibilities to College:

1. The Emeritus will identify him or herself as an Emeritus faculty, staff, or administrator from Mesalands Community College in any professional activity that pertains to service for the College.
2. The Emeritus will make every effort to be available for service on College committees and participation in other service and teaching activities.
3. The professor Emeritus will adhere to the highest academic, civic, and ethical standards.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.8, EMERITA/EMERITUS POLICY (Continued)

4. Understands that there is no remuneration received by the holder of the title and he/she does not exercise any of the normal administrative functions associated with the title faculty, staff, or administrator.
5. Non-voting membership in the Faculty Senate.
6. Emeritus faculty will be listed in College catalogs.
7. Emeritus faculty will be eligible to participate in College commencement ceremonies and other events.

*The Board of Trustees of Mesalands Community College voted on March 8, 2011 that the honorary title of President Emeritus is bestowed upon Dr. Phillip O. Barry for his extended and exemplary service to the College and with the privilege to carry this honorary title and to be recognized as such.

Reviewed, Revised, and Approved: 06-14-11
Reviewed, Revised, and Approved: 09-10-13
Reviewed, Revised, Presented, and Approved: 09-11-18

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.9, BOARD OF TRUSTEES COMMUNICATION POLICY

The following communication policies and guidelines will assist members of the Mesalands Community College Board of Trustees to communicate effectively with each other and the constituencies of the College. These policies will assist the board in communicating effectively and in a timely manner information that will enrich the College and keep the community informed of important matters related to the College as well as facilitate Internet and E-mail usage for the benefit of the Board as a communication tool.

2.9.1 Media – The following are the primary media under the guide of this policy.

- (1) Telephone Communications
- (2) Email Communications
- (3) Official Mesalands Community College Newsletters
- (4) Postcards, letters, Posters and flyers
- (5) Letters to the Editor or other Communications with media outlets
- (6) Social Media when acting as an agent for the College

2.9.2 General Policies and Guidelines

The Board will practice professional communications principles – using well written, high-quality communications that clearly articulate the message, are timely, and respects the time and privacy of recipients.

Board members will comply with the Open Meetings Act. Board members will not engage in any communication by any means, including any technological means, outside of a Board meeting with a quorum of the Board concerning a matter that may foreseeably come before the Board for action. This policy is specifically designed to preclude the board from communication that could be construed as a rolling quorum. A rolling quorum of a public body subject to the Open Meetings Act occurs when the body takes action or discusses public business through sequential communications among the members outside of a public meeting. This prohibition includes in-person communications and communications via email, Twitter, Facebook, or similar electronic means of communication.

Communications from the board, written to present one single member's point of view, are not permitted. Public communications from the Board will represent the views of the majority of the Board as determined in an open meeting of the

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.9, BOARD OF TRUSTEES COMMUNICATION POLICY (Continued)

Board and be communicated by the Board Chair as the sole spokesperson on behalf of the board.

2.9.3 Communication Guidelines

To protect Board members from inadvertent violations of the law, the Board has adopted the following policy on communications among board members outside of a public meeting whether in person or via use of email, fax, telephone, text, social media, etc.

Communications is permissible from College Administration to Board Members, including the President, subject to the disclaimers below and in order to:

- (1) Provide Board members information regarding Board meetings that are also available to member of the public
- (2) Communicate with Board members as long as business matters and matters pending before the board are not discussed.
- (3) Respond to Board member inquires made by any means of communication and copy of the response to all other Board members as long as the opinion of any Board member regarding the subject matter(s) is not addressed.
- (4) General announcements or notifications that are sent to the campus population in regards to upcoming events, information items or procedural changes that do not require or have previously received Board approval. These email communications do not require disclaimer language.

Disclaimer Language

The above message, with the exception of (4) must conclude with the following disclaimer: "To ensure compliance with the Open Meetings Act, recipients of this message should not forward it to other Board members. Members of the Board may reply to this message, but they should not send a copy of the reply to other Board members. A copy of the above message and any attachments thereto, must be provided to the President or his or her designee for placement in a public records file that shall be maintained by the College, except that information or documents that

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 2.9, BOARD OF TRUSTEES COMMUNICATION POLICY (Continued)

contain information that is confidential or otherwise exempt from public disclosure shall be excised, redacted or removed from the email message prior to public disclosure.

Communication is permissible from Board Members to College Administrators and Other Board Members, subject to the disclaimers below and in order to:

- (1) Communicate with College administrators about College of Board business, including requests for factual information, as long as no other Board members are copied on such email messages.
- (2) Send other Board members and/or College administration newspaper or other public media reports or articles, other public documents, or other informational items that are publicly available, provided that the following conditions are met:
 - a. The opinion of any Board member regarding the subject matter(s) is not addressed except as may be set forth in the body of the public document, article or report, and,
 - b. The document, article or report attached or referred to is included in the public documents provided at the next Board meeting
- (3) Forward communications received from any constituent to other Board members excluding any personal comments or response to such constituent
- (4) Communicate a request to the Board Chairman that a matter be placed on a future Board agenda

Disclaimer Language

The above message must conclude with the following disclaimer:
"To ensure compliance with the Open Meetings Act, recipients of this message should not forward it to other Board members and Board members should not reply to this message. A copy of the above message and any attachments thereto, must be provided to

MESALANDS COMMUNITY COLLEGE

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POLICY TITLE: 2.9, BOARD OF TRUSTEES COMMUNICATION POLICY (Continued)

the President or his or her designee for placement in a public records file that shall be maintained by the College, except that information or documents that contain information that is confidential or otherwise exempt from public disclosure shall be excised, redacted or removed from the email message prior to public disclosure.

2.9.4 Examples of Acceptable Communications between Board Members Outside of a Public Meeting

- (1) Communications regarding non-college and non-public business-related matters;
- (2) The provision of general information to board members with no discussion, deliberation or decision;
- (3) Requests for agenda items;
- (4) Communications to determine dates and times for meetings;
- (5) The sharing of communications received by board members from employees or community members and/or copying board members on responses such individuals;
- (6) The sharing of communications requesting information from sources such as other colleges or governmental entities; and
- (7) Communication from the board chair to board members which convey appreciation and encouragement for their work.

Presented, Reviewed, and Approved: 11-19-13

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 3.0, EQUAL OPPORTUNITY

POLICY TITLE: 3.1, EQUAL OPPORTUNITY NON-DISCRIMINATION/NON-RETALIATION STATEMENT

Mesalands Community College is committed to the policy of equal opportunity in employment and education regardless of race, color, ancestry, religion, national origin, sex, age, physical or mental disability, serious medical condition, veteran status, spousal affiliation, sexual orientation, gender identity or any other basis prohibited by federal, state or local law.

- 3.1.1 In compliance with Titles II, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and Section 402 of the Vietnam Era Veteran's Readjustment Act of 1974, the New Mexico Human Rights Act and any other applicable federal, state and local laws, Mesalands Community College does not discriminate against any applicant, employee or student. This policy covers admission, access, and service in College programs and activities, and application and treatment in College employment. This policy also applies to all aspects of employment, including but not limited to hiring decision, promotions, training, pay, benefits, layoffs, discipline and terminations. In addition, it continues to be the policy of Mesalands Community College to maintain a working environment free of discrimination and harassment.
- 3.1.2 Mesalands Community College also strictly prohibits any form of retaliation against an employee who in good faith makes a complaint, raises a concern, provides information or otherwise assists in an investigation or proceeding regarding any conduct that he or she reasonably believes to be in violation of the policies set forth in these Board Policies and the Personnel Handbook.
- 3.1.3 This policy is designed to ensure that all employees feel comfortable speaking up when they see or suspect illegal or unethical conduct without fear of retaliation. It is also intended to encourage all employees to cooperate with Mesalands in the internal investigation of any matter

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 3.1, EQUAL OPPORTUNITY NON-DISCRIMINATION/NON-RETALIATION STATEMENT (Continued)

by providing honest, truthful and complete information without fear of retaliation.

- 3.1.4 Mesalands Community College makes reasonable accommodations to allow qualified applicants and employees with disabilities equal opportunity for employment and qualified students that have the ability to benefit, equal educational opportunities.

Inquiries regarding equal opportunity policies or the filing of complaints may be directed to: Human Resources Office, Mesalands Community College, 911 South Tenth Street, Tucumcari, NM 88401; (575) 461-4413.

Approved: 08-09-94
Revised: 01-14-97
Revised: 09-09-97
Reviewed: 12-13-02
Revised: 01-21-03

Reviewed, Revised, Presented, and Approved: 09-15-15

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 3.2, DISCRIMINATION AND SEXUAL HARASSMENT POLICY AND REPORTING PROCEDURES

- 3.2.1 Policy: Mesalands Community College disapproves of, and will not tolerate discrimination against employees, students or visitors based on race, color, ancestry, religion, national origin, sex, age, physical or mental disability, serious medical condition, veteran status, spousal affiliation, sexual orientation, gender identity or any other basis prohibited by federal, state or local law. Mesalands Community College also prohibits the sexual harassment of its employees, students, or visitors. Any employee who engages in discrimination or sexual harassment will be subject to discipline and appropriate corrective action will be taken to prevent its reoccurrence. Any incidents of discrimination or sexual harassment by anyone, including non-employees, should immediately be brought to the attention of the Human Resources Specialist, the Vice-President of Academic Affairs or the Vice President of Student Affairs.
- 3.2.2 Definition of Sexual Harassment: The Equal Opportunity Commission has adopted guidelines which state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "sexual harassment" when:
- (1) submission to the conduct is an explicit or implicit term or condition of an individual's employment;
 - (2) the submission to or rejection of the conduct by an individual is the basis for any employment decision affecting that individual; or
 - (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile work environment may be one where crude or vulgar language is used, inappropriate touching occurs, jokes of a discriminating or sexual nature are told, comments that demean an individual based on gender are made, unwelcome nicknames, such as "honey" or "sweetie" are used, and nude or partially nude individuals in photographs, calendars, magazines, books, etc., are displayed or disseminated.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 3.2, DISCRIMINATION AND SEXUAL HARASSMENT POLICY AND REPORTING PROCEDURES (Continued)

3.2.3 Complaint Procedure: Any employee who feels that he or she has been discriminated against, or has been the subject of sexual harassment by an employee, student, or vendor, or has witnessed such discrimination or sexual harassment, should follow this procedure in bringing the matter to Mesalands Community College's attention:

- (1) The employee or witness should promptly bring the matter to the attention of the Title IX Coordinator. This complaint should be in writing.
- (2) The Title IX Coordinator shall immediately notify the President of Mesalands Community College. In the case the College President is the subject of the employee's complaint, the Title IX Coordinator shall immediately notify the Board of Trustees Chair.
- (3) The President shall authorize the Title IX Coordinator or designee to conduct an investigation of the allegation. In the case the Title IX Coordinator is the subject of the employee's complaint, the President shall authorize a designee, or counsel for the College to conduct an investigation of the allegation.
- (4) The Title IX Coordinator, designee, or College Counsel will advise the person who allegedly engaged in the discrimination or sexual harassment of the charge, and the Title IX Coordinator or designee, or College Counsel will conduct a thorough investigation of the allegation. The complaint will be kept as confidential as possible.
- (5) After the investigation, the Title IX Coordinator or designee or College Counsel will advise the President of the investigation results and the President will review the investigation results. The people involved will be notified of the investigation results.
- (6) If a determination is made that discrimination or sexual harassment has occurred, appropriate disciplinary action, which may include discharge, will be taken.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

**POLICY TITLE: 3.2, DISCRIMINATION AND SEXUAL HARASSMENT
POLICY AND REPORTING PROCEDURES (Continued)**

- (7) Employees or witnesses who bring a complaint of discrimination or sexual harassment to the attention of Mesalands Community College, or who assist another will not be retaliated against.
- (8) Although employees are encouraged to use the internal complaint procedure to resolve complaints of harassment or discrimination there is nothing in this procedure which precludes the employee from contacting the Equal Employment Opportunity Commission or the New Mexico Human Rights Division.

Inquiries regarding equal opportunity policies or the filing of complaints may be directed to: Title IX Coordinator - Dr. Aaron Kennedy, Vice President of Student Affairs

Approved: 01-14-97
Reviewed: 12-13-02
Revised: 01-21-03
Reviewed, Revised, Presented, and Approved: 09-15-15
Reviewed, Revised, Presented, and Approved: 09-20-16
Reviewed, Revised, Presented, and Approved: 09-11-18

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 4.0, ADMINISTRATION

POLICY TITLE: 4.1, ADMINISTRATION

- 4.1.1 The organization of Mesalands Community College shall be managed by a single executive head, the President of the College.
- 4.1.2 Functions to be fulfilled, departments and personnel needed are determined by the President.
 - 4.1.2.1 Staff organization is based upon a functional analysis of the services to be rendered by the College.
 - 4.1.2.2 Academic organization is based upon practices consonant with practices in higher education adapted to fulfill the mission of the College.

Approved: 08-09-94
Revised: 12-01-94
Revised: 04-11-95
Revised: 11-12-96
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 4.2, PRESIDENT'S JOB DESCRIPTION

The President shall act as the chief executive officer of Mesalands Community College, with responsibility for initiating, guiding, and directing activities which are necessary to fulfill the mission of the College.

- 4.2.1 Interpret and enforce Board policy statements, recommending any changes necessary to maintain a sound operation of the College.
- 4.2.2 Represent and speak for the Board of Trustees and the College at the community, state, and federal levels, lending influence to the development of local, state, and national educational policies.
- 4.2.3 Recommend to the Board personnel actions which are responsible and fair and in the best interest of the College and the community.
- 4.2.4 Develop and, upon approval of the Board, administer an annual budget.
- 4.2.5 Initiate and maintain programs and services within the institution which fulfill the mission of the College to the greatest possible extent.
- 4.2.6 Interpret the College to the community and the governing Board and, conversely, interpret the community to the governing Board and the College.
- 4.2.7 Perform the above duties in a manner which strengthens the coordination and cooperation of all organizational components of the College.
- 4.2.8 In an effort to promote and enhance the College, the Board of Trustees authorizes and directs the President to participate in regional and national activities, as well as host local guests and visitors for the benefit of the College.
- 4.2.9 Actively participate in fundraising.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 4.2, PRESIDENT'S JOB DESCRIPTION (Continued)

- 4.2.10 The President is encouraged to participate in activities, both at the state and national levels that advocate for and influence legislation that benefit the College.

Approved: 08-09-94
Revised: 12-01-94
Revised: 04-11-95
Revised: 11-12-96
Revised: 09-11-01
Reviewed: 12-13-02
Revised: 01-22-08

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 4.3, TRAVEL APPROVAL PROCESS FOR PRESIDENT

Given the rapid pace of meeting and out of town travel needs for the President of the College, the Board of Trustees Chair will sign as approved, a general Travel Request at the beginning of each fiscal year that authorizes the President to travel on behalf of the College in the appropriate role as the President thereof. The intent of this process is to benefit both the College and the President. The College desires the President to be pro-active and engaged, while the President needs to be authorized to engage in such travel prior to departure to avoid potential liability issues, even if the timing of the needed travel is such that the Board Chair is not able to sign the Travel Request prior to departure.

This general approval applies to all college-related travel, in-state and out-of-state. President's Travel Reimbursement Approval Forms and related expense receipts must still be submitted by the President's Office to insure proper accounting for these travel costs, and these submitted Requests and associated receipts for any individual trips will still be reviewed and subject to the approval decision by the Board Chair.

The President is encouraged to participate in activities, both at the state and national levels that advocate for and influence legislation that will benefit the College, and pursue other strategic initiatives that will improve the College, as stated in the President's Job Description in Board Policies.

Approved this 11th day of September, 2018 by the Mesalands Community College Board of Trustees.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 5.0, PERSONNEL MATTERS

POLICY TITLE: 5.1, BOARD APPROVAL OF PERSONNEL HANDBOOK

- 5.1.1 The Board shall approve the Personnel Handbook or those portions that contain salary, benefits and working conditions.
- 5.1.2 The handbook shall be distributed to each employee at the time of employment and thereafter as new editions are published. Review and revisions to the handbook shall be provided to maintain currency annually.

Approved: 08-09-94
Revised: 11-12-96
Reviewed: 12-13-02
Revised: 12-09-03

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.2, NEPOTISM

- 5.2.1 The practice of nepotism is prohibited. Nepotism is the practice of giving preferential treatment to near relatives in the areas of employment including, but not limited to, selection, benefits, pay, promotion and discipline. Near relatives are defined as spouse, parent, children, siblings, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law.
- 5.2.2 Near relatives will not work in the same department when there is a supervisory relationship between them.
- 5.2.3 Where there is a change in assignment that leads to the supervision of an employee by a near relative, one of the employees will be transferred to another department if possible. If transfer is not possible, one of the employees may be terminated.
- 5.2.4 No person may be employed who is a near relative of a current member of the Board of Trustees.

Approved: 08-09-94
Revised: 11-12-96
Reviewed: 12-13-02
Revised: 01-21-03

Reviewed, Revised, Presented, and Approved: 09-15-15

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.3, TOBACCO-FREE WORKPLACE

It is the policy of Mesalands Community College to provide a safe environment for its employees, students and members of the public. Accordingly, Mesalands Community College adheres to the Drug-Free Workplace Act of 1988, the Omnibus Transportation Act of 1991, and any state and local law regarding the use, sale or possession of alcohol and controlled substances on College property.

5.3.1 All of Mesalands Community College's indoor areas are to be smoke-free and tobacco-free areas to include vapor cigarettes. In support of the Dee Johnson Clean Indoor Air Act [24-16-1 NMSA 1978], this prohibition against all use of tobacco of any kind is extended to include all campus building facilities (including restrooms, classrooms, work areas, lounges, commons areas, conference rooms, etc.) and all vehicles owned and/or operated by Mesalands Community College.

5.3.1.1 Smoking and other tobacco use may take place only in the designated areas that are located outside of Mesalands Community College buildings. Designated areas are to be at a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to ensure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means.

5.3.1.2 Student violations. Penalties for student violations of this policy will be enforced as published in the student handbook.

Employee violations. Penalties for employee violations of this policy will be enforced as allowed for in Section Eleven of the Dee Johnson Clean Indoor Act.

Approved 08-09-94
Revised 12-01-94
Revised 11-12-96
Reviewed: 12-13-02
Reviewed: 05-11-10

Reviewed, Revised, Presented, and Approved: 09-15-15

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE

It is the policy of Mesalands Community College to provide a safe environment for its employees, students and members of the public. Accordingly, Mesalands Community College adheres to the Drug-Free Workplace Act of 1988, the Omnibus Transportation Act of 1991, and any state and local law regarding the use, sale or possession of alcohol and controlled substances on College property.

- 5.4.1 **PROHIBITIONS:** Mesalands Community College forbids any employee or student from possessing, using, selling, distributing, or being under the influence of alcohol or drugs, and from possessing, using, selling or distributing drug paraphernalia while on College property, or while involved in student activities.

- 5.4.2. **EXCEPTION:** The Board of Trustees of Mesalands Community College grants Mesalands Community College Foundation or its agent, permission to serve complimentary alcoholic beverages at designated campus areas under limited circumstances:
 - 5.4.2.1 Serving of alcoholic beverages is restricted to formal occasions such as dedications, receptions, recognition activities, and fundraising events.

 - 5.4.2.2 Alcoholic beverages may only be served outside the College's usual operational hours which are 8:00 a.m. to 10:00 p.m., Mondays through Thursdays, and 8:00 a.m. to 5:00 p.m. on Fridays. (Please refer to Policy Title: 5.4.1 Prohibitions.)

 - 5.4.2.3 Permission to serve alcoholic beverages does not apply to any student-sponsored activity or student-organization sponsored activity.

 - 5.4.2.4 Charitable, community and professional organizations, who use the Mesalands Dinosaur Museum for special activities and events and who wish to serve alcoholic beverages, must obtain the permission of the Foundation to serve

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

alcohol and must follow all state regulations and statutes regarding the dispensing of alcoholic beverages in a public facility and must follow the provisions of the Board of Directors regarding the service of alcoholic beverages. It should be noted that museum admission fees and sale of alcoholic beverages are prohibited during the above-described usage.

- 5.4.3 The Board directs the President to develop appropriate procedures for drug and alcohol testing and these procedures are set forth in Sections 5.4.4 through 5.4.5.11 below.
- 5.4.4 DEFINITION: Reasonable suspicion: An act of observance where there is a reason, through use of sound judgment, to suspect that an employee is under the influence of drugs or alcohol.
- 5.4.5. POLICY: It is the policy of the College to provide all employees, students, customers, and visitors with as safe a working environment as is possible, and to promote the safe and efficient performance of job duties including the safe operation of College equipment and vehicles. In order to do so, the College must establish certain policies and procedures regarding the use and possession of intoxicants including drugs and alcohol.

Mesalands Community College does not permit any individual to report to work or to continue to work under the influence of drugs or alcohol. This includes but is not limited to, alcohol (at or above 0.05% blood level), THC (marijuana, hashish), amphetamine/methamphetamine ("speed," "crystal"), cocaine or crack cocaine, opiates (codeine, heroin, hydromorphone, hydrocodone), phencyclidine (PCP or "Angeldust"), or similar intoxicants or mind altering substances, including so called "designer" drugs. College policy prohibits the unlawful possession, use, manufacture, purchase, sale and distribution by employees of any kind of drugs or alcohol on College property, which includes all of the College's parking lots and adjacent areas, and in College vehicles. College Policy prohibits employees from making arrangements for such acts while on College business or on College property. This policy does not prohibit the proper use of prescribed medication under the direction of a physician. However, abusing prescription drugs during work hours on or off College property is prohibited. Employees who take prescription or non-prescription drugs which could affect

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

their ability to perform their duties in a safe and efficient manner are expected immediately to notify their supervisor of this fact when they report to work.

Finally, the unlawful possession, use, manufacture, purchase, sale or distribution of intoxicants including drugs or alcohol, as well as any other mind altering substance by an employee away from the College's premises while off duty may also result in disciplinary action up to and including termination.

5.4.5.1 On-The-Job Alcohol/Drug Testing Based on Reasonable Suspicion

- (1) The Test. Testing of an employee during the employee's normal working hours may be done in instances where there is reasonable suspicion that an employee is under the influence of a mind altering substance, drug and/or alcohol in violation of this policy. In such cases, the supervisor is to contact the Human Resources Specialist for instructions.

The Human Resources Specialist will review the situation with the supervisor immediately and determine if the employee is to be tested. If the decision is to test the employee and the employee refuses to be tested, he/she will be suspended immediately without pay and will be subject to disciplinary action up to and including termination, for refusing to cooperate. If the employee agrees to be tested, the employee will be required to sign the Informed Consent and Release of Liability form.

An employee designated for testing is to be accompanied to the testing site by the supervisor or designee. Following the test and return to the College, the employee is dismissed for the rest of the day. The College will make reasonable efforts to assist the employee in obtaining

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

transportation to place of residence or to a relative or friend. The employee is not to return to work until told to do so by the supervisor.

- (2) Test Results. If the test discloses that intoxicants or mind altering substances are present in the employee's system, the employee will be suspended pending the outcome of a review. The Human Resources Specialist will work with the appropriate Vice President and the College President to review the situation and determine the appropriate disciplinary action. In cases involving employees in safety sensitive positions or positions of trust which are key to maintaining effective business operations, the College at its sole discretion may determine to immediately terminate employment upon notification of a positive test result regardless of a first violation situation. Any evidence that the employee attempts to alter the results of the test may result in disciplinary action up to and including termination of employment.

If the employee is eligible to return to employment with Mesalands Community College, he/she must be certified and actively participating in a treatment program. Failure to follow prescribed procedures will lead to the termination of the employee. The employee will be subject to random drug/alcohol testing for a period of one year following the first day returning to work. The employee is required to sign a Random Drug Test Agreement Form. If, during this period, the employee refuses to adhere to the prescribed procedures, refuses to sign the informed consent and release of liability form or test positive for drug/alcohol use, the employee's employment with the College will be terminated.

An INFORMED CONSENT AND RELEASE OF LIABILITY FORM which employees are required to sign before taking a urine/blood test, and a

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

RANDOM DRUG TEST AGREEMENT (applicable in certain instances), are on file in the Human Resources Office.

5.4.5.2 Authorized Drug and Alcohol Testing

- (1) All applicants for safety-sensitive positions are required to submit to drug and alcohol testing after an offer of employment is made and prior to final selection for appointment.
- (2) Prior to final selection for promotion or transfer to a safety-sensitive position, employee will be required to submit to drug and alcohol testing.
- (3) Employees in safety-sensitive positions are required to undergo annual drug and alcohol testing.
- (4) The College will require any employee to undergo drug and/or alcohol testing if the College has a reasonable suspicion that the employee:
 - a. has committed drug and/or alcohol abuse affecting the work place based on, but not limited to, one of the following:

direct observation of the symptoms or manifestations of being under the influence of a drug or alcohol such as, but not limited to, the smell of alcohol on breath, slurred speech, unsteady walk, impaired coordination, or dilated pupils.

abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; or

a report by a credible source of drug or alcohol use on College property; or the possession of drug paraphernalia or other physical evidence of drug or

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

alcohol use on College property; or of an employee reporting to work under the influence of drugs or alcohol.

b. has caused a work-related accident which resulted in injury to persons or property.

- (5) Before an employee is required to submit to reasonable suspicion drug and/or alcohol testing, a supervisor must secure the approval of the next level supervisor, unless the requesting supervisor is the President. The requesting supervisor or his/her designee will drive the employee to and from the designated drug-testing location and will return the employee to the College office or to the employee's residence, depending on the circumstances.

The employee will be placed on leave without pay pending test results. The supervisor must prepare a memorandum within 24 hours of the collection stating what gave rise to the reasonable suspicion and submit the memorandum to the Human Resources Specialist.

- (6) All applicants and employees who are required to be tested for alcohol and drugs must sign a form consenting to the testing and permitting the results to be released to the College. Failure to sign this form by an applicant will result in revocation of the job offer. Failure to sign this form by an employee will be grounds for disciplinary action including dismissal.

5.4.5.3 Safeguards

Before requiring an applicant or employee to undergo drug or alcohol testing, whether based on reasonable suspicion or authorized, the applicant or employee will be provided the opportunity to indicate in writing any over-the-counter or prescription medications that the applicant or employee is currently taking or has recently taken and any other information relevant to the reliability of the test results. No applicant or

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

employee, however, will be required to list any such medications or information, and failure to do so will in no way prejudice the analysis of his/her test.

Any employee properly using any prescription or nonprescription drug that may affect or impair such employee's performance of his/her job duties (for instance, by causing drowsiness) despite such proper use, shall report such use to the Human Resources Specialist upon reporting for work on the first day of such use. Such reported use shall not constitute a violation of this policy.

An employee whose performance is impaired because of the use of a prescribed drug will be sent home and be required to use sick leave, annual leave, personal leave or leave without pay until the employee's physician certifies that he/she can perform his/her essential functions safely.

5.4.5.4 Collection and Testing of Specimens

- (1) Blood, breathalyzer, or urine specimens for drug or alcohol testing will be collected by an independent laboratory that meets applicable provisions of any state licensure requirements and tested by an independent laboratory certified by the National Institute on Drug Abuse or the College of American Pathologists in Forensic Urine Drug Testing.
- (2) It will be the policy of the College to follow the National Institute of Drug Abuse Guidelines on levels of drugs in the urine. A test result of a blood alcohol (BAC) level of .05 or more will be deemed positive.
- (3) The laboratory will report as negative all specimens that are negative on the initial test or negative on a confirmatory test. Only specimens reported as positive on the confirmatory test will be reported positive for a specific drug.

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BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

- (4) The laboratory will retain and place in property secured long-term frozen storage for at least one year those specimens confirmed positive. The College may request the laboratory to retain the specimen for an additional period of time.

5.4.5.5 Reporting of Test Results

- (1) Drug and alcohol tests will be reported only to the Human Resources Specialist.
- (2) The Human Resources Specialist will notify applicants and employees verbally and/or in writing of test results.
- (3) All records pertaining to a given urine specimen will be retained by the laboratory for minimum of two years.
- (4) The Human Resources Specialist will make the employee's supervisor and department head aware of the test results.

5.4.5.6 Explanation of Positive Test Results

Applicants for employment, who test positive for drugs may, within two working days of notification of the test results, submit a written request to the Human Resources Specialist to review the test results.

- (1) If the applicant does not request a review of the test results within two working days, the applicant waives any retesting of the sample and consents to rejection of the applicant's application for employment.
- (2) Should any questions arise as to the accuracy or validity of a confirmed positive test result, the Human Resources Specialist is authorized on behalf of the College to order a reanalysis of the original sample, and such retests

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BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

are authorized to be performed only at an independent laboratory that meets applicable provisions of any state

- (3) licensure requirements and is certified by the National Institute on Drug Abuse or the College of American Pathologists in Forensic Urine Drug Testing.

5.4.5.7 Retesting

Applicants who have sought retesting and all employees who tested positive for drugs or alcohol may elect to have, at their expense, a portion of the original urine specimen or blood sample retested by another independent laboratory that meets applicable provisions of any state licensure requirements and is certified by the National Institute on Drug Abuse or the College of American Pathologists in Forensic Urine Drug Testing. The laboratory will arrange for the shipment of the urine specimen or blood sample to the laboratory of the applicant's or employee's choosing. The College will pay for the retest if the retest is negative.

5.4.5.8 Confidentiality

No laboratory reports or test results will appear in the employee's personnel file unless they are part of a disciplinary action, but will be placed in a special locked file maintained by the Human Resources Specialist.

5.4.5.9 Sanctions

(1) Applicants or Employees in Safety-Sensitive Positions

- a. An applicant for employment in a safety-sensitive position who tests positive for drugs and who does not seek retesting in the set time period will be rejected.
- b. An employee seeking transfer or promotion to a safety-sensitive position who tests positive for drugs and is

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

unable to satisfactorily explain the positive results will be dismissed in accordance with this handbook.

- c. An employee holding a safety-sensitive position whose annual drug and alcohol test indicates a positive test result for drugs and alcohol will be dismissed, if the employee is unable to satisfactorily explain the positive results, in accordance with this handbook.

(2) Reasonable Suspicion Testing/Positive Test Results

Employees who were tested for drugs or alcohol because of the reasonable suspicion that they were under the influence of alcohol or drugs and who test positive on a drug or alcohol test and who do not have a satisfactory explanation for the positive test results will be dismissed in accordance with this handbook.

(3) Refusal to Cooperate in Testing Procedure

Any employee who refuses to cooperate in a drug or alcohol testing procedure by refusing or failing to complete the specified forms, by refusing or failing to submit a urine or blood specimen, or otherwise fails to cooperate will be dismissed in accordance this handbook.

(4) Insurance Coverage

The employee should refer to the College's medical insurance coverage for details concerning alcohol/drug abuse coverage.

(5) Possession of Drugs or Alcohol

Employees, while on duty, regardless of the location, who possess, consume, sell, purchase, or transfer alcohol or drugs or any substance in Schedules I and II of the Controlled Substances Act [NMSA 1978, Sections

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.4, DRUG-FREE WORKPLACE (Continued)

30-31-1 through 30-31-41 (Cum. Supp. 1990)] will be dismissed. The possession, consumption, sale, purchase or transfer of a controlled substance will be reported to the local law enforcement agency.

5.4.5.10 Denial of Workers' Compensation Benefits

Any employee who experiences a personal injury on the job and who tests positive for illegal drugs or alcohol at the time of the occurrence will not be eligible for workers' compensation benefits incurred as a result of the occurrence.

5.4.5.11 Non-Disclosure

Any intentional cover-up of a drug or alcohol related accident or the possession, consumption, sale, purchase, or transfer of alcohol or drugs at the work place or while conducting College business will result in dismissal.

Approved: 08-09-94
Revised: 12-01-94
Revised: 11-12-96
Reviewed: 12-13-02
Revised: 01-21-03

Reviewed, Revised, Presented, and Approved: 09-15-15
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Reviewed, Revised, Presented, and Approved: 09-11-18
Reviewed, Revised, Presented, and Approved: 09-17-19

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.5, WEAPONS AND EXPLOSIVES ON CAMPUS

For the protection of all staff, faculty, students and visitors to the Mesalands Community College campus and functions certain rules and regulations must be implemented to insure the safety of all concerned.

5.5.1 Persons possessing firearms, ammunition, explosives or edged weapons are prohibited from carrying, conveying or storing such materials on or in College properties and functions.

5.5.1.1 The only exceptions to this policy are for law enforcement officers authorized by state law to carry firearms (30-7-2 NMSA 1978) and materials authorized for instructional purposes.

Approved: 11-12-96
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.6, HUMAN RESOURCES RECORDS RETENTION AND DESTRUCTION POLICY

This policy contains guidelines for how long certain Human Resources related documents should be kept and how records should be destroyed. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate the operation of Mesalands Community College by promoting efficiency and freeing up valuable storage space.

Responsibilities

The Records Retention and Destruction Policy identifies the record retention responsibilities of staff, volunteers, members of the board of trustees, and outsiders for maintaining and documenting the storage and destruction of the institution's documents and records.

The institution's staff, volunteers, members of the board of trustees, committee members and outsiders (independent contractors via agreements with them) are required to honor the following rules:

- Paper or electronic documents indicated under the terms for retention in the following section will be transferred and maintained by Mesalands Community College;
- All other paper documents will be destroyed after three years;
- No paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation (check with legal counsel or the human resources department for any current or foreseen litigation if employees have not been notified); and
- No paper or electronic documents will be destroyed or deleted as required to comply with government auditing standards (Single Audit Act).

Records Retention

The following table indicates the minimum requirements and is provided as guidance to customize the Records Retention and Destruction policy for Mesalands Community College. In addition, federal awards and other government grants may provide for a longer period than is required by other statutory requirements.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.6, HUMAN RESOURCES RECORDS RETENTION AND DESTRUCTION POLICY (Continued)

Payroll Deduction	3 years after Authorization preparation
Payroll Checks	3 years after preparation
Payroll Journals	5 years after records preparation
Time Cards or Sheets	3 years after preparation
W-2 Forms	5 years after preparation
W-3 Forms	5 years after preparation
W-4 Forms	5 years after preparation
Employee Attendance Records	3 years after preparation; 7 years for employee terminated for absenteeism
Employee Disability Records	3 years after preparation or until resolution of lawsuit
Employee History Records	3 years after termination of employment or until resolution of lawsuit
Employee Insurance Records	6 years from termination of employment
Rejected Employee Applicants	1 year after rejection letter sent or resolution of lawsuit or charge
Employee resolved EEOC	1 year after resolution claims of charge or lawsuit
Legal Files on Lawsuit by former Resolved Suits employee or applicant	1 year after resolution of suit; lawsuit by current employee -- 6 years after termination of employment
Unemployment Claims	6 years from resolution records of claim
Writs of Garnishment	3 years after termination of employment
Workers' Compensation	5 years from date of last payment
Job Advertisements	1 year after posting date
Resumes and Job Applications	2 years from the date received
Employee Personnel Records	2 years after last date of employment or resolution of lawsuit or charge
Employee Safety Records	3 years
Employee Retirement Records	6 years
FMLA	3 years after the last date of leave

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 5.6, HUMAN RESOURCES RECORDS RETENTION AND DESTRUCTION POLICY (Continued)

Suspension of Record Disposal in the Event of Litigation or Claims

No director, officer, employee, volunteer or agent of the Institution shall destroy, dispose of, conceal, or alter any record or document while knowing that it is or may be relevant to an anticipated or ongoing investigation or legal proceeding conducted by or before a federal, state or local government agency, including tax and regulatory agencies, law enforcement agencies, and civil and criminal courts, or an anticipated or ongoing internal investigation, audit or review conducted by the Institution. During the occurrence of an anticipated or ongoing investigation or legal proceeding as set forth above, the Administrator shall suspend any further disposal of documents until such time as the Administrator, with the advice of counsel, determines otherwise. The Administrator shall take such steps as necessary to promptly inform all staff of any suspension in the further disposal of documents.

Destruction of Records

Mesalands Community College has an agreement with Adelante Document Destruction Service. This is an Albuquerque based nonprofit that offers quality business services while providing employment opportunities for people with disabilities.

Adelante Document Destruction Service is the only mobile shredding business in the State that has earned both a AAA Certification from the National Association of Information Destruction and ISO 9001:2000 quality standards. Through third-party audits these credentials guarantee Mesalands Community College receives the highest level of security for document destruction.

All documents are destroyed on site with a single-shaft rotary shredding/grinder. The screen and the hammer mills pierce and tear shredder. This equipment is specifically designed for shredding batches of confidential documents and products to a particle size to meet high security requirements for our specialized FERPA destruction needs. In addition, all destroyed paper is recycled at paper mills within the United States.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 6.0, STUDENT AFFAIRS

POLICY TITLE: 6.1, TUITION AND FEES

- 6.1.1 All tuition and fee schedules are to be approved by the Board and published.

Approved: 08-09-94
Revised: 01-14-97
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.2, ACADEMIC PROBATION AND SUSPENSION

- 6.2.1 The faculty shall work with the chief instructional officer and the President to develop appropriate procedures to be followed in placing students on scholastic probation and suspension. The procedures shall be published and available to students and staff.

Approved: 08-09-94
Revised: 01-14-97
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.3, SUSPENSIONS/DISMISSALS FOR INAPPROPRIATE BEHAVIOR

- 6.3.1 The President or designee shall develop appropriate procedures, including due process procedures, to be followed in suspending or dismissing students for inappropriate conduct or disruptive behavior. The rules, regulations, and due process procedures shall be published and made available to students and staff.

Approved: 08-09-94
Revised: 01-14-97
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.4, COLLEGE STUDENT RECORDS

- 6.4.1 College records pertaining to an individual student may be used only for the promotion or welfare of the student by the Human Resources Specialist who are authorized to use such records in the line of responsibilities. The examination of documents contained in a student record or release of information contained in a student record shall be in accordance with the Family Educational Rights and Privacy Act of 1974 and as may be amended. The administration shall maintain current official procedures for this purpose, incorporating all provisions of the Act and regulations pertaining thereto.

Approved 08-09-94
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Reviewed: 12-13-02
Reviewed, Revised, Presented, and Approved: 09-15-15
Reviewed, Revised, Presented, and Approved: 09-17-19

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.5, STUDENT ACTIVITIES

- 6.5.1 A program of student activities appropriate to the various needs of students served will be provided to supplement the formal courses of study.

Approved: 08-09-94
Revised: 01-14-97
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES

The ability to respect other people is an important element in college success and career success. This respect is reflected in actions, attitude, the words used around other people, the volume of conversation, and consideration of others. Educated people can listen respectfully to other people's opinions, even if they disagree. Respectful people are considerate of cultural differences. Students who attend classes at Mesalands Community College are a reflection of the College and the education received at the College. Everyone should work to make it a positive experience.

- 6.6.1 STANDARDS OF CONDUCT: Conduct that may lead to disciplinary action may include but is not limited to the following violations:
 - 6.6.1.1 Violation of federal, state, or local law on the Mesalands Community College campus or at College-sponsored events.
 - 6.6.1.2 Failure to comply with directions of a Mesalands Community College official acting in the capacity of their duties.
 - 6.6.1.3 Failure to identify one's self when a legitimate request to do so is made by a College official or staff member.
 - 6.6.1.4 Violating established rules, policies, or regulations of Mesalands Community College.
 - 6.6.1.5 Violation of human dignity to include, but not be limited to, racial or verbal abuse, threats, intimidation, harassment, coercion, physical abuse or assault which threatens or endangers the physical health or safety of any member of the College community.
 - 6.6.1.6 Theft, attempted theft, vandalism, or damage to property of Mesalands Community College or any member of the College community.
 - 6.6.1.7 Hazing, which is defined as an act that endangers the mental or physical health of a student as an initiation into a group or organization.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

- 6.6.1.8 Any form of behavior which constitutes indecent, lewd, or disorderly conduct on Mesalands Community College premises.
- 6.6.1.9 Disruption or obstruction of an individual's pursuit of education or the learning environment during College-related activities. This includes public service or student activities off campus.
- 6.6.1.10 Unauthorized possession, duplication or use of any College facility key or use of keys to gain access to College premises.
- 6.6.1.11 Failure to meet financial obligations to the College.
- 6.6.1.12 Theft or abuse of computer time including but not limited to:
- Unauthorized entry into files.
 - Unauthorized transfer, deletion, or change of files.
 - Unauthorized use of a password or security code.
 - Using computer facilities to interfere with normal operations.
 - Intentionally damaging or interrupting institutional computer operations.
- 6.6.1.13 Possession, distribution, sale, use, or being under the influence of alcoholic beverages, narcotics, illegal drugs, or controlled substances on College property or at College functions.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

6.6.1.13.1 DRUG-FREE WORKPLACE POLICY: It is the policy of Mesalands Community College to provide a safe environment for its employees, students, and members of the public. Accordingly, Mesalands Community College adheres to the Drug-Free Workplace Act of 1988, the Omnibus Transportation Act of 1991, and any state and local law regarding the use, sale, or possession of alcohol and controlled substances on College property.

6.6.1.13.2 PROHIBITIONS: Mesalands Community College forbids any employee or student from possessing, using, selling, distributing, or being under the influence of alcohol or drugs, and from possessing, using, selling, or distributing drug paraphernalia, while on College property, or while involved in student activities.

6.6.1.13.3 DEFINITIONS: For purposes of these Alcohol and substance abuse Procedures and Regulations:

- “Alcohol” includes all consumable non-prescription substances which contain alcohol, specifically including without limitation spirits, wine, malt beverages and liquor.
- “Drug” means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines; a metabolite of those drugs; any non-prescription substance containing those drugs; or any prescription drugs which are not specifically prescribed by a physician for the particular applicant or employee.
- “Reasonable suspicion” means a belief drawn from specific objective and articulated facts and the reasonable inferences drawn from those facts.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

6.6.1.14 Sexual harassment of a student or employee at Mesalands Community College is strictly forbidden.

6.6.1.14.1 **SEXUAL HARASSMENT:** Mesalands Community College strictly prohibits sexual harassment in any form. Sexual harassment includes instances in which an individual in a position of power or authority implies coercion or harassment. It may include employee or student conduct of a sexual nature which unreasonably interferes with a student's educational performance. It may consist of a variety of behaviors by an employee or a student including, but not limited to, inappropriate language, touching, subtle pressure for sexual activities, or demand for sexual favors. Violation of this policy could result in suspension or expulsion from the College. Inappropriate behavior will be reported to the Human Resources/Affirmative Action Officer.

6.6.1.15 Possession or use of firearms, ammunition, explosives, fireworks, or other types of weapons are strictly forbidden on College property or at College-sponsored functions (For the purpose of this policy firearms and dangerous weapons may include, but not be limited to, rifles, pistols, shotguns, pellet guns, BB guns, dart guns, blank guns, blow guns, archery equipment, martial arts weapons; assorted edged weapons including daggers, hunting knives, or any other knife with a blade over 3 inches in length; and any other device that could be or appears to be of danger to other persons.)

Students and their guests are not allowed to have weapons of any kind on campus. Any person found in violation of this policy will be subject to suspension/expulsion from the College.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

6.6.1.16 Acts of dishonesty including but not limited to the following:

- Giving false information to a College official.
- Use of a fraudulent document.
- Possession or alteration of any College document, record or seal including student I.D. cards.
- Tampering with the election process of any student club or organization.
- Breach of Academic Integrity.

6.6.1.16.1 The integrity of an academic program rests on the principle that the grades awarded to students reflect only their own individual efforts and achievement. You are required to perform the work specified by the instructor and are responsible for the content of work submitted, such as papers, reports, and examinations.

A breach of the rule of Academic Integrity and Conduct occurs if:

- Plagiarism: A student knowingly represents the work of others as his/her own.
- Cheating: A student uses or obtains unauthorized assistance in any academic work.
- Facilitating Academic Dishonesty: A student gives fraudulent assistance to another student.
- Fabrication: A student knowingly falsifies or fabricates information, research, or citations.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

Breach of academic integrity or conduct may result in disciplinary action, which could include suspension or expulsion from the College.

- 6.6.2 VIOLATIONS OF THE CODE OF CONDUCT: are addressed through the Vice President of Student Affairs.
- 6.6.2.1 In instances of conduct which violate local, state or federal law the Vice President of Student Affairs may elect to refer violations to local law enforcement agencies for investigation.
 - 6.6.2.2 Upon receipt of a written complaint, the Vice President of Student Affairs determines if the presence of a student poses a threat to the College community or property, and immediate interim suspension may be invoked until an investigation can take place.
 - 6.6.2.3 All complaints on student conduct will be maintained on file in the Office of Student Affairs.
 - 6.6.2.4 The Vice President of Student Affairs will investigate and gather evidence regarding complaints of student misconduct.
 - 6.6.2.5 Complaints on student misconduct must be filed on a Security Incident Report form and signed by the complainant.
 - 6.6.2.6 If alleged misconduct deals with sexual harassment, racial harassment or hate/bigotry, the investigation will be immediately referred to the Human Resources/Affirmative Action Officer for review.
- 6.6.3 DISCIPLINARY SANCTIONS: If the Vice President of Student Affairs concludes that evidence in a complaint warrants disciplinary action, the Vice President will provide written notification to the student as early as possible. Disciplinary action may include, but not be limited to the following steps.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

- 6.6.3.1 Reprimand: any misconduct which is regarded as a minor infraction. The reprimand may include, but not be limited to, counseling and documentation of the incident in the Student Affairs Records.
- 6.6.3.2 Disciplinary Probation: any misconduct leading to probation will be regarded as a major offense. Probation is applied for a stated time period and may include restrictive conditions. These restrictions may include:
- Restricting a student from certain College facilities.
 - Denial of scholarships.
 - Removal from any position of leadership in a College student organization.
 - Specific improvement in student behavior or attitude during the probationary period.
- 6.6.3.3 Suspension: Any misconduct leading to suspension is regarded as a major offense. Suspension will be for a specific period of time, but in no case less than the remainder of the semester. During a suspension the student is denied:
- The right to attend classes.
 - Participation in College activities.
 - The right to be on campus, for any reason, until such time as the student is readmitted.
- 6.6.3.4 Expulsion: Any offense of such a serious nature that the student may have their status as a College student completely terminated for an indefinite time period.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

6.6.4 DUE PROCESS: The responsibility for administering discipline at Mesalands Community College rests with the Vice President of Student Affairs. The Vice President of Student Affairs is responsible for investigating all complaints of misconduct. When a student is suspected of an infraction of College regulations, he/she will be given due process. If the infraction includes the possibility of suspension or expulsion, the student will be notified in writing of the student's suspected commission of an infraction and the College will afford the student an opportunity to meet with the Vice-President of Student Affairs or his designee in order to respond to the complaint regarding or allegations underlying the suspected infraction.

6.6.4.1 The Vice President of Student Affairs will render a finding after appropriate facts, interviews, and evidence have been reviewed. At that time, the student will be notified in writing of any disciplinary action.

6.6.4.2 If the student desires to appeal the Vice President's decision, they must make written notification to the Vice President within three working days after receiving the decision. The Vice President of Student Affairs will then schedule a hearing with the Disciplinary Appeals Committee. The student will be notified of the date, time, and place of the appeal hearing.

The Disciplinary Appeals Committee is chaired by the Vice President of Academic Affairs and includes the following personnel:

- the student's division head
- academic advisor
- faculty member of the student's choice, and
- Student Senate President

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.6, STUDENT CODE OF CONDUCT AND PROCEDURES (Continued)

6.6.4.3 At the appeals hearing the Vice President of Student Affairs presents charges against the student, along with any substantiating evidence or witnesses. The student in turn may present evidence or witnesses on his/her behalf. After hearing all evidence, the Disciplinary Appeals Committee will meet in closed session to render a decision. The committee options include:

- Uphold the decision of the Vice President of Student Affairs
- Modify the student's penalty
- Dismiss the case against the student.

The student and Vice President of Student Affairs will be informed of the decision as soon as possible. The decision of the Disciplinary Appeals Committee is final.

Approved: 03-11-97

Reviewed: 12-13-02

Reviewed: 01-21-03

Revised: 09-13-11

Approved: 09-13-11

Reviewed, Revised, Presented, and Approved: 09-15-15

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.7, ADMISSIONS POLICY

- 6.7.1 **CONCURRENT ENROLLMENT:** Individuals under the age of 18 who are neither high school graduates nor High School Equivalency (HSE) recipients must provide proof of current high school enrollment for each semester to attend Mesalands Community College.
- 6.7.2 **ABILITY TO BENEFIT:** Individuals age 18 and older who are neither high school graduates nor HSE recipients are encouraged to take the Test of Adult Basic Education (TABE) or the PEARSON ACCUPLACER assessment. This is in order to do an initial assessment of basic academic skills, which is helpful in choosing classes and degree plans.

Approved: 08-14-98
Revised: 08-14-01
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Reviewed, Revised, and Presented: 10-15-19

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.8, CHILDREN IN LEARNING ENVIRONMENTS

In keeping with a proper academic learning environment, children are not allowed anywhere learning may be acquired. This includes, but is not limited to classrooms, and other service areas, unless the child has met the criteria for under-age admissions and has paid to enroll in a class or program. In no case are children to be left unsupervised, anywhere on campus.

Reviewed: 12-14-10
Revised: 12-14-10
Approved: 12-14-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.9, PROTESTS AND DEMONSTRATIONS POLICY

While the College respects the freedoms and rights of every individual, there remains an expectation for all who interact on Campus that their behavior be guided by the principles outlined in the “Student Code of Conduct” located in the Student Handbook. In addition, all local, state and federal laws must be adhered to.

The primary function of a College is to discover and disseminate knowledge by means of research and teaching. To fulfill this function, a free interchange of ideas is necessary not only within the College, but also with the larger society. At Mesalands Community College, freedom of expression is vital to our shared goal of the pursuit of knowledge. Such freedom comes with a responsibility to welcome and promote this freedom for all, even in disagreement or opposition.

The right to freedom of expression at the College includes peaceful protests and orderly demonstrations. At the same time, the College has long recognized that the right to protest and demonstrate does not include the right to engage in conduct that disrupts the College’s operations or endangers the safety of others. The student of Conduct states:

“the ability to respect other people is an important element in college and career success. Respect is reflected in the actions, attitudes, and words used around other people. As well as the volume of conversations. This shows consideration for others. Educated people can listen respectfully to other people’s opinions, even if they disagree. Respectful people are considerate of cultural, social economic, sexual preferences, and gender differences. Remember as a student at Mesalands College, you are a reflection of the College and the education you are earning here. Please make it positive.”

The Administrator-on-Call

The Administrator-on-Call may be called upon to be present at and monitor protests, demonstrations and other events on or adjacent to College property. If called upon, they will work actively to preserve an environment of spirited and open discourse and debate, allowing for the opportunity to have all participants contribute to intellectual exchange and full participations in an event. In instances of disruptive behavior or violations of College policies, the Administrator-on-Call will respond and provide direct instructions to stop the disruption, if it is safe to

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.9, PROTESTS AND DEMONSTRATIONS POLICY (Continued)

do so. Failure to adhere to directives may result in referral to the College disciplinary system.

Location

In almost all circumstances, a protest or demonstration must be held on the Campus Quad. In the rare instance when demonstration is held indoors, attention must be paid to the occupancy limits and general safety of the College community in the space used. Adherence to building closures is expected of people participating in a protest or demonstration within a College building, and College officials will require that protestors or demonstrators leave at the time of building closure.

Placards, Banners and Signs

Placards, banners, and signs generally are allowed but may not be dangerous for others or impede the participation of others in the life of the College. If the use of placards, banners and signs are deemed to be dangerous or impede the participation of others, College officials will require the individuals carrying the placards, banners, or signs to move to a different location or remove their materials.

Advance Arrangements

To further the effectiveness of their event, organizations and other groups organizing a protest or demonstration are encouraged to make advance arrangements with the staff at the Students Affairs Office. A request to hold a protest or demonstration must be submitted at least 48 hours before the start of an event to ensure its successful execution. Advance notification also enables the College to help ensure that the event takes place in a constructive and peaceful manner. Request must be submitted by an officer or spokesperson of the organization.

With the appropriate advance notice, the Administrator-on-Call will engage with protestors and demonstrators during the event to help ensure the event is effective, to ensure participants' safety, and to assist organizers in seeing that the demonstration does not disrupt the normal functions of the College. For

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 6.9, PROTESTS AND DEMONSTRATIONS POLICY (Continued)

events occurring on city sidewalks and streets adjacent to the College, protestors or demonstrators should make appropriate arrangements to acquire cite permits

and should adhere to city ordinances and applicable state and federal law.

Protest and Demonstration Duration

Protest and demonstrations normally are permitted until or unless College officials determine that College operations have been compromised and/or the rights of others have been significantly infringed upon. Interference with instruction and research are viewed as particularly disruptive to the College.

Policy Application

Application of this policy does not preclude the application of other College policies or regulations as may be warranted by a given situation, e.g., Authority to Direct, College ID policy use of the Administrator-on-Call program, and the College Disciplinary System. Furthermore, a protest or demonstration that significantly disrupts the operations of the College or fails to adhere to building closures, may lead to arrest and prosecution for violation of city ordinances, or state or federal statutes.

Counter-protest

A protest, demonstration, or event on campus may invite another form of protest. When these occasions arise, the expression of all parties is important. Please note that a separate protest area may be designated by the College for those person with the views that differ from the views held by the event organizers. In order to ensure the safety of all participants, the Police Department may require the attendance of one or more officers.

All people participating in protest and demonstrations may be expected to provide a form of College issued or government issued identification upon request from a College official.

Reviewed, Revised, Presented, and Approved: 09-17-19

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 7.0, ACADEMIC AFFAIRS

POLICY TITLE: 7.1, INSTRUCTION

- 7.1.1 All instructional programs shall be designed to assist the College in fulfillment of its mission.
- 7.1.2 Educational programs shall provide the constituency with affordable educational opportunities in pre-college, technical, transfer, continuing education and community services.
- 7.1.3 All new programs to be offered by the College shall be approved by the Board.
- 7.1.4 The administration shall present to the Board at least annually or upon issue of a new edition of the College catalog a review of all current program offerings.
- 7.1.5 The President shall, upon request of the Board or at his own discretion, submit reports evaluating various aspects of the instructional program and making recommendations for improvement in the program, revisions, deletions, or additions of courses and/or programs of instruction.
- 7.1.6 In general, the College programs shall be offered at the College level, including programs culminating in degrees and certificates. Specific requirements for each level of academic achievement shall be stated in the catalog.
- 7.1.7 The College may offer programs for concurrently enrolled high school students upon approval of the administration and the appropriate high school officials.
- 7.1.8 The College may provide community service instruction for the purpose of community enrichment opportunities for the cultural, vocational, and educational benefit of area citizens.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 7.1, INSTRUCTION (Continued)

- 7.1.9 Special services in the areas of general curriculum development, library services, audiovisual aids, job placement, and in such other areas as needed to provide for the educational needs of area citizens may be provided as resources and needs allow.
- 7.1.10 The College shall operate a comprehensive program of adult education to include, but not be limited to, HSE preparation, literacy education, tutoring, personality skills development, and other opportunities for academic skills enhancement below the college level of studies.
- 7.1.10.1 Any individual who is 16 years of age or older is eligible to take the HSE examination and is eligible to participate in Adult Basic Education.
- 7.1.10.1.1 Sixteen-year-old applicants are allowed to take the HSE exam. However, an underage Verification Form must be completed by the applicant's school superintendent. The form must also be signed by the applicant's parent/legal guardian.
- 7.1.10.1.2 HSE examinations may be taken by persons who are not currently enrolled in high school, have not graduated from high school, or have not received a high school credential.
- 7.1.10.1.3 It is required that all persons taking the HSE examination take the HSE pre-test prior to taking the formal examination.
- 7.1.10.1.4 Students eligible to enroll in Adult Basic Education are those who 1) have not completed the 12th grade level, 2) those whose measured level of ability is less than 12.9 grade equivalent, and 3) those working toward an HSE.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 7.1, INSTRUCTION (Continued)

7.1.10.1.5 Priority for enrollment will be given to those adults who are in need of basic skills and score below the 8th grade level of academic ability as measured by adopted standardized tests.

7.1.11 The College encourages all citizens, who have the ability to benefit, to utilize College resources. The success of participants is of the utmost importance, to this end, the College has established varying criteria to demonstrate an individual's ability to benefit from the College's various programs and services. For youth not covered by "concurrent enrollment" procedures, the following policy has been formulated to insure student success through their ability to benefit from college credit programming and academic services.

7.1.11.1 Students must have a written recommendation from their school principal.

7.1.11.2 The PEARSON ACCUPLACER Assessment is recommended, but not required, for adult students seeking a degree.

7.1.11.3 Students wanting to audit courses for non-credit are encouraged to take the TABE Assessment to identify their readiness for college courses.

7.1.11.4 Students must have faculty approval.

7.1.11.5 Based on classroom safety considerations, Mesalands Community College reserves the right to restrict enrollment to any student.

7.1.11.6 ABE/HSE, see policy 7.1.10.1

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Revised: 06-10-97
Revised: 08-14-01
Reviewed: 12-13-02
Revised: 01-21-03

Reviewed, Revised, Presented, and Approved: 09-12-17
Reviewed, Revised, and Presented: 10-15-19

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 7.2, ACCREDITATION AND ARTICULATION

- 7.2.1 The Board shall provide a high quality two-year college for the area constituency which is worthy of accreditation and recognition by other appropriate agencies and institutions of higher education.
- 7.2.2 The College shall cooperate with the articulation goals of the New Mexico Higher Education Department to promote transfer of College credits whenever possible as a means of facilitating student achievement of educational goals.
- 7.2.3 The administration may develop articulation agreements with public school districts and institutions of higher education as appropriate within the guidelines of the mission statement and educational goals of the College.

Approved: 08-09-94
Revised: 11-12-96
Reviewed: 12-13-02
Reviewed: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 8.0, FISCAL MANAGEMENT

POLICY TITLE: 8.1, FISCAL MANAGEMENT

The Board delegates to the President responsibility for general fiscal management of Mesalands Community College. The Board shall adopt specific policies relative to fiscal management as required by state statutes and as otherwise deemed appropriate. The policies shall include, but not be limited to, the following:

- 8.1.1 Annual Budget: The Board will annually conduct a public budget review and approve a budget for the College for the next fiscal year. All budget revisions are subject to approval of the Board upon recommendation of the President.
- 8.1.2 Audit Policy: The Board shall adopt an audit policy to provide guidelines to the administration relative to audits and evaluations of Mesalands Community College's fiscal operation.
- 8.1.3 External Auditor(s): The President shall advertise for bids for the external auditing to be performed by an auditor(s) approved by the New Mexico State Auditor's Office and Board of Trustees.
- 8.1.4 Authorization to Sign Checks: The Board shall designate persons authorized to sign checks on behalf of the institution.
- 8.1.5 Mileage and Per Diem Rates: The Board shall establish mileage and per diem rates compatible with state statutes to be paid to the employees when acting officially on behalf of the College.
- 8.1.6 Procurement Code: The Board shall adopt a policy that follows state statutes in the procurement of services, tangible personal property, and construction.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 8.1, FISCAL MANAGEMENT (Continued)

- 8.1.7 The College shall refer to the Administrative Affairs Handbook which will include, but not be limited to, procedures for the following: investments, fund management, fiscal reporting, budget development, purchasing, inventory, and bids and quotes.
- 8.1.8 The Board shall approve the Administrative Affairs Handbook.
- 8.1.9 The handbook shall be distributed to each employee at the time of employment and thereafter as new editions are published. Review and revisions to the handbook shall be provided to maintain currency annually.

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Revised: 11-12-96
Reviewed: 12-13-02
Reviewed: 05-11-10
Reviewed: 07-09-13
Revised: 07-09-13
Approved: 07-09-13

Reviewed, Revised, Presented, and Approved 09-16-14

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 8.2, COLLEGE ADVANCEMENT

The Board of Trustees believes College advancement expenditures are necessary for the successful operation of the College and that appropriate activities would include meals and entertainment, volunteer recruitment and participation in public functions and community organizations.

- 8.2.1 Purpose of Expenditures: Implicit in the College's mission of instruction and public service are understanding and response to the needs of the community. Community outreach both necessitates and justifies a variety of College advancement expenditures for activities that would include meals and entertainment, volunteer recruitment, and participation in public functions and community organizations.
- 8.2.2 Revenue Sources: The revenue source for College advancement activities may be any unrestricted public funds controlled by the Board of Trustees including monies from vending machines, pay telephones and automatic teller machines. Transfer from sources other than the state appropriation is permitted to balance the account.
- 8.2.3 Accounting: Revenues and expenditures for College advancement activities shall be accounted for in the General Activity Account, classified under public service and held separate and apart from accounts funded by the state appropriation. The General Activity Account shall be controlled by Board of Trustees policy and shall not be considered an agency fund. Funding requests for state monies shall not include requests to fund College advancement activities.
- 8.2.4 Allowable Expenditures: With required documentation and approvals, expenditures are allowable for:
 - 8.2.4.1 Meals/refreshments for meetings with advisory committees, business and industry, and similar groups or representatives thereof concerned with Mesalands Community College matters.
 - 8.2.4.2 Meals/refreshments for legislators and representatives of other institutions, governmental agencies and educational institutions when College business is discussed and the President or designee(s) is present.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 8.2, COLLEGE ADVANCEMENT (Continued)

- 8.2.4.3 Meals/refreshments for meetings with Board members, employees, invited guests and the public when the purpose of the meeting is to conduct College business.
- 8.2.4.4 Expenses (travel/lodging/meals) of visiting officials, consultants, and speakers brought to Mesalands Community College to render services. Expenditures may include the cost of meals for College employees closely connected with the activity.
- 8.2.4.5 Graduation activities, including refreshments and entertainment.
- 8.2.4.6 Recognition activities, including purchase of awards to recognize retirement, service or meritorious performance by employees and students.
- 8.2.4.7 Meals/refreshments for professional development activities.
- 8.2.4.8 Sponsorship of College representatives at public functions--including those sponsored by not-for-profit organizations--by such means as purchase of tickets or payment of entry fees when attendance is required or approved by the President.
- 8.2.4.9 Financial support for activities under the direct control of other public entities.
- 8.2.4.10 Memberships in professional and not-for-profit organizations when such memberships are in the name of the College or the individual as an employee of the College and if such memberships will result in knowledge and information that could reasonably be expected to enhance the College.
- 8.2.5 Prohibited Expenditures: Expenditures from public funds are prohibited for:
 - 8.2.5.1 Alcoholic beverages. (No request for payment of reimbursement may include alcoholic beverages.)

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 8.2, COLLEGE ADVANCEMENT (Continued)

8.2.5.2 Political contributions.

8.2.5.3 Contributions to not-for-profit organizations.

8.2.5.4 Personal expenses of any kind.

8.2.5.5 Personal gifts, except as provided in 8.2.5.6 of this policy.

8.2.5.6 Activities whose primary purpose is entertainment--i.e. parties/athletic events/plays/concerts--regardless of whether College business is conducted.

8.2.5.7 Activities which have been or may be reimbursed under another College policy or from an external source. (If an employee entertains while traveling on College business and claims reimbursement under this policy, the amount must be excluded from the travel reimbursement request.)

8.2.5.8 Requests inadequately documented or not approved as outlined in 8.2.6 of this policy.

8.2.6 Approval procedures:

8.2.6.1 Requests for expenditure must include as justification a statement of the purpose of the expenditure and demonstrated value to the College.

8.2.6.2 Reimbursements or direct payments to vendors or suppliers shall not be made unless documented by:

- Original receipts, credit card drafts, or bills stating the amount to be paid or reimbursed.
- A list of persons attending the activity. (If the activity includes more than 30 participants, the list should include

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 8.2, COLLEGE ADVANCEMENT (Continued)

the primary individuals and the name of the group(s) in attendance).

- 8.2.6.3 Prior approval from the President shall be required for expenditures.
- 8.2.6.4 Requests shall be reviewed by the Vice President of Administrative Affairs office for appropriate approvals and adequate documentation.

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Revised: 10-08-96
Revised: 11-12-96
Reviewed: 12-13-02
Revised: 01-21-03

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Reviewed, Revised, Presented, and Approved: 09-12-17

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 8.3, INVESTMENT POLICY

All College investments must conform to New Mexico State statutes governing investment of public funds including but not limited to the Uniform Prudent Investor Act, NMSA 1978, § 45-7-601 to 45-7-612 (“Prudent Investor Act”), and the Uniform Prudent Management of Institutional Funds Act, NMSA 1978, § 46-9A-1 to 46-9A-10 (“Prudent Management of Institutional Funds Act”). This Investment Policy sets forth Mesalands Community College’s comprehensive policy for the investment of its “endowment funds,” as that term is defined in NMSA 1978, § 21-1-38(A)(1) (“Endowment Funds”).

The following guideline will serve as the basis for the overall strategy of managing and investing College funds:

- (1) The primary objective is to preserve capital and the protect investment principal.
- (2) The portfolio will be designed to attain the best average rate of return while avoiding undue market risks with a good understanding of the liquidity of the investments. The College will attempt to control risks by diversifying its investments in different security types and by investing with more than one financial institution, and ensuring that investments are made in insured accounts when prudent.
- (3) Investments shall be made to assure that funds are available as required through cash flow needs and projections, with adequate liquidity.

The Board of Trustees, Executive Leadership, and College Financial Staff will be responsible for implementing procedures related to this policy.

Reviewed, Revised, Presented, and Approved: 9-12-17
Reviewed, Revised, Presented, and Approved: 5-21-19

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 9.0, COLLEGE COMMUNITY RELATIONS

POLICY TITLE: 9.1, RESPONSIBILITY TO THE PUBLIC

The Board of Trustees seeks to provide information concerning all of its actions, policies, educational programs and business operations subject to state and federal law.

- 9.1.1 All regular and special meetings of the Board of Trustees are open to the community and are publicly announced in advance as provided for above in Section 2. A portion of a meeting may be closed as provided by the Open Meetings Act and this policy manual, Section 2.
- 9.1.2 A report of financial and educational activities of the academic year are to be submitted to the Board by the President of the College during Board meetings.
- 9.1.3 The area population as well as College employees are to be kept informed of College matters through appropriate public news media and institutional publications.
 - 9.1.3.1 The Board recognizes the importance of promoting the College, its programs and services to the citizens of New Mexico. Therefore, public relations is an important function of the College. The Board directs and authorizes the President to conduct promotional activities to enhance the College within the public, business and educational arenas.

Approved: 08-09-94
Revised 11-12-96
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 9.2, PARTICIPATION BY THE PUBLIC

The Board recognizes that constructive study, discussion, and active participation by citizens are helpful in promoting the best possible program of education for the community. To encourage participation by instructors, administrators, students, and interested citizens, the Board enacts the following policies:

- 9.2.1 Curriculum advisory committees, as appropriate, are constituted to provide for greater community involvement in the educational planning process.
- 9.2.2 Residents of the District may be invited to assist individually or in groups in matters of concern to the College and the area citizenry.
- 9.2.3 The Board at any time may form a committee of citizens to serve as an ad hoc study group for special tasks. Each committee shall be appointed by the Board on recommendation of the President of the College for a specific purpose and, after final reports have been completed, shall be dissolved. (The function of such committees may not extend beyond that of study and recommendation as the Board may not delegate its responsibility for discretionary action to any such group.)
- 9.2.4 Employers and other citizens are encouraged to visit the College throughout the academic year. Except in emergencies, any visitor must obtain permission of the administrator in charge before entering a classroom or laboratory.

Approved: 08-09-94
Revised: 11-12-96
Reviewed: 12-13-02
Revised: 01-21-03

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 9.3, NONINSTITUTIONAL USE OF BUILDINGS AND GROUNDS

In its efforts to serve the community as fully as possible, the College may make available for use to non-profit, civic, cultural and educational groups College buildings and grounds with no rental charge during normal operational hours.

- 9.3.1 Use of College facilities by outside groups must not interfere or conflict with priority needs of the College.
- 9.3.2 College facilities may not be used by employees or community members for personal parties (e.g., birthday, baby showers, bridal showers, wedding showers, anniversary, graduation, etc.)
- 9.3.3 Requests for use of facilities must be made in writing on forms available from the College.
- 9.3.4 Booking use of available space will normally be on a first-come first-served basis, but the administration has authority to make adjustments as to locations, amenities, etc., to meet the needs of the College.
- 9.3.5 There can be no charge to attendees nor collections taken.
- 9.3.6 A charge can be levied for use of facilities outside normal operational hours (8:00 a.m. to 10:00 p.m. Monday through Thursday, 8:00 a.m. to 5:00 p.m. Friday) or if College personnel or equipment are required. Fees will be reviewed by the Board on a periodic basis.

Approved: 08-09-94
Revised: 11-12-96
Reviewed: 12-13-02
Revised: 02-18-03
Reviewed: 07-09-13
Revised: 07-09-13
Approved: 07-09-13

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 9.4, GIFTS AND DONATIONS

- 9.4.1 The College may accept gifts, grants, donations, devises, and title to property for Mesalands Community College.
- 9.4.2 Presentation of memorials or other awards may be fittingly recognized by the Board. Such recognition shall in no case be considered as a testimonial or endorsement by the College of any product or business enterprise.

Approved: 08-09-94
Revised: 11-12-96
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 9.5, SPECIALIZED INSTRUCTION

- 9.5.1 College buildings may not be used or reference made to Mesalands Community College for a fee or non-fee instructor or service by either staff members employed by Mesalands Community College or by any other outside agencies, organizations, or individuals without the express permission of the President or designee.
 - 9.5.1.1 The exception to this policy would be when instruction is offered by other agencies, organizations or individuals with the approval of and/or in cooperation with Mesalands Community College.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 10.0, SPEECH AND DISTRIBUTION OF WRITTEN INFORMATION

POLICY TITLE: 10.1, FREEDOM OF EXPRESSION

As an Institution that exists for the express purposes of education and public service, the College is dependent on the unfettered flow of ideas, not only in the classroom and laboratory, but also in all College activities. As such, protecting freedom of expression is of central importance to the College. The exchange of diverse viewpoints may expose people to ideas some find offensive, even abhorrent. The way that ideas are expressed may cause discomfort to those who disagree with them. The appropriate response to such expression is by expressing opposing ideas and continuing dialogue, not curtailment of expression.

The College also recognizes that the exercise of free expression must be balanced with the rights of others to learn, work, and conduct business. Speech activities or distribution of information that unduly interferes with the rights of others or the ability for the College to carry out its mission is not protected by the First Amendment and violates this policy.

The College is committed to tolerate all peaceful activities of expression carried out upon the campus, unless those activities destroy or materially damage property, materially disrupt other legitimate College activities, or create a substantial health or safety hazard. This policy applies to all buildings, grounds and properties owned or controlled by the College.

10.1.1 Individuals or groups wanting to use regularly scheduled College facilities for speech activities or of distribution of written materials are encouraged to schedule the activities 24 hours prior to the event with the Vice President of Student Affairs. Users who fail to schedule an activity that occurs and unduly interferes with a prior scheduled activity or normal business of the College is in violation of this policy.

10.1.2 With reference to the College's Dinosaur Museum, individuals or groups may express their views or distribute information to Museum visitors outside or in the hallway between the Museum Shop and laboratory/classroom area, so long as it does not interfere with normal Museum activities.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 10.1, FREEDOM OF EXPRESSION (Continued)

- 10.1.3 Speech or distribution of materials must be in compliance with all federal, state, and College laws, rules, and regulations, and must not violate the constitutionally protected rights of any group or individuals.

Approved: 02-18-03
Reviewed, Revised, Presented, and Approved: 09-15-15

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 10.2, ADVERTISING FOR OUTSIDE ENTITIES

- 10.2.1 The College has as its primary mission the proper education of its students; all else must be secondary. For this reason, appearances of political candidates (or their representatives), or representatives of special interest groups and unions shall not be permitted during class time except where the instructors invite such persons to visit a class as part of the educational program.
- 10.2.2 No students, staff members, nor the facilities of College may be used for advertising or promoting the interests of any community or non-College agency or organization without the approval of the President or his designee. Exceptions to the above include the following:
- 10.2.2.1 The President of the College or his designee may cooperate in furthering the work of any nonprofit, community-wide social service agency provided such cooperation does not infringe upon the College's instructional programs or diminish the amount of time devoted to those programs.
 - 10.2.2.2 The President of the College or his designee may authorize the use of films and materials which simply bear the name of the producing company but which do not in any way involve a program or the presence of any agent in the classroom.
 - 10.2.2.3 Distribution of promotional and other materials on College grounds or in College facilities is not allowed except with prior approval of the President or his designee. Distribution of such materials must be in compliance with all federal, state and College laws, rules, and regulations, and must not violate the constitutionally protected rights of any group of individuals.

Approved: 08-09-04
Revised: 01-14-97
Reviewed: 12-13-02

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 10.3, GUIDELINES GOVERNING POLITICAL ACTIVITIES ON COLLEGE PROPERTY

- 10.3.1 For the purposes of these guidelines, "candidate for elective office" means a candidate for any public office, and "representative" means any person, whether or not authorized by a candidate or political party, who is actively supporting such a candidate or political view.
- 10.3.2 Candidates or their representative(s) may distribute campaign materials and greet employees and students on patios and walkways outside College buildings.
 - 10.3.2.1 The President will designate an area or areas where a candidate may distribute materials. All materials must comply with New Mexico laws.
 - 10.3.2.2 Political materials shall not be placed in employee or student mailboxes on campus.
 - 10.3.2.3 Nothing in these guidelines shall be construed to exclude any person from any area open to the public. However, no person who enters a College building may distribute campaign materials or greet the College employees or students for political purposes.
 - 10.3.2.4 No person may solicit contributions for any political campaign, or receive, collect, handle or disburse contributions or other funds for any political campaign within or on Mesalands Community College property.
- 10.3.3 No institutional resources may be used for any political campaign for an individual candidate or an organization.
- 10.3.4 These guidelines do not apply to student elections held by the students of the College.

Approved: 08-09-94
Revised: 01-14-97
Reviewed 12-13-02
Revised: 01-21-03
Revised: 02-18-03

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 10.4, GUIDELINES AND PROCEDURES GOVERNING OPEN RECORDS REQUESTS

Public Records of the College are maintained and made accessible in compliance with The New Mexico Inspection of Public Records Act NMSA 1978, Chapter 14, Article 2. Any provision of this policy that is not stated below is subject to the NMSA 1978, Chapter 14, Article 2.

10.4.1 Designation of Custodian of Records

The College designates the following individual as the Custodian of Records:

Executive Assistant to the President
Mesalands Community College
911 South Tenth Street
Tucumcari, NM 88401
Voice - 575-461-4413 ext. 108
Fax - 575-461-7842

Duties:

- A. receive and respond to requests to inspect public records;
- B. provide proper and reasonable opportunities to inspect public records;
- C. provide reasonable facilities to make or furnish copies of the public records during usual business hours; and
- D. post in a conspicuous location at the administrative office notice describing:

- (1) the right of a person to inspect a public body's records;
- (2) procedures for requesting inspection of public records;
- (3) procedures for requesting copies of public records;
- (4) reasonable fees for copying public records; and
- (5) the responsibility of a public body to make available public records for inspection.

10.4.2 Procedure for Requesting Records.

- A. Any person wishing to inspect public records may submit an oral or written request to the custodian. However, the procedures set forth in this section shall be in response to a written request.
- B. Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record.
- C. A written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 10.4, GUIDELINES AND PROCEDURES GOVERNING OPEN RECORDS REQUESTS (Continued)

records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records.

D. A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian.

E. In the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly forward the request to the custodian of the requested public records, if known, and notify the requester. The notification to the requester shall state the reason for the absence of the records from that person's custody or control, the records' location and the name and address of the custodian.

10.4.3 Procedure for Inspection.

A. Requested public records containing information that is exempt and nonexempt from disclosure shall be separated by the custodian prior to inspection, and the nonexempt information shall be made available for inspection. If necessary to preserve the integrity of computer data or the confidentiality of exempt information contained in a database, a partial printout of data containing public records or information may be furnished in lieu of an entire database.

B. A custodian:

- (1) Shall charge \$1.00 per page copied;
- (2) Shall determine the number of pages the request entails, calculate copying costs and require advance payment of the fees before making copies of public records; and
- (3) Shall provide receipt of payment upon request.

The Custodian shall not charge a fee for the cost of determining whether any public record is subject to disclosure.

10.4.4 Procedure for Excessively Burdensome or Broad Requests.

If a custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request. The custodian shall provide written notification to the requester within fifteen days of receipt of the request that additional

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 10.4, GUIDELINES AND PROCEDURES GOVERNING OPEN RECORDS REQUESTS (Continued)

time will be needed to respond to the written request. The requester may deem the request denied and may pursue the remedies available pursuant to the Inspection of Public Records Act if the custodian does not permit the records to be inspected in a reasonable period of time.

10.4.5 Procedure for Denied Requests.

A. Unless a written request has been determined to be excessively burdensome or broad, a written request for inspection of public records that has not been permitted within fifteen days of receipt by the office of the custodian may be deemed denied. The person requesting the public records may pursue the remedies provided in the Inspection of Public Records Act.

B. If a written request has been denied, the custodian shall provide the requester with a written explanation of the denial. The written denial shall:

- (1) describes the records sought;
- (2) sets forth the names and titles or positions of each person responsible for the denial; and (3) be delivered or mailed to the person requesting the records within fifteen days after the request for inspection was received.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 11.0, CAPITALIZATION OF ASSETS

POLICY TITLE: 11.1, OBJECTIVES

11.1.1 To ensure uniform understanding of the Board of Trustees capitalization policy for fixed assets.

11.1.2 To standardize the accounting for capital expenditures

11.1.3 With respect to the reporting of capital assets, to ensure compliance with Governmental Accounting Standards Board (GASB) Statement

- No. 13 Accounting for Leases
- No. 34 Capitalization of Interest Cost
- No. 34, Basic Financial Statements, and Management's Analysis, for state and local governments
- No. 35, Basic Financial Statements, and Management's Discussion and Analysis, for Public Colleges and Universities
- No. 51, Accounting and Financial Reporting for Intangible Assets, and Financial Accounting Standards Board (FASB) Statement of Financial Accounting Standards (SFAS)
- No. 34 Capitalization of Interest Cost

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 11.2, POLICY

The policy of the Board of Trustees is to capitalize capital assets as follows:

11.2.1 **LAND:** All expenditures incurred to acquire land and to place it ready for use should be capitalized. The acquisition costs of land should include: (1) the purchase price; (2) closing costs; (3) cost incurred in preparing the land in condition ready for its intended use; (4) assumption of any liens or mortgages on the property; and (5) improvements made to the land that have indefinite lives and are permanent in nature. Since land is acquired on a parcel basis, it should be recorded on that basis. However, land parcels representing components of a site are aggregated and ultimately recorded as one parcel. Land purchased with the purpose of constructing a building is capitalized as land. Benefits received for clearing the land in preparation of building will be considered a reduction on the price of the land.

11.2.2 **LAND IMPROVEMENTS:** Improvements to land, other than buildings or infrastructure, that ready land for its intended use, which have a life of their own exclusive of the land or building(s), such as site excavations and improvements; removal or reconstruction of others' property; and retaining walls. Fences, driveways, and landscaping should be recorded as land improvements so that they can be depreciated over their estimated useful lives.

The capitalized costs of land improvements should be a minimum of \$50,000 which includes the net invoice price and any additional costs incurred to bring the asset to a condition ready for its intended use. Land improvement should be recorded as a separate asset from land. Example: parking, etc.

11.2.3 **BUILDING:** If a building is acquired by purchase, the capitalized cost should include the purchase price and other incidental expenses incurred at the time of acquisition. If a building is constructed instead of purchased, the capitalized cost should include material, labor, supervision, and overhead, or the contract price, including certain added costs such as:

- Building permit and license fees
- Architectural, engineering and attorneys fees

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

- Insurance premiums, applicable to the construction period, including premiums on insurance on claims for damages and accidents
- Title examination costs
- Costs of temporary building used for construction office or as tool and material shed

Interest incurred during the construction period on bonds or other obligations assumed or issued to obtain funds for the construction should be capitalized as additional cost of a building (SFAS No. 34). Each building should be recorded as a separate asset and depreciated accordingly.

- 11.2.4 **INFRASTRUCTURE:** The cost of infrastructure assets (improvements related to land but not associated to buildings) should include capitalized interest and ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include costs that are directly attributable to asset acquisition or construction such as contract price, freight and transportation charges, site preparation, professional fees, etc. (GASB Statement No. 34). Each infrastructure asset should be recorded as a separate asset and depreciated accordingly. Infrastructure expenditures have a life exclusive of a building. The infrastructure category of capital fixed assets includes sidewalks, fences, outside lighting, parking lots, maintenance tunnels, steam pipes, and sewer systems.

Improvements on land that have a life of their own exclusive of the land or building(s) on that land should be capitalized in this category. The cost of the project must be greater than \$75,000 for it to be capitalized.

- 11.2.5 **COSTS INCURRED AFTER ACQUISITION OR CONSTRUCTION OF BUILDING:** The following capitalization policy should apply with respect to expenditures incurred subsequent to acquisition or construction of buildings.

11.2.5.1 **Addition:** All expenditures incurred for an addition consisting of an entirely new unit should be capitalized and charged to a

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

specific building account. The new unit should be depreciated over its estimated life. If an addition represents an extension, expansion, or enlargement of an old unit, all expenditures incurred in such addition to place the enlarged building in condition for its intended use, should be capitalized and charged to a specific building improvement account. The policy is to regard all costs, including the costs of deletion, less salvage from demolished or reconstructed portions of the old structure, as costs of the building improvement. Additions made to buildings should be recorded if the total cost is \$50,000 or more and have useful life of more than one year.

11.2.5.2 Alteration and Renovation: The costs of alteration and renovation should be capitalized if the following criteria are met:

- The expenditures increase the service potential of the building
- The total improvement costs, including the contract price, engineering, architectural and attorney fees, etc., is \$50,000 or more
- The improvement has a useful life of more than one year.

Costs of alteration and renovation should be recorded and charged to the building improvement account and should not be added to the capitalized value of the existing structure being impacted. Such additions would include the following:

- Ramps, truck doors, fire escapes and other appurtenances
- Improvements requiring modifications of the structure to comply with current fire, health and safety codes

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

- Improvements undertaken to convert unusable floor space into usable floor space, or upgrade the use of floor space (i.e., converting storage areas to office/classroom space)
- Modernization of the structure as a whole, and not merely a rearrangement of selective office/classroom areas

When the renovation project involves a significant razing of the existing structure, the cost, including the accumulated depreciation of the portion that was razed shall be removed from the system. If the original cost is not available, a reasonable estimate of the original cost should be used.

11.2.5.3 Repairs: Extraordinary repairs incurred on equipment costing \$5,000 or more and which extends the life of the equipment should be added to the cost of the equipment being impacted. Expenditures on ordinary repairs should be expensed in the period in which they are incurred on the basis that it is the only period benefited.

11.2.6 EQUIPMENT: Expenditures for equipment and furnishings costing \$5,000 or more on a unit basis and have an estimated life of more than one year should be capitalized and should be depreciated over its estimated life. Items in this category should be capitalized at net invoice price (net of cash, trade-in allowances and other earned discounts) or market value (if acquired by gift) plus cost of asset assembly, asset installation, freight, in-transit insurance, training for use of the asset, and preparation of the asset and/or asset site for its intended use.

Examples of costs that are not considered capital equipment, regardless of the cost or useful life, are repair or replacement parts, and general maintenance and warranty agreements.

Generally, equipment that is attached to a building is capitalized when removing the equipment does not cause structural damage to the building and will not destroy the equipment.

11.2.7 FABRICATED EQUIPMENT: Self-constructed equipment should be capitalized if the total unit cost incurred to fabricate the equipment is \$5,000 or more, the asset has an estimated useful life of more than one

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

year and should be depreciated over its estimated life. Self-constructed equipment should be recorded at cost, which includes materials, direct labor, and applicable overhead incurred to fabricate the equipment.

11.2.8 **DONATED ASSETS:** Mesalands Community College sometimes receives gifts of fixed assets. Property acquired by gift should be capitalized at its fair market value at the time of gift. A conditional gift of fixed assets should be recorded as "Contingent Asset" until the stipulated conditions are met.

11.2.9 **WORKS OF ART AND HISTORICAL TREASURES:** These assets are defined as one or more items 1) on public display, 2) used in furtherance of historical education, or 3) involved in advancement of artistic or historical research. Any art and museum piece purchased or donated to the College shall be capitalized if the value is \$5,000 or greater. If a collection is greater than \$5,000 then it will be capitalized as a collection. These items will be capitalized at their historical cost or fair market value at date of donation and will be included in the community college's capital assets as individual items or in a collection if the following conditions are met:

- Held for public exhibition, education or research in furtherance of public service, rather than financial gain
- Protected, kept unencumbered, cared for and preserved.

11.2.10 **LIBRARY ACQUISITIONS:** All cataloged library acquisitions (library books, films, recordings, monographs, serials and software) shall be capitalized. There is no limitation as to the total cost spent per unit. Departmental purchases of manuals, professional guides, library books, films, recordings, monographs, serials and software not cataloged in the community college library system are expensed when incurred.

Cataloged indicates the items are listed and registered in an alphabetical file and are available for the use of others.

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

- 11.2.11 LEASED HOLD IMPROVEMENT: Leasehold improvements made to buildings leased should be capitalized and depreciated over the remaining life of the lease if they meet established criteria: a cost of \$50,000 or more and a useful life of more than one year.
- 11.2.12 MASS PURCHASES: If several fixed assets are acquired in one purchase at a lump price, the acquisition costs should be apportioned and capitalized to the various assets if they meet the basic capitalization criteria. If an integrated system is purchased as a single asset, it should also be capitalized if it meets the basic capitalization criteria. The apportionment should be made on the basis of their appraisal values at the time of purchase (i.e., utilizing the ratio of the appraised values of each class of assets to the total appraised value). The allocated acquisition cost should be expressed in a unit cost basis, specifically for equipment and furnishings.
- 11.2.13 CAPITAL LEASED PROPERTIES: Leased tangible property should be capitalized if the non-cancelable lease agreement covering the property meets one or more of the following four criteria at the inception date of the lease agreement (FASB Statement No. 13):
- The lease transfers ownership of the property to the lessee at the end of the lease term.
 - The lease contains a bargain purchase option. A bargain purchase option is defined as a provision allowing the lessee to purchase the property for a price that is substantially lower than the expected fair value of the property at the date the option becomes exercisable.
 - The lease term is 75% or more of the estimated economic life of the leased property.
 - The percent value of the minimum lease payment at the beginning of the lease term, excluding executory costs (Insurance, maintenance costs, and property taxes), equals or exceeds 90% of the fair value of the leased property.

The capitalization thresholds for leased equipment and buildings with more than one-year useful life are \$10,000 and \$50,000, respectively.

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

If the lease agreement does not meet any of the above criteria, it is considered an operating lease for accounting purposes. The period payments, under the terms of the agreement, shall be recorded as rental expenses in the accounting system.

11.2.14 Intangible Assets - Assets that lack physical substance, are non-financial in nature, and have a useful life greater than one year. Examples include, but are not limited to, easements, water rights, timber rights, patents, copyrights, trademarks, and computer software (purchased, licensed, and internally generated).

For an intangible asset to qualify for capitalization purposes, it must meet all of the following requirements:

- The acquisition cost is at least \$100,000.
- The intangible asset has a useful life greater than one year.
- The department has the ability to sell, transfer, license, or rent the asset to another party OR the asset arises from a contractual or legal right.
- The asset is nonfinancial in nature and not acquired or created primarily for the purpose of generating income or profit, the result of a capital lease transaction, or goodwill.

All intangible assets meeting the capitalization requirements specified above will be amortized (depreciated) unless the intangible asset has an indefinite life.

For computer software the following applies:

- Application software (purchased, licensed, and internally generated) shall be capitalized as a separate asset if the acquisition value is \$10,000 or more and has a life of greater than one year.
- Operating software purchased with a computer package will be capitalized as part of the initial cost of the computer.

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BOARD POLICIES

POLICY TITLE: 11.2, POLICY (Continued)

- Once the software has been placed into service, any upgrade or enhancement costs should be capitalized if such upgrade or enhancement extends the life or increases the utility or functionality of the software.
- Software license agreements are not capitalized unless ownership is indicated within the license agreement.

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MESALANDS COMMUNITY COLLEGE
BOARD POLICIES

POLICY TITLE: 11.3, EXCEPTIONS AND WAIVERS

An exception or waiver from the policy of asset capitalization IS to be initiated by the department and approved by the President of Mesalands Community College.

Revised: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 11.4, DEFINITIONS

- 11.4.1 **ADDITIONS:** The increase or extension of existing assets. Additions include entirely new units and extensions or expansion and enlargements of old units.
- 11.4.2 **ALTERATION:** A change in the internal arrangement or other physical characteristics of an existing asset so that it may be effectively used for its newly designated purposes for example, changing classroom space into offices.
- 11.4.3 **ASSETS:** Something of value owned by Mesalands Community College or, more formally, probable future economic benefits obtained or controlled by Mesalands Community College as a result of past transactions.
- 11.4.4 **BUILDING:** A roofed and walled structure acquired or constructed for permanent use.
- 11.4.5 **CAPITALIZE:** To record an expenditure or contribution that may benefit a future period as an asset rather than to treat the expenditure as an expense for the period in which it occurs.
- 11.4.6 **CAPITAL ASSETS:** These include land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructures, and other tangible and intangible assets that are used in operations and that have initial lives of more than one year or extending beyond a single reporting period (GASB Statement No. 34).
- 11.4.7 **CAPITAL EXPENDITURE:** An expenditure that results in additions or improvements of a permanent nature, material in amount, adds value and increases the life of the capital asset, and increases and enhances the quantity and quality of goods and services produced from the asset.
- 11.4.8 **CLOSING COSTS:** Fees and expenses, over and above the price of the property, incurred by the buyer and/or the seller in the property ownership transfer. Examples are title searches, lawyer's fees, survey charges, and deed filing fees.

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BOARD POLICIES

POLICY TITLE: 11.4, DEFINITIONS (Continued)

- 11.4.9 COMPONENT: A definable subdivision of a building that is sometimes separately identified for record-keeping purposes. Examples: plumbing, electrical system, shell, roofing, interior furnishings, and HVAC (heating, ventilating, and air conditioning).
- 11.4.10 COMPUTER SOFTWARE: Consists of programs and routines provided to facilitate the use of the computer. It includes application programs or routines written for a specific installation, but it is more commonly used to refer only to the general programming and operating aids, which are usually furnished by the manufacturer
- 11.4.11 CONSTRUCTION IN PROGRESS: Cost of construction work undertaken but not yet completed as the close of the accounting period.
- 11.4.12 COPYRIGHTS: The legal protection granted to authors or artists for their works from the federal government. This gives the owner the exclusive rights to produce or sell the artistic or published work for a specified period of time.
- 11.4.13 DEPRECIATION OR USE ALLOWANCES: This is a system which aims to distribute the cost (acquisition cost) of tangible capital assets, over the estimated useful life of the asset (which may be a group of assets) in a systemic and rational manner. (See Use Allowance Definition for Donated Assets.)
- 11.4.14 DONATED ASSETS: Assets received in a voluntary non-reciprocal transfer by another entity.
- 11.4.15 EASEMENTS: The right to use land belonging to another for a particular use.
- 11.4.16 EQUIPMENT: Equipment means an article of an expendable and tangible personal property. This item would include:
- Computer hardware: Consists of devices which can perform one or more of the following functions: data preparation, input to the computer, computation, control and primary storage, secondary storage, and output to the computer.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 11.4, DEFINITIONS (Continued)

- Construction equipment: Tangible property and implement used to assemble/improve land, buildings and/or infrastructure assets.
- Education and recreational equipment: Furniture, implements and tangible property used for educating/teaching in a classroom, and/or implements used for rest and relaxation or social activities.
- Household furnishing and equipment: Furniture, property and accessories used in and around living quarters.
- Laboratory equipment: Tangible property and implements used for experimental testing and analysis.
- Motor vehicles and automotive service equipment: 1) Motor vehicles consist of mechanized equipment used to transport people and other items; 2) automotive service equipment are implements and tangible property used to test, diagnose and repair motor vehicles.
- Office furnishings and equipment: Furniture, implements and tangible property used in rooms within a building(s) for the conduct of trade, business, profession, or government service.

11.4.17 EXPENDITURE: It is a payment or an incurring of an obligation to make a future payment for benefits received.

11.4.18 EXPENSE: An amount, which reflects the depletion of an asset in connection with the production of revenue or the execution of other activities that are part of the entity's operation (NACU) for example, depreciation or use allowances

11.4.19 INFRASTRUCTURE ASSETS: Long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. These include roads, bridges, tunnels, drainage systems, water and sewer systems, dams, lighting systems, telecommunications system, gutters, curbs, streets, sidewalks, gas and electric utilities, solid waste disposal, waste water

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BOARD POLICIES

POLICY TITLE: 11.4, DEFINITIONS (Continued)

treatment, and similar assets that are immovable. Buildings, except those that are an ancillary part of a network of infrastructure assets, should not be considered infrastructure assets (GASB Statement No. 34).

- 11.4.20 **INTERNALLY GENERATED SOFTWARE:** Internally generated software is software developed by Mesalands Community College staff or an entity contracted by Mesalands Community College, or acquired from an external entity but requiring more than minimal incremental effort on the part of Mesalands Community College to begin to achieve its expected level of service capacity.
- 11.4.21 **LAND:** A portion of the earth's surface distinguishable by boundaries or ownership.
- 11.4.22 **LEASE:** A lease is a contractual agreement between a lessor and a lessee that conveys to the lessee the right to use specific property (real or personal), owned by the lessor, for a specific period of time in return for stipulated, and generally periodic, cash payments (rents).
- 11.4.23 **LEASEHOLD IMPROVEMENTS:** Any improvements made to the property leased by the community college.
- 11.4.24 **LICENSED COMPUTER SOFTWARE:** Software that Mesalands Community College has the right to use for a specified period of time based on an agreement with the vendor.
- 11.4.25 **MASS PURCHASES:** Purchases made of multiples of the same items of equipment or supplies at the same time as a whole.
- 11.4.26 **PATENTS:** The legal protection granted to an individual, company, or organization from the United States federal government or a foreign government giving the owner the exclusive right to produce and sell an invention for a given period of time.
- 11.4.27 **PRESERVATION/RESTORATION COSTS:** Expenditures associated with maintaining special assets in or returning them to, a level of quality as close to the original as possible. For example, restoring a painting or antique to its former beauty or acting to prevent any further deterioration.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 11.4, DEFINITIONS (Continued)

11.4.28 **PURCHASED COMPUTER SOFTWARE:** Software that Mesalands Community College pays an upfront cost in order to use. This may be software that is paid for initially and then warrants an additional annual maintenance fee in order to receive upgrades and support from the vendor.

11.4.29 **RENOVATION** (sometimes known as improvement and betterment): The total or partial upgrading of a facility to higher standards of quality or efficiency than originally existed. It also includes the substitution of an improved asset for an existing one.

Examples: The transition of an old research laboratory into one with state-of-the art equipment, lighting, or other subsystems; a wooden floor is replaced with a concrete floor.

11.4.30 **REPAIRS:** Expenditures that maintain assets in condition for operation. There are two classes of repair:

- *Ordinary Repairs* involve expenditures made to maintain plant assets in operating condition.
- *Extraordinary Repairs* extend the life of the assets originally estimated life, and it benefits more than one year.

11.4.31 **TIMBER RIGHTS:** The right to claim trees on property belonging to another.

11.4.32 **TRADEMARK:** A name, word, phrase, logo, symbol, design, or image that identifies that the product is from a unique source.

11.4.33 **USE ALLOWANCE:** The acquisition cost of an asset donated (donated asset) to the institution by a third party shall be its fair market value at the time of the donation (OMBA-21, J.14.c.(b)). Use Allowance on buildings used exclusively in the conduct of a single function, and on capital improvements and equipment used in such buildings, shall be assigned to that function (OMB A-21, F.2.b.(1)).

MESALANDS COMMUNITY COLLEGE
BOARD POLICIES

POLICY TITLE: 11.4, DEFINITIONS (Continued)

11.4.34 WATER RIGHTS: The right to access or use water from a water source (i.e., a river, stream, pond or source of groundwater).

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MESALANDS COMMUNITY COLLEGE
BOARD POLICIES

POLICY TITLE: 11.5, RESPONSIBLE DEPARTMENT

Mesalands Community College Business Office

Revised: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION: 12.0, DEPRECIATION OF CAPITAL ASSETS

POLICY TITLE: 12.1, OBJECTIVES

12.1.1 To convey the application of the accounting concept of depreciation for the Mesalands Community College Capitalized Assets.

12.1.2 With respect to the depreciation & amortization of capital assets, to ensure compliance with Governmental Accounting Standards Board (GASB) Statement

- No. 34, Basic Financial Statements-and Management's Analysis-for State and Local Governments
- No. 35, Basic Financial Statements-and Management's Discussion and Analysis-for Public Colleges and Universities
- No. 51, Accounting and Financial Reporting for Intangible Assets and Financial Accounting Standards Board (FASB) Statement of Financial Accounting Standards (SFAS)
- No. 142 Goodwill and Other Intangible Assets
- No. 144 Accounting for the Impairment or Disposal of Long-Lived Assets

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 12.2, POLICY

Mesalands Community College will depreciate the capital asset categories of Land Improvements, Buildings, Infrastructure, Building Additions, Equipment, Fabricated Equipment, and Capital Leasehold Improvements.

No depreciation will be taken on Land, Building Alteration and Renovation, Equipment Extraordinary repairs, Art and Historical Treasures, Donated Assets, Library Acquisitions, or Capital Leased Properties.

The Straight Line method will be the basis for the depreciation calculation and any "Sponsor Owned" portion of an asset will be excluded from the calculation. Each asset will be depreciated from the asset capitalization date (assigned when the capital asset is officially recognized as an asset) and depreciated evenly over the asset's useful life.

Mesalands Community College will amortize intangible assets which have a finite useful life.

Typically, a straight-line amortization method shall be used. Each intangible asset will be amortized from the asset capitalization date (assigned when the Capital Asset is officially recognized as an asset) and amortized evenly over the assets useful life.

MESALANDS COMMUNITY COLLEGE
BOARD POLICIES

POLICY TITLE: 12.3, EXCEPTIONS AND WAIVERS

An exception or waiver from the policy of capital asset depreciation is to be initiated by the department and approved by the President of Mesalands Community College.

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BOARD POLICIES

POLICY TITLE: 12.4, DEFINITIONS

12.4.1 DEPRECIATION: a system which aims to distribute the cost of tangible capital assets over the estimated useful life of the asset (which may be a group of assets) in a systemic and rational manner. Asset lives are linked to the asset type and are estimates of the useful life of the asset.

12.4.2 AMORTIZATION: is related to the concept of depreciation. While depreciation expenses the cost of a tangible asset over its useful life, amortization deals with expensing an intangible asset or liability, like a mortgage.

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MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 12.5, PROCEDURAL DIFFERENCE

Straight-line depreciation is the technique, in which the company estimates the salvage value of the asset at the end of the period during which it will be used to generate revenues (useful life) and will expense a portion of original cost in equal increments over that period. The salvage value is an estimate of the value of the asset at the time it will be sold or disposed of; it may be zero or even negative. Salvage value is also known as scrap value or residual value.

Straight Line Method: Annual depreciation expense is determined by calculating the cost of the capital asset minus the residual (or salvage) value, divided by the asset's useful life (in years).

Amortization is related to the concept of depreciation.

If an intangible asset has a finite useful life, but the precise length of that life is not known, that intangible asset shall be amortized over the best estimate of its useful life. The method of amortization shall reflect the pattern in which the economic benefits of the intangible asset are consumed or otherwise used up. If that pattern cannot be reliably determined, a straight-line amortization method shall be used.

The amount of an intangible asset to be amortized shall be the amount initially assigned to that asset less any residual value. The residual value of an intangible asset shall be assumed to be zero unless at the end of its useful life to Mesalands Community College the asset is expected to continue to have a useful life to another entity, Mesalands Community College) and (a) the reporting entity has a commitment from a third party to purchase the asset at the end of its useful life or (b) the residual value can be determined by reference to an exchange transaction in an existing market for that asset and that market are expected to exist at the end of the asset's useful life. [SFAS No. 142]

Under a straight-line amortization method, the amount of the yearly amortization is the same for all years and is equal to the total value of the intangible asset divided by the number of years of useful life.

MESALANDS COMMUNITY COLLEGE
BOARD POLICIES

POLICY TITLE: 12.6, RESPONSIBLE DEPARTMENT

Mesalands Community College Business Office

Revised: 05-11-10

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

**SECTION: 13.0, FULL COST RECOVERY – NORTH
AMERICAN WIND RESEARCH
AND TRAINING CENTER
(NAWRTC)**

POLICY TITLE: 13.1, OBJECTIVES

- 13.1.1 To provide uniform understanding of the Board of Trustees policy for Full Cost Recovery at the Core User Facility – NAWRTC.
- 13.1.2 To provide direction for recovery of all College costs of Sponsored Program by requiring that full cost recovery is to be included in all sponsored research, training, and other activity program proposals relating to the NAWRTC function.
- 13.1.3 To note that without full cost recovery, the College is subsidizing the cost of the research, training, and other activity project for the sponsor. This is tantamount to a gift of public funds for private benefit, which is not in the best interest of the citizens of the State of New Mexico.

The policy of the Board of Trustees of the NAWRTC is to recover the full cost incurred in the performance of sponsor-supported research, training, and other activities. The full cost of every sponsored agreement includes *direct costs* — those allowable costs (including Use Allowance) used to actually carry out the research, training, or other activity project — and *indirect costs*, which are called *facilities and administrative costs (F&A)*. F&A costs are those that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project or any other institutional activity. This document provides policy and procedural guidance for charging these costs to sponsored projects accepted by the Mesalands Community College, North American Wind Research and Training Center.

Full cost recovery of sponsor supported research, training, and other activity includes:

- **Research Project Participation Costs** – Incurred direct costs that can be traced directly to a specific sponsor supported research, training, and

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BOARD POLICIES

POLICY TITLE: 13.1, OBJECTIVES (Continued)

other activity effort in which the College directly participates in the sponsor supported research, training, or other activity effort. These are variable costs that are directly proportional to the level of research activity and/or the type of research, and are under the control and responsibility of the NAWRTC and the Office of the President.

- **Research Project Support Costs** – Incurred direct costs that can be traced directly to a specific sponsor-supported research, training, and other activity effort which the College supports at the North American Wind Research and Training Center. These would be primarily variable costs that are directly proportional to the level of research activity and/or the type of research, and are under the control and responsibility of the NAWRTC and the Office of the President.

- **Facilities And Administrative (F&A) Costs**
 - **Indirect Facility Operations Costs** – an allocation of cost of all labor, equipment, facility services, and projects required to maintain the research/training facility “available to generate” (that is, not out of service for maintenance or repairs) to perform research and training tasks. These costs are not directly assignable to or identify with a specific sponsor-supported research, training, and other activity effort. These are usually constant for a wide range of research and training efforts, and are typically fixed costs

 - **Facility and Equipment Depreciation or Use Allowance** – an allocation of cost associated with the use of an institution’s buildings, capital improvements to land and buildings, and equipment, based on Mesalands Community College Capitalization, Depreciation, and Use Allowance policy guidelines. Such costs are determined by computing either depreciation or a use allowance. The annual use allowance for buildings is 2% of acquisition cost. The annual use allowance for equipment is 23% of acquisition cost; and

 - **Management and Administration Costs** - an overhead charge rate covering costs associated with the executive direction, human resources, financial management, procurement, legal, central administrative services, information/outreach, information technology

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BOARD POLICIES

POLICY TITLE: 13.1, OBJECTIVES (Continued)

services, logistics support, taxes, project planning and control, and other costs.

The current Mesalands Community College indirect cost rate is 12.8% as approved by the Department of Health and Human Services.

Full cost recovery is to be included in all sponsored research, training, and other activity program proposals for the NAWRTC.

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

POLICY TITLE: 13.2, EXCEPTIONS AND WAIVERS

13.2.1 **F&A Policy Exception:** An exception from the policy of charging full recovery of F&A costs may be granted to non-profit sponsors and governmental agencies that have explicit, published policies limiting their F&A cost rate and *provided* such policy is applicable to all applicant organizations. This policy exemption does not apply if a non-profit sponsor does not specify its maximum allowable F&A rate, or if the sponsor allows for negotiation of the F&A rate.

13.2.2 **F&A Cost Waiver:** In contrast to the policy exceptions, an F&A full cost recovery waiver is an institutional agreement between Mesalands Community College, NAWRTC, and a sponsor that F&A costs will be charged at a rate lower than the sponsor's published rate or that F&A costs will not be charged, whole or in part, to a particular sponsored agreement. A waiver shall be granted only under exceptional circumstances and only when the programmatic benefit to the College is compelling and outweighs the institutional benefit of recovering the full cost of conducting the project.

13.2.3 **Procedure for Petitioning for an Exception of F&A Costs:** Exceptions to the policy are to be initiated by the department, NAWRTC, and approved by the President of Mesalands Community College.

13.2.4 **Procedure for Petitioning for a Waiver of F&A Costs:** The waiver of any portion of eligible F&A cost recovery must be approved by the President of Mesalands Community College. Under no circumstances shall F&A cost waivers be considered after a project is accepted and initiated by Mesalands Community College, NAWRTC.

A petition for a waiver of F&A costs must be submitted in writing by the sponsor prior to circulating the final proposal. The petition must include written concurrence of the North American Wind Research and Training Center director, acknowledging which specific F&A costs would be waived and quantifying (documenting) the benefit the College would receive from the waiver.

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POLICY TITLE: 13.3, DEFINITIONS

13.3.1 Research Project Participation Costs – Incurred costs that can be traced directly to (or identified with) a specific sponsor-supported research, training, and other activity effort in which Mesalands Community College, NAWRTC, directly participates in the sponsor supported research, training, or other activity effort. These include:

- Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement. Retirement costs should include all (funded or unfunded) accrued costs not covered by employee contributions.
- Direct and indirect costs including material, equipment and supply costs, insurance, and travel.

13.3.2 Research Project Support Costs – Incurred costs that can be traced directly to (or identified with) a specific sponsor supported research, training, and other activity effort which Mesalands Community College, NAWRTC, supports. These include:

- Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement. Retirement costs should include all (funded or unfunded) accrued costs not covered by employee contributions.
- Direct and indirect costs including support material, equipment and supply costs, sponsor training, sponsor access control support, insurance, and travel.

13.3.3 Facility and Administrative Costs: F&A costs are real expenses incurred by Mesalands Community College in support of sponsored projects, but which by OMB A-21 guidance cannot be identified specifically and consistently to a specific grant, contract, or other sponsored agreement. F&A costs stem from the institutional need to maintain a shared infrastructure that supports the research and training activities of sponsors and the College. F&A costs are divided into Indirect Facility Operations Costs, Facility and Equipment Depreciation (not Use Allowance – Use Allowance on buildings used exclusively in the conduct of a single function, and on capital

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POLICY TITLE: 13.3, DEFINITIONS (Continued)

improvements and equipment used in such buildings, shall be assigned to that function [OMB A-21, F.2.b.(1)] and Management & Administrative Costs.

Federal regulations governing F&A costs are described in Office of Management and Budget (OMB) Circular A-21 (*Cost Principles for Educational Institutions*). The federal F&A cost rate is negotiated periodically with the cognizant audit agency, the Department of Health and Human Services.

13.3.4 Indirect Facility Operations Costs – cost of all labor, equipment, facility services, and projects required to maintain the research/training facility “available to generate” (that is, not out of service for maintenance or repairs) to perform research and training tasks. These costs are not directly assignable to or identified with a specific sponsor-supported research, training, and other activity effort. These costs include:

- **Facilities Management and Site Planning** - Costs associated with facilities and their ability to function effectively, such as plant and maintenance engineering, facilities utilization analysis, modification and upgrade analysis, facilities planning and condition determinations, and rental of buildings/land.
- **Maintenance** - Costs associated with day-to-day work that is required to sustain property, plant, and equipment in a condition suitable for it to be used for its designated purpose and includes preventive, predictive, and corrective maintenance.
- **Utilities** - Costs associated with utility-related engineering such as labor, equipment, contract services for fuel, or support needed to provide electric power, heat, steam, chilled water, potable water, process gases, and sanitary waste disposal to support business and research. This element includes all costs associated with contract services in support of utilities, such as fuel, electricity, water, and control systems (also includes energy management related activities).
- **Environmental Management** - Costs associated with the development, implementation, and maintenance of effluent controls, environmental monitoring, and surveillance, permitting, auditing and evaluation to

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POLICY TITLE: 13.3, DEFINITIONS (Continued)

assure environmental compliance, and pollution prevention. These activities, performed on a routine basis, are necessary to maintain compliance with federal, state, and local regulations.

- **Waste Management** - Costs associated with activities addressing the treatment, storage, minimization, and disposal of wastes. Activities include characterization and certification of waste to ensure its proper treatment or disposal; waste handling and temporary storage activities; and final disposal of all wastes.
- **Safety and Health** - Costs associated with safety and health programs, such as preparation of work authorizations, emergency preparedness, fire protection, industrial hygiene, industrial safety, occupational medical services, transportation safety (including traffic management functions), and management oversight.

13.3.5 Facility and Equipment Depreciation and Use Allowance – Depreciation and Use Allowance cost of structures and equipment based on the Board of Trustees Capitalization and Depreciation policy guidelines

13.3.6 Management and Administration Costs - Costs associated with the executive direction, human resources, financial management, purchasing/procurement, legal, central administrative services, information/outreach, information technology services, logistics support, taxes, project planning and control, and other costs.

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POLICY TITLE: 13.4, RESPONSIBLE DEPARTMENT

Mesalands Community College Business Office

Revised: 05-11-10

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SECTION: 14.0, CORE USER FACILITY – NORTH AMERICAN WIND RESEARCH AND TRAINING CENTER (NAWRTC)

The North American Wind Research and Training Center (NAWRTC) will be operated by Mesalands Community College as a **Core User Facility (CUF)**, accessible to federal agencies, state, regional, and local governments; commercial firms, not-for-profit organizations, universities, or government-funded scientists and engineers through User Facility Agreements. The NAWRTC will provide access to a state-of-the-art wind turbine facility and related facilities staffed by technical support personnel who are active in wind turbine maintenance education and training.

POLICY TITLE: 14.1, RESEARCH USERS FACILITY ACCESS

14.1.1 There are two types of sponsors of research efforts, General Research Users and Collaborative Research Users, each with variable scope.

- **General Research User** - individuals or groups who need access to the Wind Turbine to conduct research, using existing equipment in the facility. The scope of a General Research User proposed research effort could vary from a single experiment to a program (valid for multiple visits and substantial access to a range of equipment extended over multiple years) to a "special" research effort (i.e. rapid access, feasibility studies, or other particular needs).
- **Collaborative Research User** - individuals or groups who conduct research at the wind turbine and enhance the capabilities or contribute to the operation of the North American Wind Research and Training Center. Typically, this user will develop the facility instrumentation in some way, bring outside financial and/or intellectual capital into the evolution of the wind turbine, or contribute to the operation of equipment and facilities. In recognition of their investment of either resources or intellectual capital and in order to facilitate and encourage their involvement, Collaborative Research Users may be allocated proprietary access to the facility over a period of several years, with the possibility of renewal.

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POLICY TITLE: 14.2, PROPRIETARY AND NON-PROPRIETARY RESEARCH

While the vast majority of user research should be in the public domain, and so must be disseminated by publication in the open literature, there may be access for a reasonable percentage of proprietary research which utilizes these unique facilities to benefit the national economy. Users conducting proprietary research may access the facility as either General Users or as Collaborative Research Users. Efforts will be made to secure appropriate intellectual property control (i.e., Data) for proprietary users to permit them to exploit their experimental results.

Revised: 05-11-10

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POLICY TITLE: 14.3, USER FACILITY AGREEMENTS

The User Facility Agreement is a bilateral contractual agreement between Mesalands Community College and external parties designed to permit outside users to conduct research using the North American Wind Research and Training Center core user facility.

General Research User and Collaborative Research Users apply for access/use of the wind turbine facility and related facilities by submission of a proposed User Facility Agreement that is evaluated by Mesalands Community College and approved.

It is the Board of Trustees policy to approve the use of its facilities when the proposed work is based on the specialized capability and unique facilities, which exist at Mesalands Community College's NAWRTC and is fully funded and reimbursed by the user in accordance with the Board of Trustees Full Cost Recovery policy.

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POLICY TITLE: 14.4, USER ACCESS ALLOCATION, SCHEDULING, AND RECORDING

Allocation of access to equipment and facilities for research users will be determined by the Director of the North American Wind Research and Training Center. North American Wind Research and Training Center management has ultimate responsibility and accountability for effective and efficient utilization of time on all equipment at the core user facility.

Revised: 05-11-10

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POLICY TITLE: 14.5, EXCEPTIONS AND WAIVERS

Exceptions and waivers to this policy are to be initiated by the North American Wind Research and Training Center and approved by the President of Mesalands Community College.

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POLICY TITLE: 14.6, PROCEDURE REFERENCE

None

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POLICY TITLE: 14.7, RESPONSIBLE DEPARTMENT

Director, North American Wind Research and Training Center, Mesalands
Community College

Revised: 05-11-10

MESALANDS COMMUNITY COLLEGE

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SECTION: 15.0, MESALANDS COMMUNITY COLLEGE'S DINOSAUR MUSEUM AND NATURAL SCIENCE LABORATORY

POLICY TITLE: 15.1, ETHICAL CODE FOR FOSSIL COLLECTION OF MESALANDS COMMUNITY COLLEGE'S DINOSAUR MUSEUM AND NATURAL SCIENCE LABORATORY

The main goal of Mesalands Dinosaur Museum shall be the advancement of the Mesalands Community College's Natural Science Laboratory for the education of the general public and Mesalands Community College students. All specimens shall be exclusively devoted to scientific research and education.

In order to pursue this goal, Mesalands Dinosaur Museum recognizes that:

1. The principal importance of fossils is for scientific, scholarly, and educational use of both professionals and amateurs.
2. The numbers of specimens of fossils vary widely but certain fossils in all taxonomic groups are rare and that conserving and making available for study significant fossils and their contextual data is critical.
3. To leave fossils uncollected assures their degradation and ultimate loss to the scientific community through natural processes of weathering and erosion.

Mesalands Dinosaur Museum therefore adopts the following practices associated with the collection and curation of fossils:

1. Prior notification will be made, and permission or appropriate permits will be secured, from landowners or managers of private or public lands where fossils are to be collected. Aforementioned landowners and managers will be contacted solely by the Curator of Mesalands Dinosaur Museum. Students, interns, administrators, volunteers and staff are disallowed from contacting landowners for collection permission.
2. All collections will be in compliance with federal, tribal in the case of Native American lands, state, and municipal laws and regulations applied to fossil collecting. Human cultural artifacts discovered by collector(s) are to remain undisturbed.
3. The collector(s) will make every effort to have fossil specimens of unique, rare, or exceptional value to the scientific community deposited into Mesalands Dinosaur Museum collection and will remain the sole property of Mesalands Dinosaur Museum Foundation unless prior arrangements were

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**POLICY TITLE: 15.1, ETHICAL CODE FOR FOSSIL COLLECTION OF
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(Continued)**

made between Mesalands Dinosaur Museum Curator and landowners or managers.

4. Mesalands Dinosaur Museum Curator will have final decision of Mesalands Dinosaur Museum collection regarding: preparatory and curation methods; loan arrangements; research and publication permission; collection and specimen access; and acquisitions.
5. The collector(s) will not divulge any information regarding location of Mesalands Dinosaur Museum field collection sites or the names of landowners and managers of Mesalands Dinosaur Museum sites. Collector(s) are not allowed to visit Mesalands Dinosaur Museum sites without the presence of the Mesalands Dinosaur Museum Curator or assigned field class instructor.
6. The cornerstone of the International Community of Museums (ICOM) is the *ICOM Code of Ethics for Museums* which sets minimum standards of professional practice and performance for museums and their staff. All persons employed or associated with Mesalands Dinosaur Museum shall adhere to these standards of ethics.

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SECTION: 16.0 TAPE RECORDING POLICY

POLICY TITLE: 16.0, TAPE RECORDING POLICY

It is a violation of College policy to record conversations with a tape recorder or other recording device unless (1) prior approval is received by the College President or Human Resources Specialist; and (2) all parties to the conversation give their consent.

The purpose of this policy is to eliminate a chilling effect on the expression of views that may exist when one person is concerned that his or her conversation with another is being secretly recorded. This concern can inhibit spontaneous and honest dialogue especially when sensitive or confidential matters are being discussed.

The purpose of this policy also is to maintain the confidentiality of student records in accordance with the Family Educational Rights and Privacy Act (FERPA).

Violation of this policy will result in disciplinary action, up to and including immediate termination.

Presented and Approved: 09-15-15
Reviewed, Revised, Presented, and Approved: 09-20-16
Reviewed, Revised, Presented, and Approved: 09-11-18

MESALANDS COMMUNITY COLLEGE

BOARD POLICIES

SECTION 17.0 MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY

POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY

Policy

Telecommuting provides employees with an opportunity to work from an alternative work place instead of the primary location at Mesalands Community College. Telecommuting should be voluntary on the part of the employee (unless it is a condition of employment), must not interfere with regular office or department functions, benefit the department and College, and requires management approval. The quality of an employee's work and services must not be compromised as a result of telecommuting.

Determining Eligibility to Telecommute

Telecommuting is normally reserved for employees in exempt administrative and faculty positions. However, a nonexempt employee may be recommended by their supervisor and receive approval to telecommute with the understanding that the employee continues to be responsible for accurately recording daily work hours, start and stop times for meal periods and otherwise comply with College policies regarding employment and work hours such as rest breaks and overtime.

The following should be taken into consideration in determining eligibility to telecommute:

Business Rationale – How will this arrangement benefit the work team, office and the College? Justification may include, but is not limited to, increased productivity, as well as staffing, instruction, and support needs for online academic programs and courses, improved customer service, more efficient use of space or equipment, and/or lowering operating costs.

Impact on Service – How will services be affected because the employee is not on campus? How will requests for immediate on-campus assistance be addressed on days on which the employee is telecommuting?

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POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY (Continued)

Supervisory Oversight – Telecommuting requires a focus on results and productivity rather than in person face time, and requires trust and effective communication between a supervisor and employee.

Position – Supervisors and employees should thoroughly analyze job descriptions, responsibilities, and how the work is performed. Appropriate positions may be those that:

1. Require independent work
2. Require fully online presence
3. Duties can be fulfilled without physical presence on campus
4. Absence on campus does not negatively affect the ability of other College departments or offices/units within a department to provide services, instruction and/or to conduct business
5. Do not affect the employee's supervisory responsibilities and interactions with direct reports
6. Require concentration
7. Result in specific, measurable outcomes
8. Can be evaluated by output
9. Require equipment and technology that can be easily accessed

Employee – Supervisors and employees should also consider employee work style and performance history. Characteristics indicative of success may include:

1. The ability to work productively on one's own
2. Self motivation and flexibility
3. Thorough knowledge of job responsibilities
4. A low need for face-to-face social interaction
5. Consistent effective and successful performance evaluations
6. Excellent organizational and time management skills
7. Effective communication skills
8. Honesty and dependability

Request and Approval Process

Employees hired with the expectation of telecommuting full time are exempt from this section (III.)

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POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY (Continued)

Request to Telecommute

Supervisors complete the Telecommuting Request and Agreement in

discussion with the employee and submit it to the appropriate VP and schedule a time to discuss the request.

Duration and Continuation

A request to telecommute may not exceed 12 months in duration from the date on which an approved agreement commences. Continuation of a telecommuting arrangement beyond the approved end date is neither automatic nor guaranteed and is subject to the processes outlined in section III.A. Request to Telecommute and section III.C. Approval.

Approval

The supervisor submits the request to the Vice President (VP) for the department, who in turn will assess the feasibility of the request and its impact on services provided to the College. All requests approved by the VP to telecommute require review by the President's Executive Team to assess impact and determine whether the position is appropriate for a telecommuting agreement. Final approval rests with the President. The Telecommuting Request and Agreement must be completed in full and signed by the employee, supervisor and Vice President prior to it taking effect.

Mesalands Community College retains the right in its sole discretion to determine if a position is appropriate for telecommuting and approve an employee's request. Telecommuting is not an entitlement and the decision to grant an employee's request is determined and approved on a case-by-case basis. Prior approval to telecommute given to an employee does not guarantee future requests will be approved.

Termination of a Telecommuting Agreement

The College reserves the right to change or terminate a Telecommuting Request and Agreement, or other contractual telecommuting expectation at any time, without cause or advance notice. Likewise, an employee may terminate a telecommuting agreement at any time by providing written notice to a supervisor.

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POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY (Continued)

An employee must return College equipment, records, and materials within three days of the termination of a telecommuting agreement.

General Conditions of Employment While Telecommuting

Hours of Work – Unless otherwise agreed in the employee contract or a Telecommuting Request and Agreement, an employee's regular hours and days of work will not change. If an employee needs to modify the agreed-upon schedule, the employee must notify the supervisor in advance of the change. The employee is expected to perform duties and responsibilities during work hours as he/she would do if the employee was on campus. Authorized campus closures or early release programs and their terms apply to eligible employees who telecommute.

Work Environment and Dependent Care – It is the responsibility of the employee to ensure that a proper work environment is maintained (e.g., dependent care arrangements are made so as not to interfere with work; personal disruptions, such as personal telephone calls and visitors are kept to a minimum, etc.).

Furthermore, telecommuting is not intended as a substitute for child care or care for another adult. If a child or adult needs care during work time, another responsible individual is expected to be present. If dependent care circumstances change, the employee is required to notify the supervisor.

Attendance at Meetings – The employee is expected to attend all required meetings (in-person, conference calls or web-based), and may be required to report for work-related events on or off-campus or to meet with the supervisor in the alternate location, if needed.

Performance Expectations - Performance expectations and evaluations are neither changed nor waived because of a telecommuting arrangement. An employee's job performance will be evaluated in accordance with College guidelines and procedures.

Salary and Benefits – An employee's salary and benefits will not be affected by telecommuting.

Tax Consequences – The employee is responsible for any tax and insurance consequences associated with the telecommuting agreement and

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POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY (Continued)

for observing any municipal zoning ordinances regulating the performance of work at home for telecommuting purposes.

Use of Personal Vehicle - While telecommuting, an employee may not use his/her personal vehicle for College business unless specifically authorized by a supervisor.

College Policies, Practices and Procedures – The employee is responsible for complying with College policies, practices and policies while telecommuting.

Use of Leave – The employee is responsible for reporting absences and submitting requests for leave in accordance with department procedures and College policy.

Telecommuting is not to be used in place of sick leave, however, in consultation with Human Resources, a supervisor may choose to offer telecommuting arrangements as an opportunity to accommodate the partial or full return to work based on College policy and the criteria normally applied to decisions regarding the approval of telecommuting and requests for reasonable accommodation due to pregnancy and/or disability.

Changes in Employment - The Telecommuting Request and Agreement does not automatically transfer or continue with an employee who (a) accepts a different position at the College, (b) has a change in job duties, work schedule or other job- related functions/requirements, (c) apply to a position that is vacated and was previously approved for telecommuting, or (d) when there is a change in supervision.

Equipment and Supplies Associated with Telecommuting

The Telecommuting Request and Agreement, or other employee contract for those hired to work entirely online, will specify any costs the College will cover and will reimburse the employee for agreed upon expenses necessary for performing work assignments at the telecommuting location in accordance with College Policy and provided advance authorization has been obtained. Equipment may be owned and maintained by the employee or by the College. Mesalands Community College will not be responsible for operating costs,

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POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY (Continued)

home maintenance, or any other incidental costs including cost of utilities, associated with the use of the employee's residence as a telecommuting location.

In accordance with the College's Conflict of Interest Policy, an employee who telecommutes is expected to use college-owned equipment, records, and materials for purposes of College business only, and to protect them against unauthorized or accidental access, use, modification, destruction, or disclosure. The employee is required to notify a supervisor of loss, damage, or unauthorized access at the earliest reasonable opportunity.

Security of Information

Employees working in an alternate work location and their supervisors must adhere to all applicable security procedures in order to ensure confidentiality and security of data.

An employee's work computer shall be in compliance with College guidelines for uses of hardware and software including virus protection software, licensing provisions, system security and passwords.

The employee will protect all confidential College documents from unauthorized access.

All products, documents and records that are used, developed, or revised while telecommuting remain the property of Mesalands Community College.

The College may provide hardware and software support, however, internet connection is the responsibility of the employee.

Telecommuting Safety

The employee is solely responsible for ensuring the safety of the alternative work location. The Telecommuting Request and Agreement requires an employee to confirm that the alternate work location is, to the best of the employee's knowledge, free of recognized hazards that could cause physical harm. Employees are expected to practice the same safety habits they would use while at the College and to maintain safe conditions in their alternate work location.

The College is legally obligated to provide its employees with a workplace that is free from hazards that might cause serious harm or injury and, therefore, the

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POLICY TITLE: 17.0, MESALANDS COMMUNITY COLLEGE TELECOMMUTING POLICY (Continued)

College reserves the right to periodically inspect the employee's alternate work space. Any such inspection will be preceded by advance notice and an appointment will be scheduled.

Employees who telecommute are covered by the College's Workers' Compensation insurance if injured while performing official duties on campus or at the alternate work location. As such, employees are required to immediately report any injuries that occur while working by completing an accident report form.

The employee shall be liable for any injuries that occur to third parties at or around the employee's alternative work location.