Hagerstown Community College
Hagerstown, Maryland

BOARD OF TRUSTEES

BY-LAWS

I. IDENTIFICATION

A. The name of the College shall be Hagerstown Community College.

B. The Board of Trustees hereafter is referred to as the Board, and Hagerstown Community College as the College.

C. The State of Maryland hereafter is referred to as the State, and Washington County as the County.

II. AUTHORITY

A. The Board derives its authority from Education Article, Division III- HIGHER EDUCATION, Title 16- COMMUNITY COLLEGES, Subtitle 1- Organization and Government, and the Annotated Code of the Public General Laws of Maryland as amended.

B. The Board is responsible to the people of Washington County and to the people of the State of Maryland for developing the policies governing the general conduct of the affairs of the College in accordance with Education Article, Title 16, which provides the legal basis for the control and administration of Maryland’s community/junior colleges.

C. Service on the Board is a public trust of the highest order. Responsibility for the extension, improvement, and lasting success of democracy rests heavily on public education and, consequently, on the stewardship of the Board members. The educational welfare of the youth and adults of this County shall be the primary objective underlying all decisions of the Board of Trustees.

D. The Board, as the final institutional authority, has the responsibility to guarantee the integrity of the College, to develop and periodically to evaluate policies and procedures for the College, and to entrust the administration of those policies to the President.
E. The control over the College by the Board of Trustees is not by individual members, but through majority vote whereby rules, regulations and policies are adopted. The members of the Board have legal authority only when the Board is in formal session and when a quorum is present.

III. MEMBERSHIP

A. Trustees

The Trustees of the College shall be those individuals appointed by the Governor according to section 16-101 under subtitle 1 of Title 16, Division III HIGHER EDUCATION of the COMMUNITY COLLEGES: Article of the Annotated Code of Maryland.

1. Except as provided in Subtitle 4 of Title 16, each board is comprised of seven (7) members appointed by the Governor, with the advice and consent of the Senate.

2. Except as provided in Subtitle 4 of Title 16, each member serves for a term of six (6) years from July 1 of the year the appointment is made and until a successor is appointed and qualifies. The terms are staggered.

3. A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

4. A member may be reappointed.

5. A member is expected to attend at least 50% of the regularly scheduled meetings of the Board.

B. Non-Voting Representatives.

1. The chairperson of the faculty will be invited to attend regular meetings of the Board of Trustees as a non-voting member. This representative, elected by the faculty, will be given the opportunity to report on faculty matters.

2. The president of the Student Government Association or an alternate representative appointed by that organization will be invited to attend the regular meetings of the Board as a non-voting member. This individual will be given the opportunity to report on student activities.

IV. OFFICERS OF THE BOARD

A. At the first regular meeting of the Board in each fiscal year, the President of the College, serving as the secretary to the Board, will conduct an election of Board members for the office of chairperson.

B. At the same meeting, the newly elected Chairperson will conduct an election of Board members for the office of Vice-Chairperson.
C. The president of the College shall be secretary-treasurer of the Board, as provided in section 16-102 under subtitle 1 of Title 16 Community Colleges; Division III HIGHER EDUCATION of the Education Article of the Annotated Code of Maryland.

V. DUTIES OF THE BOARD OFFICERS

A. The Chairperson of the Board of Trustees shall:

1. preside at all meetings of the Board;
2. appoint all standing and special committees of the Board;
3. decide all questions of order subject to an appeal to the Board;
4. sign and execute all the necessary legal instruments approved by the Board, or delegate such authority to the President;
5. sign all reports required to be filed by law
6. call special meetings of the Board; and
7. perform other duties common to this office, or as may be assigned to him/her from time to time by the Board of Trustees.

B. The Vice-Chairperson of the Board shall:

1. in the absence of the Chairperson, have all executive powers of the Chairperson;
2. shall execute such powers as may be delegated to him/her or the Chairperson of the Board of Trustees.

C. The Secretary-Treasurer of the Board shall:

1. prepare the agenda for meetings of the Board;
2. send out notices and correspondence of the Board;
3. be responsible for maintaining an accurate record of the minutes of the Board, which shall be available to the public;
4. sign the checks according to the policy established by the Board;
5. prepare any reports required by the Board, and perform such other duties as may be assigned by the Board.

VI. MEETINGS OF THE BOARD

A. The Board shall meet at least six times a year. In addition, the Chairperson shall call special meetings at the request of three or more members of the Board, or whenever it is deemed necessary.

B. A simple majority of members shall constitute a quorum for any meeting and for conducting business. A simple majority of the members voting on any motion shall determine the outcome thereof.

C. At least three members must be physically present, with one or more members connected by telephone or other electronic means deemed appropriate, to constitute a quorum.
D. All meetings shall be open to the public, except when the Board is in executive session. All formal and final actions of the Board shall be taken during an open meeting.

E. An executive session may be called by the Board Chairperson at the request of any member or the President of the College. The purpose of an executive session is to discuss confidential items related to matters such as personnel and property. Executive sessions are attended only by the Trustees, the Secretary-Treasurer, and other persons invited to attend.

F. Meetings of the Board shall be conducted in accordance with the parliamentary procedure prescribed in the latest edition of Robert’s Rules of Order. The Chairperson shall have a vote in all matters of the Board.

G. Individuals or groups wishing to present any matter of concern pertaining to the College shall make written requests to the Chairperson of the Board through the President of the College at least ten days prior to a regularly scheduled meeting, in order that the matter may be considered as an agenda item for the meeting, and said individuals or groups shall provide a copy of their testimony, evidence, or resolutions at least ten days in advance, so that it may be duly considered.

H. All meetings of the Board shall be attended by the President of the College, except those involving his/her personal position as president, as provided in section 16-104 under subtitle I of Title 16- Community Colleges; Division III, Higher Education of the Education Article of the Annotated Code of Maryland.

VII. POWERS AND RESPONSIBILITIES OF THE BOARD

A. General

1. The Board shall exercise general control over the College, keep separate records and minutes, establish policy governing the College and adopt reasonable rules, regulations or by-laws to carry out the provisions of the State law.

2. The Board shall review the philosophy, mission, and objectives of the College at appropriate intervals and assist the staff in making desirable changes.

3. The Board may adopt a corporate seal, if desired, and be charged with its keeping.

4. The Board shall approve the awarding of certificates and degrees to all candidates who have met all the requirements as established by the College and have been recommended by the President.

B. Entrance Requirements Curriculum

Subject to the minimum standards of the Maryland Higher Education Commission, the Board may determine entrance requirements and approve
offerings that consist of:

1. Transfer programs offering the equivalent of the first two (2) years of a bachelor’s degree program;

2. Career programs offering technical, vocational, and semiprofessional education; and

3. Continuing education programs.

C. Fiscal Matters

1. Each year, the Board and the President of the College shall prepare and submit to the County Commissioners the following Board approved requests:
   a. an operating budget
   b. a capital budget; and
   c. a long-term capital improvement program.

2. The Board may enter into contracts and agreements with the State or any of its political subdivisions; the federal government; any public body, department or agency in the State or the United States; or an individual firm or corporation when such agreements are deemed by the Board to be necessary or advisable to the maintenance and operation of the College.

3. The Board may receive and expend local, State, and federal funds to operate the College programs and may accept and disburse conditional and unconditional gifts from private individuals and may determine the depository of such funds.

4. The Board may establish and charge reasonable tuition and fees to students with a view to making college education available to all qualified individuals at low cost. A schedule of such tuition and fees should be published annually.

5. The Board shall approve the transfer of funds between and among major function areas of the operating budget.

6. The Board shall determine that all funds are managed under an adequate accounting system. A certified public accounting firm licensed in Maryland shall be recommended by the Audit Committee and approved by the Board of conduct an audit of all college accounts after the close of the fiscal year.

D. Property

1. The Board may purchase, lease, condemn or otherwise acquire any
property it considers necessary for the operation of the College.

2. The Board may sell, lease or otherwise dispose of College assets or property. The President of the College and the Chairperson of the Board may execute a conveyance or other legal document under an appropriate resolution of the Board.

3. With the approval of the Maryland Higher Education Commission, permission for the County Board of Education to use the lands, buildings, or other facilities of the College may be granted.

4. With the approval of the County Board of Education, any land, buildings, assets, or other facilities of the County Board of Education may be used by the College.

E. Legal Concerns

1. The Board may carry comprehensive liability insurance to protect the Board, its agents and employees. The purchase of the insurance is for an educational purpose and is a valid educational expense. The Maryland Higher Education Commission has adopted standards for such a policy, including a minimum liability coverage which may not be less than $100,000 per occurrence.

2. The Board shall appoint a practicing attorney admitted to the Maryland Bar, to furnish professional legal advice and services for it and the College President. Requests for legal services are channeled through the President of the College.

3. The Board may sue or be sued.

F. Presidential Appointment

1. The President of the College is appointed by the Board and is the executive officer through whom the Board carries out its programs and exercises its policies. He/she is responsible not only for the conduct and operation of the College, but also for the administration and supervision of all its departments.

2. The President shall be the official channel of communication between the College staff and the Trustees.

3. The President shall report directly to the Board and recommend the appointment of qualified faculty and other personnel necessary for the efficient administration of the College.

4. The President’s term of appointment will be determined by a contract between the Board of Trustees and the President. The President shall be evaluated annually by the Board.
G. Personnel

1. The Board will fix the annual salary of the President and approve the salary schedules, fringe benefits, and standards for promotion for all members of the staff.

2. The Board will determine the renewal of the President’s contract and approve the tenure for members of the faculty as recommended by the President.

3. The Board will dismiss, or consider any recommendation by the President for dismissal of any member of the staff who fails to fulfill contract requirements or to comply with the personnel policies formulated and adopted by the College, provided those with tenure shall receive reasonable notice of the grounds for their dismissal and be given an opportunity to be heard.

4. The Board will approve exceptions to College policies on sick leave, military leave, sabbatical leave, etc.

H. Other

Among its other responsibilities, the Board will consider and approve the following:

1. The Hagerstown Community College Staff Manual

2. The College Calendar

3. The appointment of members to the major institutional advisory committees of the College, excepting academic program committee appointments, which shall be conducted at the discretion of the College President.

VIII. RELATIONSHIPS

A. Relationship of the Board of Trustees to the Maryland Higher Education Commission.

This relationship is delineated in Education Article, Division III - HIGHER EDUCATION - Title 11, (Maryland Higher Education Commission) and Title 16 (Community Colleges) of the Annotated Code of Maryland which contain the Minimum Requirements for Degree-Granting Two Year Colleges.

1. Proposals for capital projects shall be submitted to the Maryland Higher Education Commission.

2. The budget of each community college, as approved by the County governing body shall be submitted to the Maryland Higher Education
Commission for informational purposes.

3. Boards of Trustees shall forward copies of all approved Board minutes to the Maryland Higher Education Commission.

IX. AMENDMENT(S)

These By-Laws may be amended by a majority vote of the Board. The proposed amendment should be submitted in writing at least two weeks in advance of the date of the meeting during which they will be considered.

Approved by the Board of Trustees 9-21-10