

**TURTLE MOUNTAIN COMMUNITY COLLEGE**

*POLICY  
MANUALS*

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# SECTION 1

# INTRODUCTION

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Introduction

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## SECTION 1 INTRODUCTION

### 1.0.0000 INTRODUCTION

### 1.1.0000 1.1.0000 INSTITUTIONAL GOVERNANCE

#### 1.0010 BOARD OF TRUSTEES

This is a ten-member board, of which eight (8) are appointed by the Tribal Council, and two (2) students. The purpose of the Turtle Mountain Community College Board of Trustees shall be to advance and promote educational, economic, and other opportunities on the Turtle Mountain Band of Chippewa Indian Reservation by seeking out and appointing competent-qualified Tribal members to serve as Directors of the College and thereafter to serve as a resource for advice to the aforementioned Board.

#### 1.0020 BOARD OF DIRECTORS

This is a five member elected board which is the policy making body of the Turtle Mountain Community College. The Board is charged by the Tribe with the responsibility for providing community college instruction for residents within the Corporation who are qualified for admission, according to the standards prescribed by the Corporation establishment and operation of the College campus within the corporation; and the custody of and responsibility for the property of the Corporation and the management and control of said Corporation.

### 1.2.0000 HISTORY AND ACCREDITATION

#### 2.0010 HISTORY

Turtle Mountain Community College (TMCC) is one of the original six tribal colleges that were established by various Indian Tribes in the early 1970's. The Turtle Mountain Chippewa Tribe chartered the College in November 1972. The TMCC is located in north central North Dakota in the historical wooded, hilly, and lake-filled area known as the Turtle Mountains. In addition to being the home of the Turtle Mountain Chippewa, the area is the home of the world-renowned International Peace Garden.

In its brief history, the College has emerged as a leader among this nation's 36 tribal colleges. Its origin was humble. For the first few years the College operated with two offices on the third floor of a former Catholic Convent. For a short period, the College operated in the basement of an abandoned Indian Health Service facility. In 1977, the College moved into an abandoned tribal building and a BIA facility that had been moved to Belcourt's main street by a tribal member who converted the building to a café and dance hall. It was on Belcourt's main street that the College later purchased and renovated several old buildings and as funding became available built a series of primarily metal buildings.

In May 1999, the College moved to a new campus and a new facility. The new facility is located 2 ½ miles north of Belcourt. TMCC's new main campus includes a 124,000 -square foot building located on an approximately 123 acre site. The new facility includes state of the art technology; a fiscal area; general classrooms; science, math and engineering classrooms; labs; library and archives; learning resource center; faculty and student services area; gymnasium and mechanical systems; an auditorium with seating capacity for 800; Career and Technical Education building; and a new Student Center. The former main campus in Belcourt has twelve buildings that provide 66,000 square feet of space. Both campuses are being used for college or community use. The Anishinabe Learning, Cultural and Wellness Center is located 1.5 miles North of Belcourt on BIA # 7. The Center is a beautiful and symbolically powerful site. The Center consists of 102.5 acres of spectacular

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## SECTION 1 INTRODUCTION

natural beauty and ponds, with Ox Creek running through the area. The Anishinabe Learning, Cultural, and Wellness, Center is the home for the 1994 Land Grant Programs.

The three campuses house all College functions with the exception of some off-campus community responsive training programs. TMCC is a commuter campus and maintains no residence halls.

Since its ~~beginning~~beginning, the College has grown from a fledgling institution serving less than sixty students per year, to its current status of serving approximately 650 full-time equivalents and approximately 250 pre-college adults. Indeed, TMCC has demonstrated success in enrolling and graduating students. The College serves the tribal community in other ways too. Its many programs are helping to build local capacity to effect positive systemic change by improving all levels of educational achievement of tribal members and public and private economic sustainability of the Turtle Mountain Band of Chippewa Indians. Turtle Mountain Community College is a member of the American Indian Higher Education Consortium (AIHEC), which consists of Indian controlled colleges banded together to support mutual development activities. The College is eligible for services in Resource Development, Curriculum Development, Research and Data Assistance, Cooperative Education Programming and Human Resource Development, through AIHEC's Development Office.

### 2.0020 \_ACCREDITATION

The Higher Learning Commission (HLC) ~~of the North Central Association of Colleges and Schools (NCA)~~ accredits the College. Accreditation is not a requirement but is important to the College. According to the ~~NCA Handbook of Accreditation the Commission states that~~Higher Learning Commission, "Accreditation is both a process and a result." As a process, it is a form of peer review in which educational institutions establish a set of criteria and procedures by which they and their fellows are judged. As a result, it is a form of certification by which the quality of an educational institution, as defined by the accreditation body's criteria, is affirmed."

### 1.3.0000 PHILOSOPHY

#### 3.0010 \_PHILOSOPHY

Turtle Mountain Community College is a tribal community college with obligations of direct community service to the Turtle Mountain Band of Chippewa Indians. Under this unifying ~~principle~~principle, the ~~C~~college seeks to maintain, seek out, and provide comprehensive higher education services in fields needed for true Indian self-determination.

#### THE SEVEN TEACHINGS OF THE ANISHINABE PEOPLE

The philosophical foundation of the College is embedded in the system of values that stem from the heritage and culture of the Anishinabe people and expressed in the Seven Teachings of the Tribe.

1. To cherish knowledge is to know **WISDOM**.
2. To know **LOVE** is to know peace.
3. To honor Creation is to have **RESPECT**.
4. **BRAVERY** is to face the foe with integrity.
5. **HONESTY** in facing a situation is to be honorable.
6. **HUMILITY** is to know yourself as a sacred part of the Creation.

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## SECTION 1 INTRODUCTION

7. TRUTH is to know all of these things.

### 1.4.0000 MISSION OBJECTIVES

#### 4.0010 INSTITUTIONAL MISSION STATEMENT

Turtle Mountain Community College is committed to functioning as an autonomous Indian controlled college on the Turtle Mountain Band of Chippewa Indian Reservation focusing on general studies, undergraduate education, Career & Technical Education, scholarly research, and continuous improvement of student learning. By creating an academic environment in which the cultural and social heritage of the Turtle Mountain Band of Chippewa is brought to bear throughout the curriculum, the College establishes an administration, faculty, staff, and student body exerting leadership in the community and providing service to it.

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### 1.5.0000 INSTITUTIONAL GOALS

#### 5.0010 INSTITUTIONAL GOALS

Turtle Mountain Community College hereby establishes the following goals:

.01 ~~.01~~ Provides a learning environment stressing the application of academic concepts to concrete problems;

.02 ~~.02~~ Promotes academic preparation for learning as a life-long process of discovery of knowledge embedded in the intellectual disciplines and the traditions of the Tribe;

.03 ~~.03~~ Encourages in and out of class opportunities to discover the nature of Indian society, its history, variation, current and future patterns, needs, and to serve as a contributing member toward its maintenance and betterment;

.04 ~~.04~~ Offers a curriculum wherein Indian tribal studies are an integral part of all courses offered as well as history, values, methods, and culture of the Western society;

.05 ~~.05~~ Administers continuous assessment of institutional programs and student academic achievement for the purpose of continuous improvement of student learning;

.06 ~~.06~~ Awarding Baccalaureate, Associate of Arts, Associate of Science, Associate of Applied Science degrees, and certificate programs of study;

.07 ~~.07~~ Promotes cooperation with locally Indian-owned businesses and stimulation of economic development for the service area;

.08 ~~.08~~ Maintains continued independent accreditation; and

.09 ~~.09~~ Promotes community service and leadership.

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### 1.6.0000 GOVERNMENT AND ORGANIZATIONAL STRUCTURE

#### 6.0010 MODEL OF EXTERNAL AND INTERNAL ADMINISTRATION

See Appendix A1-1 Model of External and Internal Administration.

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## SECTION 1 INTRODUCTION

### 6.0020 \_ DESCRIPTION OF CHART ITEMS

**.01 .01-BOARD OF TRUSTEES** - This is a ten-member board appointed by the Tribal Council. Its purpose is to advance and promote educational opportunities on the Turtle Mountain Indian Reservation by seeking out and appointing ~~competent~~ qualified tribal members to serve as resources to the Board.

**.02 .02-BOARD OF DIRECTORS** - This is a five member selected board. The Board is charged by the Tribe with the responsibility for providing community college instruction for residents within the Corporation who are qualified for admission, according to the standards prescribed by the Corporation establishment and operation of the college campus with the Corporation; and the custody of and responsibility for the property of the Corporation and the management and control of said Corporation.

**.03 .03-PRESIDENT** - The President of the College shall be the Executive Officer of the Board through which the Board carries out its program and exercises its policies. The President ~~may will~~ delegate to subordinate officers of the College such of his/her powers as he/she may deem desirable to be exercised under his/her supervision and direction.

**.04 .04-VICE-PRESIDENT** - This position is under the direct supervision of the President. The Vice-President assists the President in carrying out the institutions policies; and is responsible for supervising and coordinating special projects and initiatives for the College.

**.05 .05-COMPTROLLER** - The Comptroller is the chief financial officer of the institution with responsibility for all fiscal policies as well as supervisory responsibility for business office staff. The Comptroller is under the direct supervision of the Vice-President.

### 1.7.0000 COMMITTEES

#### 7.0010 \_ ACCREDITATION COMMITTEES

**.01 .01-MISSION COMMITTEE** - The institution's mission is clear, articulated publicly, and appropriate to an institution of higher education. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion one of the Higher Learning Commission's five criteria for accreditation.

**.02 .02-INTEGRITY COMMITTEE** - The institution fulfills its mission ethically and responsibly. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion two of the Higher Learning Commission's five criteria for accreditation.

**.03 .03-TEACHING AND LEARNING: QUALITY, RESOURCES, AND SUPPORT COMMITTEE** - The institution provides high quality academic programs, wherever and however its offerings are delivered (on the main campus, at additional locations, by distance delivery, as dual credit, through contractual or consortia arrangements). The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion three of the Higher Learning Commission's five criteria for accreditation.

**.04 .04-TEACHING AND LEARNING: EVALUATION AND IMPROVEMENT COMMITTEE** - The institution assures the quality of its academic programs and evaluates their effectiveness through processes designed to promote continuous improvement. The committee will meet

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## SECTION 1 INTRODUCTION

regularly and will be responsible for ensuring the institution is meeting the objectives of criterion four of the Higher Learning Commission's five criteria for accreditation.

**.05 .05 RESOURCES, PLANNING, INSTITUTIONAL EFFECTIVENESS COMMITTEE** – The institution's resources are sufficient to fulfill its mission, improve the quality of its educational offerings, and respond to future challenges and opportunities. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion five of the Higher Learning Commission's five criteria for accreditation.

### 7.0020 INSTITUTIONAL COMMITTEES

Turtle Mountain Community College (TMCC) enacts regulations to ensure faculty and staff the right to participate effectively in shared governance, and to ensure the right of TMCC ~~faculty/staff~~ committees to assume primary responsibility for making recommendations in the areas of curriculum, academic standards, services provided for students, and in their primary professional duties.

The Turtle Mountain Community College's Shared Governance ~~Constitution~~ is based on the adoption and enforcement of the Board of Trustees and Board of Directors bylaws and the following core values of:

1. Informed decision-making;
2. Clarity of operations and decision making;
3. Open lines of communication between all components and members of the TMCC community;
4. Accountability,
5. Mutual respect and trust; and
6. Seven Teachings of the Anishinabe people.

~~6.~~ This shared involvement in the decision making process does not necessarily imply total agreement nor does it abrogate the ultimate decision making responsibility of TMCC's President and the Board of Directors.

TMCC has developed a committee approach to addressing areas of concern, developing needed policies, and acting as a review board for various areas of the College. Committee membership has proven to be beneficial to the staff and faculty of TMCC. In many cases, this process has provided the setting for the staff and faculty to learn about different facets of the College. In addition, this process provides the opportunity for the staff and faculty to have input into the total operation of the College. The committees that are currently functioning are the following: President's Administrative Committee, Retention Committee, Recruitment Committee, Academic Standards Committee, Supervisor's Committee, Evaluation Development, Admissions and Financial Aid Committee, Faculty Committee, Staff Committee, Scholarship Committee, Curriculum Committee, Development Committee, Research Committee, Program Review Committee and Assessment Student Learning Committee.

**.01 .01 PRESIDENT'S ADMINISTRATIVE COUNCIL COMMITTEE** - This committee's charge is to provide input to the President on a number of topics and issues as they pertain to the College. These include such issues as programs to be designed and implemented; funding of programs; communicating program status and progress to members and departments represented on the committee; to accept, review and make recommendations for proposals to be submitted to federal, foundation, tribal, or state funding agencies; budgetary decisions and recommendations; policy development as this pertains to staff, faculty, and students; accept information from the Academic Standards Committee, evaluate the information, and

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## SECTION 1 INTRODUCTION

make recommendations regarding action to the President who will subsequently make recommendations to the Board; and to provide a means of effective communication throughout the College. In most instances, the input from this committee will be through recommendations, but in some instances, and at the discretion of the President. This committee ~~may~~will have a vote in deciding an issue.

**.02 RETENTION COMMITTEE** – This committee has the responsibility of fostering and assisting in the development of student retention initiatives. These initiatives include but are not limited to the following: (1) Develop and implement a retention plan, (2) prepare and present retention budget, and (3) work closely with the recruitment committee in planning recruitment initiatives. The Retention Committee will meet with the recruitment committee at least twice each year, once in the fall semester and once in the spring semester.

**.03 RECruitment COMMITTEE** – This committee has the responsibility of fostering and assisting in the development of student recruitment initiatives. These initiatives include but are not limited to the following: (1) Develop a recruitment plan, (2) review all recruitment publications, (3) develop a visitation calendar, (4) plan on/off-campus recruiting initiatives, and (5) prepare and present recruitment budget. The Recruitment Committee will meet with the retention committee at least twice each year, once in the fall semester and once in the spring semester.

**.04 ACADEMIC STANDARDS COMMITTEE** – This committee has the responsibility for the following areas: (1) academic programs, (2) academic standards, (3) academic bankruptcy, and (4) guidance for Dean of Academic Programs when requested.

**.05 SUPERVISOR'S COMMITTEE** – This committee is to provide the setting for members to share ideas and seek guidance in problem solving in their areas of supervision. This committee will make program and personnel recommendations to the President's Administrative Committee.

**.06 EVALUATION DEVELOPMENT COMMITTEE** – The charge of this committee is to develop and recommend to the President's Administrative Council Committee evaluation instruments and procedures. This will result in a formal evaluation program for all the employees of Turtle Mountain Community College.

**.07 ADMISSIONS AND FINANCIAL AID COMMITTEE** – This committee will be responsible for the following areas: (1) Admissions Appeal Panel, and (2) Financial Aid Appeal Panel. The committee members will approve admission policies and financial aid policies and procedures.

**.08 FACULTY COMMITTEE** – This committee is made up of all full-time college faculty. Its purpose is to discuss matters that deal strictly with instruction. The committee works to strengthen camaraderie among faculty and shares new ideas and methods. During the first month of the academic year, a coordinator for the Faculty Committee will be selected by the faculty.

**.09 STAFF COMMITTEE** – This committee is made up of full-time staff (non-faculty college employees). Its purpose is to discuss matters that deal strictly with staff. The committee works to strengthen camaraderie among staff and shares new ideas and methods. During the first month of the academic year, a coordinator for the Staff Committee will be selected by majority vote of all full-time staff. The coordinator will serve on the President's Administrative Council as a staff representative,

**.10 SCHOLARSHIP COMMITTEE** – This committee reviews scholarship applications, (other than Title IV PELL and College Work Study), to determine who will receive scholarships that

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## SECTION 1 INTRODUCTION

are not specifically identified by the benefactor/grantor. If an individual is named and is not enrolled, the committee will select a new awardee, where allowed and appropriate.

~~.010, 11~~ **CURRICULUM COMMITTEE** – This committee has the responsibility to: (1) internally approve new programs, new courses, course changes, and curricular changes, (2) Develops and recommend policies and procedures for college-wide curricular standards, (3) Reviews catalog offerings and degree requirements, and (4) initiates discussions on future curricular matters.

~~.011, 12~~ **STUDENT LEARNING COMMITTEE** – This committee directs and organizes assessment of student learning, reviews and evaluates all assessment instruments and results, ensures that the results of assessment are used to improve student learning, and continually improves and updates the assessment process.

~~.012, 13~~ **DEVELOPMENT COMMITTEE** – This committee reviews requests to submit proposals from or on behalf of the college. The committee ensures all proposals are aligned to the mission and strategic goals of the college.

~~.013, 14~~ **RESEARCH COMMITTEE** – This committee reviews all applications specific to research at the college. The committee ensures all research is aligned to the mission and strategic goals of the college.

~~.014, 15~~ **PROGRAM REVIEW COMMITTEE** – This committee reviews program health and sustainability through a comprehensive, structured, documented, and periodic self-study of the college's performance, as indicated by alignment to institutional mission, goals, and philosophy, in consideration of accreditation needs at the program level and across campus.

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# SECTION 2 BOARD OF TRUSTEES BYLAWS

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# ~~BY-LAWS~~

## ~~Section 2~~

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## SECTION 2: BOARD OF TRUSTEES BY LAWS

2.1.0000 NAME AND AUTHORITY OF COLLEGE AND GOVERNING BOARDS

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2.2.0000 PURPOSE OF THE BOARD OF TRUSTEES

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2.3.0000 APPOINTMENT OF MEMBERS OF THE BOARD OF TRUSTEES

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2.4.0000 POWERS OF THE BOARD OF TRUSTEES

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2.6.0000 MEETINGS OF THE BOARD OF TRUSTEES

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2.7.0000 COMMITTEES

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2.8.0000 CONFLICT OF INTEREST COMMITTEE IF THE WHOLE

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2.9.0000 CODE OF CONDUCT CONFLICT OF INTEREST

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2.10.0000 AMENDMENTS TO BYLAWS OF BOARD OF TRUSTEES

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2.11.0000 BOARD OF DIRECTORS POLICIES

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### 2.0.0000 BOARD OF TRUSTEES BY LAWS

#### 2.1.0000 NAME AND AUTHORITY OF COLLEGE AND GOVERNING BOARDS

##### 1.0010 NAME

The name of the institution shall be "Turtle Mountain Community College, ~~Inc.~~" (hereinafter referred to as the "College"). The name of the community college system shall be "The Turtle Mountain Community College." On all documents other than official legal documents, such as any document filed in court, as required by the Internal Revenue Service of the United States, publication of legal notices, execution of contracts and other legal documents, the name "Turtle Mountain Community College" shall be used.

##### 1.0020 COLLEGE AS AGENCY OF TRIBE

The College, together with the Board of Trustees and Board of Directors that manage it, is an agency of the Turtle Mountain Band of Chippewa Indians, a federally recognized Indian tribe (hereinafter referred to as the "Tribe"), governed by its legislative body known as the Tribal Council. The College and its governing boards shall act in accordance with the laws of the Tribe; the Tribal Constitution, as amended from time to time; to the extent necessary, the laws of the state of North Dakota, and the laws and Constitution of the United States.

##### 1.0030 CHARTER AND AUTHORITY OF COLLEGE

The specific authority of the College and its governing boards to provide higher education within the lands governed by the Turtle Mountain Band of Chippewa is stated in Article V of the Tribal Charter issued by the Tribe pursuant to Resolution No. 678-11-72 enacted on November 9, 1972, and reissued as a Restated Charter, pursuant to Resolution No. 676-11-72, enacted on August 23, 2010 (Hereinafter referred to as the "Charter"). The Bylaws of the Board of Trustees and the Board of Directors are incorporated into the Charter of the College by reference, and ~~may will~~ be amended as provided by those Bylaws.

#### 2.2.0000 PURPOSE OF THE BOARD OF TRUSTEES

The overall purpose of the Board of Trustees shall be to advance and promote the mission of the College, which is to: "function as an autonomous Indian controlled college on the Turtle Mountain Band of Chippewa Reservation focusing on general studies, undergraduate education, Career & Technical Education, scholarly research, and continuous improvement of student learning. By creating an academic environment in which the cultural and social heritage of the Turtle Mountain Band of Chippewa is brought to bear throughout the curriculum, the College establishes an administration, faculty, staff, and student body exerting leadership in the community and providing service to it. function as an autonomous Indian controlled college on the Turtle Mountain Indian Reservation focusing on general studies, undergraduate education, vocational education, direct scholarly research and continuous improvement of student learning. By creating an academic environment in which the cultural and social heritage of the Turtle Mountain Band of Chippewa is brought to bear throughout the curriculum, the College establishes an administration, faculty and student body exerting leadership within the community and provides service to it."

Under the Charter as reauthorized by the Tribal Council of the Turtle Mountain Band of Chippewa, the primary functions of the Board of Trustees are to appoint the members of the Board of Directors of the College in the manner provided in the bylaws, and further, the approval of the Board of Trustees shall be

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

necessary with regard to the hiring and termination or failure to renew the contract of the President of the College, as provided in these bylaws, and such further powers and duties as are enumerated in the bylaws.

Under the Charter as reauthorized by the Tribal Council of the Turtle Mountain Band of Chippewa, the Board of Trustees was specifically created to appoint the members of the Board of Directors of the College and to provide guidance to the Board of Directors in carrying out the mission of the College as provided in these bylaws.

### 2.3.0000 APPOINTMENT OF MEMBERS OF THE BOARD OF TRUSTEES

#### 3.0010 APPOINTMENT

The Board of Trustees ~~is~~are appointed by the Tribal Council of the Turtle Mountain Band of Chippewa in accordance with the restated Charter of the College. Qualifications for the Board of Trustees ~~are~~are in stated in the restated Charter.

At the discretion of the majority of the Board of Trustees, an active member may be elevated to honorary Board member status. When this ~~occurs~~occurs, a vacancy exists on the Board of Trustees and the vacancy will be filled according to these bylaws.

#### 3.0020 QUALIFICATIONS

Each member of the Board of Trustees, other than the student members, shall be:

.01 Enrolled members of the Turtle Mountain Band of Chippewa Indians.

.02 Of legal age.

.03 Have demonstrated interest in the operation and success of the College.

~~Any student member of the Board of Trustees may be appointed as provided above regardless of tribal affiliation.~~

.04 No member of the Board of Trustees shall be employed by the College, but student members of the Board ~~may~~will be employed by the College under any work study program offered by the College.

.05 No member of the Board of Trustees shall be a convicted felon.

.06 No member of the Board ~~member~~ can be a family member of any other board member as defined in Section 2.8.0000 Conflict of Interest Policy.

.07 No member will be supervised by another board member, in regards to their employment. This will take affect after the completion of the current member terms.

#### 3.0030 STUDENT MEMBER QUALIFICATIONS

Each student member of the Board of Trustees, shall be:

.01 Of legal age, which is a minimum of 18 years old.

.02 Have demonstrated interest in the operation and success of the College.

.03 Will be appointed as provided above regardless of tribal affiliation.

.04 No member of the Board of Trustees shall be employed by the College, but student members of the Board ~~may~~be employed by the College under any work study program offered by the College.

.05 No member of the Board of Trustees shall be a convicted felon.

.06 No member of the board ~~member~~ can be a family member of any other board member as defined in Section 2.8.0000 Conflict of Interest Policy.

.07 No member will be supervised by another board member, in regards to their employment.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

The Tribal Council shall be kept informed of any vacancies that may occur on the Board of Trustees for any reason and shall appoint a qualified person to fill any vacancy as quickly as possible. The Board of Trustees shall, from time to time, make recommendations to the Council regarding potential replacements to the Board of Trustees, other than the two (2) positions occupied by current members of the Tribal Council and the two (2) student positions.

### 3.00240. — MEMBERSHIP YEAR

The membership year shall be from September 1 to August 31.

### 3.00350 COMPOSITION

The Board of Trustees shall be composed of ten (10) members appointed as follows: six (6) at large members selected from a variety of stakeholders, appointed for life a maximum of fifteen (15) years life, as long as they are capable of carrying out the duties of the position, by the Tribal Council; excluding the current Board of Trustees members which will be grandfathered in with the lifetime terms; two (2) members who are members of the Tribal Council appointed by the Tribal Council, and two (2) members who are students attending the College selected as provided in the student Constitution; all of whose qualifications are set forth in the restated Charter of the College. All members of the Board of Trustees are voting members, excluding the Honorary Board members.

### 3.00460 TERM OF OFFICE

The term of office of the six (6) at large members shall be life subject to removal for good cause, in accordance with Section 3.0050-2.4.0030 of these bylaws. Any other Trustee shall serve as long as the Trustee is qualified to serve in accordance with the restated Charter. a maximum of fifteen (15) years, excluding the current Board of Trustees members which will be grandfathered in with the lifetime terms.

### 2.4.0000 — POWERS OF THE BOARD OF TRUSTEES

Subject to applicable law, and without limiting the right of the Tribe to modify its powers and duties, the Board of Trustees shall have the power to:

### 4.0010 — APPOINTMENT OF MEMBERS OF BOARD OF DIRECTORS

Appoint the membership of the Board of Directors when vacancies occur for any reason, including removal by the Board of Trustees as provided in Article II, Section 2.3.0000-3. The Board of Trustees will develop criteria-qualifications for membership on the Board of Directors consistent with the Mission and Institutional Goals of the College. (Section 3.3.0015) As stated in the restated Charter, no employee of the College may will serve as a member of the Board of Directors or Board of Trustees of the College, except student members that are allowed in the charter. Vacancies on the Board of Directors should be filled by the Board of Trustees within 30 days of written notice being given to the Board of Trustees. This time frame may be extended by majority vote of the Board of Trustees as necessary.

### 4.0020 — SELECTION OF PANEL OF TRUSTEES FOR EMERGENCY APPOINTMENT TO BOARD OF DIRECTORS

When a quorum of the Board of Directors cannot be established by any other means, including personal presence, conference call or other electronic means, the Chairman of the Board of Trustees, or the Vice-Chairman, if the Chairman is not available, present, or if neither the Vice-Chairman and the Chairman are available, those members of the Board of Trustees in attendance, if any, at the

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

meeting shall appoint a Trustee qualified pursuant to Section ~~43.4.00230~~ of the bylaws of the Board of Directors to serve on the Board of Directors for the purpose of establishing a quorum in the event of an emergency requiring immediate action by the Board of Directors. Any member of the Board of Trustees appointed to serve on the Board of Directors under this section serves only until such time as a quorum of duly appointed members of the Board of Directors can be established.

### ~~4.002025~~ REMOVAL OF ~~MEMBERS OF THE BOARD OF DIRECTORS~~ A TRUSTEE FOR CAUSE

~~Remove members of the Board of Directors for good cause, including, but not limited to, failure to attend to the duties of the office (including, but not limited to, absenteeism), inappropriate or illegal conduct, conflict of interest, death or disability, resignation or other similar reasons, based on criteria developed by the Board of Trustees that reflect the Mission and Institutional Goals of the College and in accordance with due process procedures as developed by the Board of Trustees. A Trustee will be removed for cause. The process to remove a Trustee member for cause may be initiated by any Trustee member submitting notification to the Board of Trustee Chair, or Vice-Chair, if the Board Chair is the Trustee member in question. The notification must be signed by the Trustee who is aware of the violation and list the reasons for removal for cause. Cause shall be defined as follows:~~

- ~~.01 A Trustee member who misses without good cause two (2) consecutive Trustee Board meetings; or who otherwise has absenteeism issues.~~
- ~~.02 A Trustee member's breach of any material duty or obligation under the Bylaws, Charter, or policies.~~
- ~~.03 A Trustee member's neglect of duties.~~
- ~~.04 A Trustee member is convicted or pleads guilty or nolo contendere to any misdemeanor (other than traffic violation), felony, or any crime involving fraud, dishonesty or misappropriation.~~
- ~~.05 A Trustee member willfully or recklessly engages in misconduct that causes or will cause material harm to the College including to the reputation or mission of the College.~~
- ~~.06 A Trustee member who is disabled and unable to perform his/her duties as a Trustee.~~
- ~~.07 A Trustee member who attempts to be involved in the day-to-day operations of the College.~~

~~A copy of the petition for removal of trustee shall be immediately given to the Trustee in question and all other Trustees.~~

~~The petition to remove shall be placed on the agenda for the next regularly scheduled Board meeting, or special meeting. At the duly noted Board meeting, the Trustee in question, or his/her designated representative, shall be given an opportunity to present rebuttal arguments and evidence.~~

~~Following the rebuttal opportunity, the Chair or presiding officer shall call for a vote to the motion for removal of the Trustee in question. The Trustee in question will not vote. The majority vote of the Trustees present is required for removal. Upon the motion's approval by majority vote, the Trustee in question shall immediately be removed.~~

### 4.0030 REMOVAL OF A DIRECTOR FOR CAUSE

A Director will be removed for cause. The process to remove a member for cause may be initiated by any member submitting notification to the Board of Directors Chair, or Vice-Chair, if the Board Chair is the member in question. The notification must be signed by the Director who is aware of the violation and list the reasons for removal for cause. Cause shall be defined as follows:

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

.01 A Director member who misses without good cause two (2) consecutive Board meetings; or who misses four regular meetings over a period of one year; or who otherwise has absenteeism issues.

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.02 A Director member's breach of any material duty or obligation under the Bylaws, Charter, or policies.

.03 A Director member's neglect of duties.

.04 A Director member is convicted or pleads guilty or nolo contendere to any misdemeanor (other than traffic violation), felony, or any crime involving fraud, dishonesty or misappropriation.

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.05 A Director member willfully or recklessly engages in misconduct that causes or will cause material harm to the College including to the reputation or mission of the College.

.06 A Director member who is disabled and unable to perform his/her duties as a Trustee.

.07 A Director member who attempts to be involved in the day-to-day operations of the College.

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A copy of the petition for removal of director shall be immediately given to the board chair in question and all other board members.

The petition to remove shall be placed on the agenda for the next regularly scheduled Board meeting, or special meeting. At the duly noted Board meeting, the Director in question, or his/her designated representative, shall be given an opportunity to present rebuttal arguments and evidence.

Following the rebuttal opportunity, the Chair or presiding officer shall call for a vote to the motion for removal of the Director in question. The Director in question will not vote. The majority vote of the Directors present is required for removal. Upon the motion's approval by majority vote, the Director in question shall immediately be removed.

### 4.0035 GRIEVANCE PROCESS

The grievance process outlined in section 5.24.0000 shall be followed by all Board of Trustees members and Board of Directors members.

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### 4.0040 REVIEW OF DECISION OF BOARD OF DIRECTORS TO ~~APPOINT-EMPLOY~~ OR REMOVE PRESIDENT OF COLLEGE OR RENEW OR NON-RENEW CONTRACT OF PRESIDENT

Approve or disapprove in writing a decision by the Board of Directors to appoint ~~employ~~ or remove the President of the College from office for just reason, including a decision of the Board of Directors to renew or not to renew the contract of the President of the College. The Board of Trustees shall will not unreasonably decline to follow the decision of the Board of Directors.

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.01 The Board of Trustees has the authority to establish a process for review of a the decision of the Board of Directors to appoint ~~employ~~ or remove the President or to renew or not to renew the President's contract. The process established must take into account all elements of the decision of the Board of Directors, including, but not limited to, whether due process was provided to the President by the Board of Directors in his or her removal or non-renewal of his or her contract. The entire process, including the process outlined in 4.0040.02 of these bylaws, should take place within 30 days of receipt by the Board of Trustees of the decision of the Board of Directors regarding removal or appointment of the

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

~~President or renewal or non-renewal of the President's contract. This period may be lengthened by the mutual consent of both the Board of Trustees and the Board of Directors.~~  
~~.02—Should the Board of Trustees disagree with the Board of Directors regarding the decision of the Board of Directors to appoint hire or remove the President, or to renew or not to renew the President's contract, the Board of Trustees or the Board of Directors may request a special joint meeting to discuss the issue. If, as a result of the special joint meeting held as provided above, or in the event no meeting is called, the Board of Directors has indicated to the Board of Trustees that it will not change its initial decision, each Board shall, at the meeting called by the Board of Trustees as provided in this section, or at another meeting of each Board, acting separately, select a committee of three (3) of the members of their respective boards to serve on a special Joint Committee that will have the authority to make a final decision regarding the appointment or removal of the President or renewal or non-renewal of the President's contract. The special Joint Committee so appointed by the respective Boards will select a Chairman pro tem for the Joint Committee from the remaining nine members of the Board of Trustees and Board of Directors. The Chairman pro tem will not vote on any issue before the Joint Committee except in the case of a tie. At the meeting at which a Chairman pro tem is selected, or at such future meeting of the Joint Committee as may be called by the Chairman pro tem, the Joint Committee will reach a decision by majority vote regarding the initial decision of the Board of Directors to remove or appoint employ the President or to renew or not to renew the President's contract. The meeting of the Joint Committee may be continued from time to time until a decision is reached. For any meeting required under this section, a quorum of the Board of Directors cannot be established using the procedure stated in Section 3.22.4.0020 of these bylaws. The decision of the Joint committee will be final. Failure of the Board of Trustees to appoint members to the Joint Committee; or failure of both the Board of Trustees and the Board of Directors to appoint members to the Joint Committee; or failure of the Joint Committee, once appointed, to meet within a reasonable period of time to make a decision will mean that the initial decision of the Board of Directors regarding the President is final. Failure of only the Board of Directors to appoint members to the Joint Committee will mean that the decision of the Board of Trustees is final.~~

~~The Board of Trustees understands that the role of the Board of Directors is to employ, evaluate and if necessary dismiss the President. The Trustees will not participate in that role.~~

### 4.0050 ~~RECOMMENDATION TO TRIBAL COUNCIL TO REPLACE MEMBERS OF BOARD OF TRUSTEES~~

~~With the consent of the Upon majority vote of the Board of Trustees, the Board of Trustees will ~~officially~~ notify the Tribal Council, or the student governing body, as may be appropriate, of the recommendation of the Board of Trustees to remove and replace any Trustee based upon failure of the Trustee to attend to the duties of the office (including, but not limited to, absenteeism), inappropriate or illegal conduct, conflict of interest, death or disability, resignation, or other similar reasons.~~

### 4.0060 ~~SELECTION OF OFFICERS OF THE BOARD OF TRUSTEES~~

~~Select officers of the Board of Trustees in accordance Section 4.0020-2.5.0020 of these bylaws.~~

### 4.0070 RULES OF PROCEDURE

Adopt rules of procedure for the conduct of the meetings of the Board of Trustees.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### 4.0080 APPROVAL OR DISAPPROVAL OF AMENDMENTS TO BYLAWS OF BOARD OF DIRECTORS

Approve or disapprove all amendments to the bylaws of the Board of Directors. ~~The Board of Trustees will develop policies for review of proposed amendments to the Bylaws of the Board of Directors. No matter of bylaws regarding the College shall be submitted to the Board for approval or placed on a regular or special meeting agenda for action by the Board unless it has been presented in writing at a previous regular or special meeting of the Board.~~

There will be a thirty (30) day comment period for adoption and changes in bylaws. All comments will be compiled and submitted to the board for consideration prior to the vote. The adoption of bylaws requires the affirmative vote of a majority of the Board.

A copy of the adopted bylaws will be submitted the Tribal Council for approval.

### 4.0090 PROPOSAL OF AMENDMENTS TO BYLAWS OF BOARD OF TRUSTEES

Propose amendments to these bylaws. Once adopted by the Board of Trustees, any amendment so adopted will be submitted for approval or disapproval by ~~the Board of Directors~~ the Tribal Council as provided in Section ~~2.10.08000~~ of these bylaws.

There will be a thirty (30) day comment period for adoption and changes in bylaws. All comments will be compiled and submitted to the board for consideration prior to the vote. The adoption of bylaws requires the affirmative vote of a majority of the Board.

### 4.0100 VOLUNTARY ATTENDANCE AT MEETINGS OF BOARD OF DIRECTORS

Attend all meetings of the Board of Directors and enter into discussions with the Board of Directors, but any member of the Board of Trustees attending a Board of Directors meeting shall have no voting power within the Board of Directors unless appointed pursuant to Section ~~2.4.00203-0029~~ of these bylaws. Any one or more members of the Board of Trustees may attend a meeting of the Board of Directors.

## ~~2.5.0000~~ BOARD OF TRUSTEES OFFICERS, ELECTIONS OF OFFICERS AND DUTIES OF OFFICERS

### 5.0010 ELECTED OFFICERS

.01 .01 —Officers of the Turtle Mountain Community College Board of Trustees shall be a Chairperson (hereafter referred to as the "Chair"), a Vice-Chairperson, (hereafter the "Vice-Chair") and a Secretary. To be nominated for Chair, the person so nominated must have served on the Board for at least two years as a full member of the Board. The ~~Secretary~~ Secretary need not be a member of the Board of Trustees, in which case the ~~s~~Secretary shall not have voting privileges.

.02 .02 —The duties and responsibilities of elected officers shall be those usually pertaining to such positions including the following specific duties assigned to each office.

.03 .03 —At the direction of the Board of Trustees, elective officers may be assigned duties not ordinarily associated with their position.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### 5.0020 ELECTION OF OFFICERS AND TERMS

- ~~.01~~ ~~.01~~ Officers will be elected at a meeting of the Board of Trustees, whether considered special or regular, held as close as possible to the date on which their respective terms as officers expire.
- ~~.02~~ ~~.02~~ Each officer may be re-elected indefinitely. Other than the Chair, whose term is three (3) years, the term of each officer is two (2) years.
- ~~.03~~ ~~.03~~ Officers in place when these restated bylaws become effective shall remain in office until their terms would have expired under the previous bylaws, or until two years from the effective date of the bylaws, whichever is later.
- ~~.04~~ ~~.04~~ Officers shall be elected by majority vote of the Board of Trustees.
- ~~.05~~ ~~.05~~ Each officer selected must agree to serve before being nominated.
- ~~.06~~ ~~.06~~ Officers ~~may~~will be removed from their office by a majority vote of the Board of Trustees prior to serving their entire term of office upon a showing that the officer has failed to carry out the responsibilities of the office for which the officer was elected or other good cause. Good cause may include, but is not limited to, any of the reasons for removal of a member of the Board of Trustees as set forth in ~~Article II~~, Section ~~2.4.0025~~ 3.5 of these bylaws.

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### 5.0030 DUTIES AND RESPONSIBILITIES OF THE CHAIR

The Chair shall have the following duties:

- ~~.01~~ ~~.01~~ To call meetings of the Turtle Mountain Community College Board of Trustees.
- ~~.02~~ ~~.02~~ To preside over meetings of the Turtle Mountain Community College Board of Trustees.
- ~~.03~~ ~~.03~~ With the approval of the majority of the Board of Trustees, to appoint members to all special committees.
- ~~.04~~ ~~.04~~ With the consent, and at the direction of, the majority of the Board of Trustees, as provided in Sections ~~2.43.0010~~, ~~2.43.00020~~ and ~~2.43.0030~~ of these bylaws, to officially notify the Board of Directors in writing of any action of the Board of Trustees to remove or replace a member of the Board of Directors.
- ~~.05~~ ~~.05~~ With the consent, and at the direction of, the majority of the Board of Trustees, as provided in Section ~~2.43.0040~~ of these bylaws, to officially notify the Board of Directors in writing of any action of the Board of Trustees to approve or disapprove any action of the Board of Directors to ~~appoint~~employ or remove the President of the College, or to renew or fail to renew the contract of the President.
- ~~.06~~ ~~.06~~ With the consent, and at the direction of, the majority of ~~the majority of~~ the Board of Trustees, as provided in Section ~~2.43.0050~~ of these bylaws, to officially notify the Tribal Council in writing of the recommendation of the Board of Trustees for the Council to remove or replace any Trustee.
- ~~.07~~ ~~.07~~ To serve as a member with voting privileges on any special committee which the Chair appoints.
- ~~.08~~ ~~.08~~ To nominate to the Board of Trustees members to fill vacancies on all special committees.
- ~~.09~~ ~~.09~~ To oversee the Secretary of the Board and to ensure that all duties of the board Secretary are being fulfilled in a professional manner and perform an annual evaluation on the board Secretary.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### 5.0040 DUTIES **AND RESPONSIBILITIES** OF THE VICE-CHAIR

.01 .01 If the Chair of the Board of Trustees shall become vacant, or if the Chair is unable to perform his or her duties due to temporary circumstances or misses one annual meeting, the Vice-Chair shall serve as the Chair until the Chair is again able to resume duties or until the Chair's term expires. In the case of the Chair and Vice-Chair being absent, the remaining members shall appoint a temporary presiding officer from the membership of the Board.

.02 .02 In the absence of the Chair of the Board of Trustees, the Vice-Chair has the authority to appoint a Board of Trustee member to fill a vacancy on the Board of Directors in accordance with Section 2.3.0020 of these bylaws.

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### 5.0050 DUTIES **AND RESPONSIBILITIES** OF THE SECRETARY

The duties of the Secretary are:

.01 .01 To record attendance and maintain all minutes and pertinent records of all meetings; including committee reports.

.02 To ensure the accuracy, timeliness and storage of all board documentation in one central physical location, along with electronic location.

.03 To coordinate with the Board Chair and the College President in all internal and external official correspondence, regarding by-laws, agenda's, and any other communication necessary to perform the duties of the Board of Trustees.

.04 To record attendance and maintain all minutes and pertinent records of all meetings; including committee reports.

.05 To provide a copy, electronically or otherwise, of all agendas, notices of meetings, minutes of meetings, committee reports, and other official reports of the Board of Trustees, other than those relating to the removal of any member of the Board of Directors, to the Secretary of the Board of Directors for distribution to the Board of Directors.

.06 To assist in the preparation of all reports.

.07 To keep track of the terms of all members and officers of the Board of Trustees and the Board of Directors, including the date of appointment of the specific Board member or election as a Board officer, the number of terms served by the Board member and the number of terms served as an officer of each Board member, if any, the date of expiration of the term of each Board member, as applicable, and the date of expiration of the term of any office held by any Board member.

.08 To complete all travel arrangements for any travel which pertains to board members.

.09 To submit all Board purchase requisitions.

.010 To perform such other duties as will be assigned by the President of the College, the Board, or as required by law.

.011 To notify the appropriate TMCC administration of the adoption of bylaw changes.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

~~.02 To provide a copy, electronically or otherwise, of all agendas, notices of meetings, minutes of meetings, committee reports, and other official reports of the Board of Trustees, other than those relating to the removal of any member of the Board of Directors, to the Secretary of the Board of Directors for distribution to the Board of Directors.~~

~~.03 To assist in the preparation of all reports.~~

~~.04 To keep track of the terms of all members and officers of the Board of Trustees and the Board of Directors, including the date of appointment of the specific Board member or election as a Board officer, the number of terms served by the Board member and the number of terms served as an officer of each Board member, if any, the date of expiration of the term of each Board member, as applicable, and the date of expiration of the term of any office held by any Board member.~~

### 2.6.0000 MEETINGS OF THE BOARD OF TRUSTEES

#### 6.0010 MEETING TIMES

The Board of Trustees shall hold ~~an annual~~quarterly meetings in March, June, September, and December of each year. Additional meetings may be determined by the Chair of the Board of Trustees upon the request of at least two members of either the Board of Trustees or the Board of Directors, or in accordance with a regular schedule as may be determined by the Board. Public notice shall be given of at least 72 hours prior to each meeting.

#### 6.0020 EXECUTIVE SESSIONS

Executive sessions shall pertain to legal actions, causes of action, or litigation involving the Board of Trustees; proceedings involving recommendation for removal, or the physical or mental health, of any member of the Board of Trustees; proceedings involving employees of the Board; ~~and proceedings related to the decision of the Board of Directors regarding the appointment hire or removal of the President of the College, or renewal or non-renewal of the President's contract.~~

.01 .01 No official action of the Board will take place in an executive session.

.02 .02 The Board shall determine who participates in an executive session, other than members of the Board.

.03 .03 ~~No recording devices on during executive session.~~

.04 ~~No telephone attendance during executive session or any other electronic means.~~

.05 An executive session shall be declared by motion agreed to by a majority of the Board. The executive session will end upon a motion agreed to by a majority of the Board.

#### ~~6.0030~~ RULES OF ORDER

The most recent revised edition of Robert's Rules of Order shall govern at special and regular meetings of the Board of Trustees and all special committees when they are not in conflict with the bylaws of the Board of Trustees, or any other rule of procedure as adopted by the Board.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### 6.0040 QUORUM

A majority of the Board shall constitute a quorum for the transaction of business at regular and special meetings. However, if a school year has ended and a student trustee(s) graduates and a new student has not yet been appointed elected as a Trustee, a quorum shall be five (5) Trustees.

### 6.0050 NOTICE OF MEETINGS

Board members, representatives of the news media (including newspapers, radio, and television stations), and such other persons as the Board may designate, shall be notified in writing by the Secretary of the time, place, and purposes of all regular and special meetings and the agenda shall be posted on the bulletin board at the College office not less than 72 hours in advance of special meetings. No such written notices shall be required if any special meeting is held pursuant to action of the Board taken at any public meeting. Members of the Board of Trustees shall also receive notification in the same manner as the members of the Board of Directors.

### 6.0060 OPEN MEETINGS

To the maximum extent possible, all regular and special meetings are open to the public; provided however, that upon majority vote of directors present certain matters may be taken up in executive session at which members of the public shall not be present. To the extent students, faculty, or other staff of the College is free of other duties; they are encouraged to attend meetings of the Board of Directors Trustees.

### 6.0070 MANNER OF HOLDING MEETINGS

Regular or special meetings may be held by conference call, by video conferencing or over the Internet through software that allows for the equivalent of video conferencing, under necessary circumstances.

### 6.0080 SPECIAL MEETINGS

Special meetings shall be called by the Chair of the Board, or upon written request by a quorum of six (6) Trustees. Such written request must be received by the Secretary at least seventy-two (72) hours in advance of any such requested meeting, except in the event of an emergency situation requiring immediate action by the Board if harm to the College would likely result if no action could be taken by the Board due to the notice requirement of this section.

Matters to be considered at any special meeting are confined to those stated in the notice of such special meeting and for which purpose such special meeting has been called.

## 2.7.0000 COMMITTEES

### 7.0010 COMMITTEE OF THE WHOLE

It shall be the general policy of the Board of Trustees to perform its work, so far as practicable, as a committee of the whole.

### 7.0020 SPECIAL COMMITTEES

Special committees may be authorized by the Board of Trustees or by the Chair of the Board. Special committees must perform their work in a timely manner, be present at the scheduled meetings (unless there are extenuating circumstances), and maintain professionalism.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### 2.8.0000 CONFLICT OF INTEREST

#### 8.0010 DEFINITION OF CONFLICT OF INTEREST

A Board member will declare a conflict of interest if:

.01 Such Board member has an existing or potential financial or other interest in a particular matter that requires the approval or other action by the Board, which impairs or gives the appearance that the interest will impair such member's independent, unbiased judgment in the discharge of the member's responsibilities to the College, whether such interest occurs on the part of the member individually or as an owner, officer, director, employee, member, partner, trustee or controlling stockholder in any organization with an interest in the particular matter before the Board.

1) A financial interest would not include matters that affect the entire employee population. An example of not having a financial interest would be a COLA increase.

.02 Such Board members is aware that a member of his/her family has an existing or potential financial or other interests in a particular matter that requires the approval or other action by the Board.

.03 An immediate family member shall be defined as a spouse, parent, siblings, children, grandchildren, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, niece, nephew, uncle, aunt, stepmother, stepfather, stepchild, half-sibling, foster parent, or foster child. The definition of immediate family member also includes any personany person who resides in the same home as the Board member.

.04 Nepotism shall be defined as the hiring, selecting, appointing, promoting, advancing, or advocating of an immediate family member without regard to qualifications.

.05 The Trustees will also follow section 4.10.0000 Conflict of Interest Policy.

.06 Each board member is required to sign the Conflict of Interest Statement Form (Appendix A2-1).

#### 8.0020 DISCLOSURE OF CONFLICT OF INTEREST

All members of the Board of Trustees shall disclose to the Board any possible conflict of interest at the earliest possible time. No Board member shall participate in discussion or vote on any matter under consideration at a Board or Committee meeting in which such Board member has a conflict of interest. The Board member should disqualify him/herself in the event of a conflict of interest and not participate in any way in the matter. The minutes of such meeting shall reflect that a disclosure was made by the Board member who has the conflict of interest and that the Board member who has the conflict of interest abstained from discussion and voting. An abstention is a non-vote. Any Trustee who becomes aware of a conflict of interest shall immediately furnish a written disclosure of any such conflict to the Chair of the Board or the President of the College, including such additional disclosures as maybe required by state and federal law or under these bylaws. The Board shall review and promptly notify the Trustee if it concurs there is a conflict of interest. In every instance, the Board of Trustees reserves the right to make a determination on a conflict of interest in light of the College's best interest.

On an annual basis, all Trustees are required to submit a Conflict of Interest Disclosure Survey to the Board Chair or Vice-Chair (See Appendix A2-1).

#### 8.0030 UNCERTAINTY REGARDING CONFLICT OF INTEREST

Any Board member who is uncertain whether or not he/she has a conflict of interest in any matter will request the Board or Committee to determine whether or not a conflict of interest exists, and the

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

Board or Committee shall resolve the issue by majority vote. Conflicts of interest for members of the Board of Trustees shall be resolved consistent with resolution of similar conflicts for members of the Board of Directors and the Fiscal Management Conflict of Interest policy. Any discrepancies in the policies will be resolved by the Board of Trustees' majority vote.

### 8.0040 **SANCTIONS**

Failure to disclose a conflict of interest or violations of this Conflict of Interest Bylaw will result in discipline, including but not limited to, warning, reprimand, suspension or removal as a Trustee, as provided through Tribal Council process.

### 2.9.0000 **CODE OF CONDUCT**

All of Board of Trustees shall follow the Code of Conduct policy found in section 5.5.0030 of the Personnel Policy Manual

#### **8.0010—DISCLOSURE OF CONFLICT OF INTEREST**

All members of the Board of Trustees shall disclose to the Board any possible conflict of interest at the earliest possible time. No Board member shall vote on any matter under consideration at a Board or Committee meeting in which such Board member has a conflict of interest. The minutes of such meeting shall reflect that a disclosure was made by the Board member who has the conflict of interest and that the Board member who has the conflict of interest abstained from voting.

#### **8.0020—UNCERTAINTY REGARDING CONFLICT OF INTEREST**

Any Board member who is uncertain whether or not he/she has a conflict of interest in any matter may request the Board or Committee to determine whether or not a conflict of interest exists, and the Board or Committee shall resolve the issue by majority vote. Conflicts of interest for members of the Board of Trustees shall be resolved consistent with resolution of similar conflicts for members of the Board of Directors.

#### **8.0030—DEFINITION OF CONFLICT OF INTEREST**

A Board member shall be considered to have a conflict of interest if:

.01—Such Board member has an existing or potential financial or other interest in a particular matter that requires the approval or other action by the Board, which impairs or gives the appearance that the interest will impair such member's independent, unbiased judgment in the discharge of the member's responsibilities to the College, whether such interest occurs on the part of the member individually or as an owner, officer, director, employee, member, partner, trustee or controlling stockholder in any organization with an interest in the particular matter before the Board.

.02—Such Board members is aware that a member of his family has an existing or potential financial or other interests in a particular matter that requires the approval or other action by the Board.

.03—For the purposes of this paragraph a An immediate family member shall be defined as a spouse, parents, siblings, children children, grandchildren, grandparent, father in law, mother in law, sister in law, brother in law, son in law, daughter in law, niece, nephew, uncle, aunt, stepmother, stepfather, stepchild, half sibling, foster parent, or foster child. The definition of immediate family member also includes any and any other person who relative if the latter resides in the same home use held as the Board member.

.04—Nepotism shall be defined as the hiring, selecting, appointing, promoting, advancing, or advocating of an immediate family member without regard to qualifications. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee or controlling stockholder of any organization with an interest in the matter before the Board.

#### **9.0010 RULES OF ETHICAL CONDUCT FOR MEMBERS OF BOARD OF TRUSTEES**

Each Board of Trustee shall adhere to the laws, rules, regulations, and policies of applicable governmental and institutional authorities and the following standards of conduct. Failure to do so will be grounds for removal of the Trustee.

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

.01 No member of the Board of Trustees will have a direct or indirect interest, financial, or otherwise, of any nature as described in Section 8.0010 of these bylaws that is in conflict with the proper discharge of the Trustee's duties. Any Trustee shall timely furnish a written disclosure of any such conflict to the Chair of the Board or the President of the College, including such additional disclosures as maybe required by state and federal law or under Section 8.0010 of these bylaws.

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.02 No Trustee shall accept or solicit any gift, favor, or service that might reasonably tend to influence the Trustee in the discharge of the Trustee's official duties or that the Trustee knows or should know is being offered with the intent to influence the Trustee's official conduct.

.03 No Trustee shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.

.04 No Trustee shall accept employment or engage in any business or professional activity which the Trustee might reasonably expect would require or induce the Trustee to disclose confidential information acquired by reason of his or her official position.

.05 No Trustee shall disclose confidential information gained by reason of his or her official position or otherwise use such information for -personal gain or benefit.

.06 No Trustee shall transact any business in his or her official capacity with any business entity of which the Trustee is an officer, agent, or member, or in which the employee owns a substantial interest.

.07 No Trustee shall make personal investments which could reasonably be expected to create a substantial conflict between the Trustee's private interests and the public interest.

.08 No Trustee shall accept other employment or compensation which could reasonably be expected to impair the Trustee's independence of judgment in the performance of the Trustee's duties as a Board member.

.09 Sexual Harassment and Misconduct: The educational and working environment of the College should be free from inappropriate conduct of a sexual nature by any Board member.

.010 The Trustees will also follow section 5.28.0000 Harassment and Bullying Policy.

.011 No Trustee shall violate the Fiscal Management Conflict of Interest Policy (Section 4.10.0000).

.012 No Trustee shall coerce or exert undue influence or power upon the Board or College for any personal or financial gain or benefit for him/herself or for the Trustee's immediate family member.

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.013 No Trustee shall defame, by slander, libel or otherwise, the College and its students, employees, Trustees, Directors, or officers.

This is not an exhaustive list of conflicts of interest and Trustees should exercise full disclosure of any potential conflict of interest.

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### 9.0020 SANCTIONS

Failure to follow the Code of Conduct will result in discipline, including but not limited to, warning, reprimand, suspension or removal as a Trustee, as provided through Tribal Council process. -

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## SECTION 2 BOARD OF TRUSTEES BY LAWS

### **2.910.0000 — AMENDMENTS TO BYLAWS OF BOARD OF TRUSTEES**

#### **910.0010 APPROVAL OF BYLAWS BY TRIBAL COUNCIL**

These bylaws, including the process of amendment to these bylaws as contained herein, will not go into effect until approved by:

- ~~1. The Board of Directors and the~~ Board of Trustees of the College;
- ~~1. 2. The Higher Learning Commission of the North Central Association of Colleges and Schools, if necessary; and~~
- ~~2. 3. The Tribal Council of the Turtle Mountain Band of Chippewa Indians; and-~~
3. An update will be provided to the Higher Learning Commission.

#### **910.0020 APPROVAL OF AMENDMENT BY BOARD OF TRUSTEES AND BOARD OF DIRECTORS**

The bylaws of the Board of Trustees are subject to amendment by a majority vote of the members of the Board at a duly called and noticed meeting of the Board, and upon 30 days' advance notice to each member of the Board of Trustees of the proposed amendment, and provided further that such amendment, once approved by the Board of Trustees, is approved by a majority vote of the members of the Board of Directors of the College. The Board of Directors shall have 30 days following receipt of the proposed amendment, as approved by the Board of Trustees, in which to approve or reject the proposed amendment to the bylaws of the Board of Trustees. Failure of the Board of Directors to act within the 30 day period specified shall mean that the bylaws are deemed approved by the Board of Directors.

#### **910.0030 NO AMENDMENT TO VIOLATE CHARTER OF COLLEGE**

No proposed amendment to the bylaws ~~may~~will be presented or approved by the Board of Trustees which violates the Charter of the College as approved by the Tribal Council.

#### **910.0040 APPROVAL BY HIGHER LEARNING COMMISSION, IF NECESSARY**

If submission of an amendment to these bylaws to the Higher Learning Commission ~~of the North Central Association of Colleges and Schools~~ is deemed appropriate by the President of the College, the Board of Trustees or the Board of Directors, the amendment will not go into effect until the Higher Learning Commission has either indicated that it approves the amendment or that approval of the amendment by the Commission is not necessary for the amendment to go into effect.

#### **910.0050 ANNUAL REVIEW OF BYLAWS BY BOARD OF TRUSTEES**

The Board of Trustees shall review at least annually the bylaws of both the Board of Trustees and the Board of Directors.

### **2.11.0000 BOARD OF TRUSTEES POLICIES**

All members of the Board of Trustees will follow the policies and procedures set in all the TMCC policy manuals.

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# ~~3.0.000~~

# ~~BOARD OF~~

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# SECTION 3 BOARD OF DIRECTORS BY LAWS

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SECTION 3: BOARD OF DIRECTORS BY LAWS

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3.2.0000 ORGANIZATION OF THE BOARD

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3.3.0000 POWERS AND DUTIES OF THE BOARD OF DIRECTORS

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3.6.0000 MEETINGS OF THE BOARD

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3.7.0000 CONFLICT OF INTEREST

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3.9.0000 AMENDMENTS TO BYLAWS OF BOARD OF DIRECTORS

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3.10.0000 BOARD OF DIRECTORS POLICIES

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## ~~3.0.000~~ BOARD OF DIRECTORS BYLAWS

### ~~3.1.0000~~ PURPOSE OF THE BOARD OF DIRECTORS

~~The primary power and duty of the Board of Directors shall be to control and operate the College which includes, but is not limited to the power to set College policy, to ensure fiscal integrity of the College and to employ or release the President of the College, subject to the concurrence of the Board of Trustees as provided in the bylaws.~~

The overall purpose of the Board of Directors shall be to advance and promote the mission of the College, which is to: ~~“function as an autonomous Indian controlled college on the Turtle Mountain Band of Chippewa Reservation focusing on general studies, undergraduate education, Career & Technical Education, scholarly research, and continuous improvement of student learning. By creating an academic environment in which the cultural and social heritage of the Turtle Mountain Band of Chippewa is brought to bear throughout the curriculum, the College establishes an administration, faculty, staff, and student body exerting leadership in the community and providing service to it.”~~  
~~function as an autonomous Indian controlled college on the Turtle Mountain Indian Reservation focusing on general studies, undergraduate education, vocational education, direct scholarly research, and continuous improvement of student learning. By creating an academic environment in which the cultural and social heritage of the Turtle Mountain Band of Chippewa is brought to bear throughout the curriculum, the College establishes an administration, faculty and student body exerting leadership within the community and provides service to it.”~~

Under the Charter as reauthorized by the Tribal Council of the Turtle Mountain Band of Chippewa, primary functions of the Board of Directors has been specifically charged by the Tribe with the responsibility of providing community college instruction for members of the Tribe and residents within the area served by the College who are qualified for admission, according to the standards established by the College. The Board of Directors is responsible for the management and operation of the College, and has custody of, responsibility for, and control of the property, real and personal, and other intangible assets, of the College.

The Board is responsible to the Board of Trustees and ultimately to the Turtle Mountain Band of Chippewa Indians. The Board is responsible for ensuring that the Institutional Objectives of the College are met. In doing so, the Board should be sensitive to the hopes, ambitions, and needs of the members of the Tribe. It shall have responsibility for formulating broad public policy for community college education in the area served by the College.

### ~~3.2.0000~~ ORGANIZATION OF THE BOARD

#### ~~2.0010~~ NAME OF BOARD OF DIRECTORS

The governing board of the Turtle Mountain Community College shall be known as the “Board of Directors of the Turtle Mountain Community College” (hereinafter referred to as the “Board”).

#### ~~2.0020~~ COMPOSITION OF BOARD OF DIRECTORS

The Board of Directors of the College shall consist of five members selected in accordance with Sections ~~32.4.0010~~ and ~~32.4.0020~~ of the bylaws of the Board of Trustees. No member of the Board will be employed by the College. Other qualifications are set forth in Section 2.4.0010 of as may be identified in the Board of Trustee bylaws.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

### 2.0030 TERM OF OFFICE

The term of each member of the Board of Director shall be for five years. [Directors interested in renewing a term, shall go through the application process.](#) Board members shall serve in staggered terms, with only one Board member ~~re~~eaching the end of his or her term each year.

### 2.0040 VACANCIES

Any vacancies occurring on the Board for any reason shall be filled by the Board of Trustees by appointment in accordance with Section [32.4.0010](#) of the bylaws of the Board of Trustees, except as provided in Section [32.4.0020](#) of the bylaws of the Board of Trustees. Any such appointments will be made in accordance with policies as established by the Board of Trustees.

### 2.0050 QUALIFICATIONS

[Each member of the Board of Directors shall be:](#)

- [.01 Enrolled members of the Turtle Mountain Band of Chippewa Indians.](#)
- [.02 Of legal age.](#)
- [.03 Have demonstrated interest in the operation and success of the College.](#)
- [.04 No member of the Board of Directors shall be employed by the College.](#)
- [.05 No member of the Board of Directors shall be a convicted felon.](#)
- [.06 Selected from a variety of stakeholders.](#)
- [— No member of the Board of Directors can be a family member of any other board member as defined in 3.7.0000 Conflict of Interest Policy.](#)
- [.07 No member will be supervised by another board member in regards to their employment](#)
- [.08 Other qualifications that are outlined in the Board of Trustee bylaws.](#)

### 2.00560 AUTHORITY OF INDIVIDUAL MEMBERS OF THE BOARD

Individual members of the Board have power and authority only when acting formally as members of the Board in session or when entrusted by the Board with specific and definite assignments.

## 3.3.0000 POWERS AND DUTIES OF THE BOARD OF DIRECTORS

### 3.0010 OVERSIGHT AND CONTROL OF THE COLLEGE

As the policy making body of the Turtle Mountain Community College, the Board shall be charged with oversight and control of the College. The formulation and adoption of written policies that govern the College shall constitute the basic method by which the Board exercises its authority over the operation of the College.

### 3.0020 SPECIFIC POWERS AND DUTIES OF BOARD OF DIRECTORS

Subject to applicable law, and without limiting the right of the Tribe to modify its powers and duties, the Board of Directors shall have the power or the duty:

- [.01 Individual members of the Board have power and authority only when acting formally as members of the Board in session or when entrusted by the Board with specific and definite assignments.](#)

[.01 — To hire/appoint or release the President of the College. Appendix A3-2, subject to the approval of the Board of Trustees in accordance with Section 2-43.0040 of the bylaws of](#)

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

- ~~the Board of Trustees. To review policies and procedures for not less than annually of the performance of the President of the College~~
- ~~.02 .02 — To develop review policies and procedures for not less than an annual annually review of the performance of the President of the College.~~
- ~~.03 .03 — To develop follow policies allowing the President due process in any action of the Board to release the President of the College or to renew or not to renew the contract of the President, consistent with these bylaws and the bylaws of the Board of Trustees.~~
- ~~.04 .04 — With the concurrence of the Board of Trustees, to adopt and periodically review a statement of philosophy, mission and goals, which clarifies basic educational responsibilities of the College.~~
- ~~.05 .05 — To establish general policies for the governance of the College and hold the President accountable for administering them.~~
- ~~.06 .06 — To consider and take appropriate action on recommendations of the President in matters of policy relating to the welfare of the College.~~
- ~~.07 .07 — To concur with the President, by motion, on all hire, in-house transfer, or dismissal of the Vice-President and Comptroller. Prior to appointment hire or in-house transfer, and upon the nomination of by the President, to concur with the President by motion all appointments hires to, or dismissal of, certain administrative positions, including the Vice-President, and Comptroller, and Human Resources Director in accordance with established due process procedures as provided by the College. See the College's Personnel Policies regarding these procedures.~~
- ~~.08 .08 — To employ a general counsel, auditor, and other agents as required, and fix their qualifications and amount of compensation.~~
- ~~.09 .09 — To adopt an annual budget in June of each fiscal year that will allow fiscally prudent operation of the College in accordance with applicable law and regulations. A preliminary budget shall be submitted at the May meeting of each fiscal year and approved at the June meeting, subject to change upon availability of funding.~~
- ~~.010 .10 — To review and approve or disapprove all construction contracts and all expenses associated with these contracts.~~
- ~~.011 .11 — To take all reasonable and necessary steps to provide the required personnel, physical facilities, and means of financial support to carry out the Mission and Institutional Objectives of the College.~~
- ~~.012 .12 — To review and take action on matters relating to site selection and physical plant development for further development of the College.~~
- ~~.013 .13 — To assess the efficiency of College operations and to approve a process for evaluation of the educational programs of the College.~~
- ~~.014 .14 — To refer to the President of the College all matters concerning the College of which the Board or individual members become aware for study and recommendation before such matters are considered by the Board, except for the selection of the President.~~
- ~~.015 To perform a self-evaluation annually at the first quarterly meeting of the calendar year. (See Appendix A3-2)~~
- ~~.016 .15 — To inform the public concerning relevant statistics and information about the College, its students and educational programs, the needs of the College, its financial status, and to accurately account to the public for all receipts and expenditures—expenditures.~~
- ~~.017 .16 — To perform such other duties as may will be prescribed by applicable law, and where appropriate, act directly concerning matters not covered by these bylaws, the Charter, or specific law or policy.~~



## SECTION 3 BOARD OF DIRECTORS BY LAWS

.018 Nothing herein is to grant to the Board greater powers than the powers identified in the Charter.

.01

### 3.0030 GRIEVANCE PROCESS

The grievance process outlined in section 5.24.0000 shall be followed by all Board of Trustees and Board of Directors members.

### 3.4.0000 OFFICERS OF THE BOARD

#### 4.0010 NAMED OFFICERS

The officers of the Board consist of a Chairperson (hereinafter the "Chair") and a Vice-chairperson (hereinafter the "Vice-Chair") who shall be elected from the members of the Board, and a Secretary and Treasurer, who shall not be members of the Board.

The Board ~~shall may~~ select a non-director member as the Secretary, who shall be compensated separately by the College, and the Comptroller of the College shall serve as Treasurer. Such officers shall report to the Board through the President of the College.

#### 4.0020 MANNER OF ELECTION AND TERMS OF OFFICE

The election of Board officers shall be held annually at the Regular Meeting of the Board in September following the appointment of a new Board member for that year.

The Chair ~~and and~~ Vice-Chair of the Board shall be elected to such offices by the Board for a term of one (1) year and assume office immediately upon election. These two officers shall be elected from within the five person Board.

#### 4.0030 VACANCY IN OFFICE & REMOVAL OF A DIRECTOR FOR CAUSE

In case of a vacancy in any elected office of the Board of Directors, the vacancy shall be filled as soon as possible through an election as provided in Section 4.0020 of these bylaws, by the remaining Board members. The secretary and treasurer shall serve at the discretion of the Board and any vacancy in either of those offices shall be filled as soon as possible after the vacancy occurs by the Board of Directors, in consultation with the President of the College.

A Director will be removed for cause. The process to remove a Director for cause shall be the process identified in Section 2.4.0030.

#### 4.0040 DUTIES AND RESPONSIBILITIES OF THE CHAIR OF THE BOARD

The duties of the Chair of the Board of Directors are:

.01 .01 To preside at all meetings.

.02 .02 To appoint members and designate a chairperson of all special committees approved by the Board.

.03 .03 To execute all contracts approved by the Board and other official documents legally requiring the signature of the chairperson of the Board.

.04 .04 To call special meetings of the Board as required.

.05 .05 To represent the Board at meetings of the Trustees.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

~~.06~~ ~~.06~~ —To perform any other duty formally assigned by the Board, or by legislative enactment.

~~.07~~ ~~.07~~ —To request that a member of the Board of Trustees be appointed pursuant to Section ~~2.43.0020~~ of the bylaws of the Board of Trustees to temporarily act as a Director to establish a quorum during an emergency meeting of the Board of Directors when a quorum of the Board of Directors cannot be established by any other means, including personal presence, conference call or other electronic means. Any member of the Board of Trustees appointed to serve on the Board of Directors under this section only serves on the Board of Directors until such time as a quorum of duly appointed members of the Board of Directors can be established.

~~.08~~ ~~.08~~ —To vote on all matters that come before the Board of Directors.

~~.09~~ ~~.09~~ To oversee the secretary of the Board and to ensure that all duties of the board secretary are being fulfilled in a professional manner and perform an annual evaluation on the board Secretary.

### 4.0050 DUTIES AND RESPONSIBILITIES OF THE VICE-CHAIR OF THE BOARD

The duties of the Vice-Chair of the Board of Directors are:

~~.01~~ ~~.01~~ —To perform all duties of the Chair of the Board in the absence or disability of the Chair, and to perform such other duties as assigned by the Chair with the consent of the Board.

### 4.0060 DUTIES AND RESPONSIBILITIES OF THE SECRETARY

The duties of the Secretary are:

~~.01~~ ~~.01~~ To ensure the accuracy, timeliness and storage of all board documentation in one central physical location, along with electronic location.

~~.02~~ ~~.02~~ To coordinate with the Board Chair and the College President in all internal and external official correspondence, regarding by-laws, agenda's, and any other communication necessary to perform the duties of the Board of Trustees Directors.

~~.03~~ ~~.01~~ —To be responsible for the written or electronic notification of all appropriate parties regarding the regular and special meetings of the Board.

~~.04~~ ~~.02~~ —To prepare the Board Room or other appropriate accommodations before and after each meeting of the Board or any of its committees.

~~.05~~ ~~.03~~ —To transmit electronically, or by other mechanism designed to assure delivery, the Board agenda and a copy of the minutes of the previous meetings to the Board and such other persons as the Board may designate and post at proper areas prior to an ensuing meeting.

~~.06~~ ~~.04~~ —To be responsible for recording, preparing and distributing to all members of the Board, and to such members of the Board of Trustees who might request such information, whether electronically or by any other mechanism designed to assure delivery, the minutes and other accompanying materials of regular and special meetings of the Board.

~~.07~~ ~~.05~~ —To have custody of the official Seal of the Corporation, to affix it to official documents, if necessary, and to attest to any signature of an officer of the Board or a senior administrative official of the College.

~~.08~~ ~~.06~~ —To prepare and maintain for the Board an indexed compilation of all bylaws and amendments thereto; and a copy of all policies of the Board and all amendments thereto,

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

the whole of which shall be known as the Policies of the Board of Directors of the Turtle Mountain Community College.

.09 ~~.07~~ — To inform the Board of any communications which require consideration and action by the Board.

.010 ~~.08~~ — To file such public notices of Board actions as may be required by statute, bylaws, resolutions of the Board, or other applicable law.

.011 ~~.09~~ — To perform such other duties as may be assigned by the President of the College, the Board, or as required by law.

.012 To complete all travel arrangements for any travel which pertains to board members.

.013 To submit all Board purchase requisitions.

.014 To notify the appropriate TMCC administration of the adoption of bylaw changes.

### 4.0070 DUTIES AND RESPONSIBILITIES OF THE TREASURER OF THE BOARD

— The duties of the Treasurer of the Board of Directors are:

.01 ~~.01~~ — To cause to be kept current complete and accurate records of all funds of the College that are collected or expended, in accordance with generally accepted accounting principles and all relevant law and regulations.

.02 ~~.02~~ — To notify promptly the President of all funds received, the source and nature of such funds, and to arrange for the deposit of such funds to the appropriate accounts of the College.

.03 ~~.03~~ — To account for all money received and for all money paid out when so requested by the Board or as required by law.

.04 ~~.04~~ — To invest the College's surplus funds, in lawful investments and as approved by the Board of Directors and the President of the College, and to provide a report of such investments to the Board.

.05 ~~.05~~ — To prepare annually a statement of revenue, expenditures, and fund balances of the College as of the end of the fiscal year.

.06 ~~.06~~ — To prepare such other reports and perform such other duties as the President or the Board of Directors may from time to time direct.

.07 ~~.07~~ — To prepare an Annual Budget for the President to be presented to the Board of Directors at the June meeting of the Board.

### 4.0080 DUTIES AND RESPONSIBILITIES OF THE COLLEGE PRESIDENT ~~OF THE COLLEGE AS EXECUTIVE OFFICER OF THE BOARD~~

The President of the College shall be the Executive Officer of the Board through which the Board carries out its programs and exercises its policies. The President may delegate to subordinate officers of the College such duties of the President as the President may deem advisable under the supervision and direction of the President.

Within the framework of policies adopted by the Board, the President shall exercise discretionary authority in carrying out responsibilities of the position. The President shall perform the following functions:

.01 ~~.01~~ — Inform the Board of all actions taken under authority granted by it.

.02 ~~.02~~ — Perform all executive functions of the Board, such as:

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

- ~~1) (1)~~ — Preparation of the agenda for Board meetings with the Board of Directors Chair;
  - ~~2) (2)~~ — Conduct official correspondence of the Board;
  - ~~3) (3)~~ — Issue orders of the Board of Directors;
  - ~~4) (4)~~ — Cause to be prepared contracts and other documents necessary to carry out the activities of the College, including those contracts and other documents subject to approval by the Board;
  - ~~5) (5)~~ — Provide for the custody of all records, proceedings, and documents of the Board and assume responsibility for making them available for public inspection; and
  - ~~6) (6)~~ — Ensure that trustees, directors, and employees handling College funds are adequately bonded at College expense to protect the College from loss sustained through fraudulent or dishonest acts or any act of omission performed in the line of official duty.
- ~~.03 .03~~ — To advise the Board in all areas of policy and make recommendations on all matters that affect the College before action is taken by the Board.
- ~~.04 .04~~ — To inform the Board of all personnel appointments-hires of administrative and full-time academic teaching personnel of the College, except those administrators subject to appointment by the Board except Vice-President and Comptroller which require Board concurrence.
- ~~.05 .05~~ — To submit to the Board at the appropriate time an annual budget and administer the Board approved budget.
- ~~.06 .06~~ — To be responsible for the formulation of all reports as may be required by the Board and by local, state, and national agencies.
- ~~.07 .07~~ — To formulate and promulgate regulations and procedures designed to implement Board policies.
- ~~.08 .08~~ — To represent the College to the community by interpreting and presenting the College program to the public, parents of students, the press, the Tribal Council, and community organizations.
- ~~.09 .09~~ — To execute all documents pursuant to such authority as may be granted to the President by the Board.
- ~~.010 .10~~ — To prepare and submit to the Board an annual report of the operation of the College, including recommendations for the immediate and long range development of the College.
- ~~.011 .11~~ — To serve as the official channel for all contacts between staff members and the Board of Directors.
- ~~.012 .12~~ — To act as the chief administrator and educational leader of the College, who is responsible for the organizational structure of the College and for all executive and administrative duties in connection with the operation of the College.
- ~~.013 .13~~ — To propose a long-range plan for College programs, recommending to the Board from time to time such changes in the programs and services of the College as appropriate and necessary to fulfill the stated philosophy and goals of the College .
- ~~.014 .14~~ — To establish College objectives consistent with the Board approved philosophy and goals, and provide for evaluation of all personnel and programs in accordance with the stated objectives.
- ~~.015 .15~~ — To recommend to the Board site location and site utilization and direct the development of the campus building program.

## SECTION 3 BOARD OF DIRECTORS BY LAWS

~~.016-.16~~ —To participate in community college programs at the local, state, and national level by ensuring that the College is represented at meetings of all organizations to which the College belongs, and to represent the College within such other organizations as may be approved by the Board.

~~.017-.17~~ —To review pending or existing legislation at the tribal, state, and federal level that affects the College or that may provide assistance to the College if enacted and report the substance thereof to the Board.

~~.018-.18~~ —To designate an administrative officer of the College to serve as acting President during any absence of the President.

~~.019~~ To carry out approved policies, guidelines, and regulations governing the management of academic, business, and student affairs, delegating execution to administration.

~~.020~~ Primary responsibility for the internal organization of the College's administration, including academic, administrative, and student affairs, and the development and management of the physical plant and auxiliary services.

~~.021~~ Ensure the assets of the College are continually directed toward maintaining and sustaining the quality of teaching and the mission of the College.

~~.022~~ Responsible for facilitation of quality scholarships; careful management of resources; recruitment and retention of outstanding faculty, staff and students; problem solving; and promoting intellectual, physical and fiscal health of the College.

~~.023~~ Provide the necessary leadership and management skills, including planning and policy development, for the College to achieve its mission and purpose.

~~.024~~ Maintain a productive and positive relationship with faculty, students, staff, Board members, and alumni.

~~.025~~ Assume responsibility for the establishment of guidelines/policies for student conduct which sets forth prohibited conduct and provides appropriate disciplinary procedures and sanctions for violation of College rules, consistent with standards of procedural fairness.

~~.026~~ Inform and advise the Board of Trustees and Board of Directors regarding significant issues at the College.

~~.027~~ Will delegate duties and responsibilities as necessary or appropriate.

~~.028~~ Provide new Board of Trustees and Board of Directors Members with an orientation within one month of the first Board Meeting of appointment.

~~.029-.49~~ —To perform such other duties as ~~may will~~ be assigned by the Board or otherwise required by law.

### 4.0090 REVIEW OF PRESIDENT DECISIONS

In exercising his/her authority to carry out the President's responsibilities and duties, the President shall strive to conform to and advocate the College's mission and purpose in compliance with policies, bylaws, rules, regulations and state, federal and tribal laws.

In the event the Board of Directors, upon a majority vote, disagrees with a College President's decision or action, the Board shall designate two Board members to meet with the President to discuss and attempt to reach an understanding and resolution of the issue. If a resolution cannot be reached on matters of policy violation, the Board of Directors has the authority, upon majority vote, to make a final decision and direct the President to follow its decision. ~~If on matters,~~ other than policy violation, the President will have the ultimate authority to make a final decision. However, the Board of Directors has ultimate authority on all matters of fiscal integrity of the College.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

### 4.0100 PRESIDENT'S EVALUATION

The College President's evaluation form (Appendix A3-1) shall be sent from the recording Secretary, to the Board of Directors 90 days prior (April 1) to the deadline for renewal or non renewal. The evaluation will be reviewed by the Board of Directors and the College President 60 (May 1) days prior to the deadline for renewal.

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### 4.0110 COLLEGE PRESIDENT DUE PROCESS

#### .01 DUE PROCESS FOR NONRENEWAL OF CONTRACT

The Board, with concurrence from the Board of Trustees, will employ or remove the President of the College, or renew or not renew the contract of the President. In consultation with the Board of Trustees, The Board of Directors will initiate such process by providing written notice of intent to do so to the President of the College. Such notice shall identify the action (such as employ, remove, renew, or nonrenewal) and the facts supporting such decision.

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The President shall be given ten (10) days to provide a written response to the notice and to request a hearing before the Board of Directors. The hearing shall be held within 30 days of receipt of President's request for hearing. The Board may will suspend a President with pay and benefits or reassign a President to other duties pending meeting and a decision. The President may will present additional information at the hearing by written submissions, evidence and testimony. The Board may limit the scope of the hearing and the number of witnesses.

Within ten (10) days following the hearing, the Board shall issue a written decision to the President and to the Board of Trustees. The Board of Trustees shall review the decision of the Board of Directors as required in Section 2.4.0040. The decision rendered in compliance with Section 2.4.0040 will be final and non-appealable.

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#### DUE PROCESS FOR IMPASSE

In the case of an impasse between the College President and the Board of Directors, the President, the Board of Director Chair, Board of Directors Vice-Chair, Board of Trustees Chair, and Board of Trustees Vice-Chair will have a meeting to determine what would be best for the College. If an agreement cannot be obtained, the grievance policy and process in section 5.24.0000 will be followed.

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### 3.5.0000 COMMITTEES OF THE BOARD

#### 5.0010 STANDING COMMITTEE OF THE WHOLE

It shall be the general policy of the Board of Directors to perform its work, so far as practicable, as a committee of the whole.

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#### 5.0020 SPECIAL COMMITTEES

The Board may establish, from time to time, special committees to deal with specific needs/concerns. Committee members and their chairperson shall be appointed by the Chair of the Board. The Chair of the Board shall be an ex-officio member of all committees. Moreover, any member of the Board of Directors or Board of Trustees shall have the right to participate without vote at any committee meeting, and shall upon request be given the same notices and information as the committee members. All committees shall keep records of their actions and submit such minutes of committee meetings, together with any recommendation for action, to the appropriate Board for consideration.

## SECTION 3 BOARD OF DIRECTORS BY LAWS

Special committees must perform their work in a timely manner, be present at the scheduled meetings (unless there are extenuating circumstances), and maintain professionalism.

### 3.6.0000 MEETINGS OF THE BOARD

#### 6.0010 ANNUAL ORGANIZATIONAL MEETING

The Organizational Meeting of the Board shall be held annually in connection with the first regular meeting in September following the appointment or reappointment of that year's Board member. The specific business before this meeting shall be the election of officers as authorized by these bylaws and the determination of the regular meeting schedule of the Board for the succeeding year.

#### 6.0020 REGULAR MEETINGS

Regular meetings of the Board shall be held once each month, on the fourth Monday at 5:00 pm. A regular meeting may, however, be set for another date and time or waived by action of the Board at any previous meeting with concurrence of the College President. Meetings shall be held in the Board Room of the College on the College campus and a notice of no less than 72 hours shall be given to the public prior to each meeting.

.01 .01 — QUARTERLY MEETINGS - The Board of Directors shall meet quarterly on the 4<sup>th</sup> Saturday of the month beginning at 9 am, which may also constitute as a regular meeting with the exception of the December meeting which shall be held first Saturday of the December beginning at 9 am. Quarterly meetings will be held in March, June, September, and December.

.02 .02 — ATTENDANCE - Any Board member who misses without good cause two consecutive regular meetings or four regular meetings over a period of one year shall be reported to the Board of Trustees by the Chair or Vice-Chair of the Board of Directors, along with a recommendation to the Board of Trustees that the Board member be removed for cause pursuant to Section 2.43.0030 of the bylaws of the Board of Trustees.

#### 6.0030 SPECIAL MEETINGS

Special meetings shall be called by the Chair of the Board, or upon written request by three (3) Directors or by the President when approved by the Chair of the Board. Such written request must be received by the Secretary at least twenty-four (24)seventy-two (72) hours in advance of any such requested meeting, except in the event of an emergency situation requiring immediate action by the Board if harm to the College would likely result if no action could be taken by the Board due to the notice requirement of this section.

Matters to be considered at any special meeting are confined to those stated in the notice of such special meeting and for which purpose such special meeting has been called.

#### 6.0040 EXECUTIVE SESSIONS

Executive sessions shall pertain to legal actions, causes of action, or litigation involving the College; leasing, purchase or sale of real estate; and proceedings involving physical or mental health, scholastic probation, scholastic expulsion, or scholastic graduation; and proceedings related to the hiring, firing, -renewal or nonrenewal of College President, Vice President or Comptroller. Directors must attend Executive Sessions in person and attendance by telephone or any other electronic means is not allowed.

or promotion of College personnel.

.01 .01 — No official action of the Board will take place in an executive session.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

~~.02 .02~~ —The Board shall determine who participates in an executive session, other than members of the Board.

~~.03 .03~~ —No recording devices on during executive session.

~~.04~~ No phone attendance during executive session.

~~.05~~ An executive session shall be declared by motion and agreed to by a majority of the Board. The executive session will end upon a motion agreed to by a majority of the Board.

### 6.0050 NOTICE OF MEETINGS

Board members, representatives of the news media (including newspapers, radio, and television stations), and such other persons as the Board may designate, shall be notified in writing by the Secretary of the time, place, and purposes of all regular and special meetings and the agenda shall be posted on the bulletin board at the College office not less than ~~24~~72 hours in advance of special meetings. No such written notices shall be required if any special meeting is held pursuant to action of the Board taken at any public meeting. Members of the Board of Trustees shall also receive notification in the same manner as the members of the Board of Directors.

### 6.0060 OPEN MEETINGS

To the maximum extent possible, all regular and special meetings are open to the public; provided however, that upon majority vote of directors present certain matters may be taken up in executive session at which members of the public shall not be present. To the extent students, faculty, or other staff of the College is free of other duties; they are encouraged to attend meetings of the Board of Directors.

### 6.0070 MANNER OF HOLDING MEETINGS

Regular or special meetings may be held by conference call, by video conferencing or over the Internet through software that allows for the equivalent of video conferencing under necessary circumstances.

### 6.0080 APPEARANCES BEFORE THE BOARD

The order of business of any regular meeting shall include an opportunity for the public to address the Board on any item of business, which is included on the agenda.

Furthermore, any individual, or group, may ask the Board to place on the agenda any subject matter not already on the agenda as prepared by the Secretary that lies within the Board's authority to consider. The individual who wishes to appear regarding a matter not already on the agenda for consideration shall make a written request to the President describing the question or topic for discussion or presentation at least seven (7) days prior to a regular meeting of the Board. The Board may approve by motion other requests to appear at the time the Agenda is considered for approval.

### 6.0090 QUORUM

A majority of the Board consisting of at least three (3) members shall constitute a quorum for the transaction of business at regular and special meetings. A smaller number may call the roll, record the names of absentees, and adjourn to meet at a specified future time.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

### 6.0100 REQUIRED VOTE

An affirmation vote of a majority of all directors present at regular and special meetings shall be required for the passage of any motion.

A member abstaining from voting shall be entered in the minutes as a neutral vote.

### 6.0110 ACTION BY RESOLUTION

The Board shall act by resolution regarding decisions that involve any of the following actions:

- ~~.01 .01~~ Fixing and determining educational policy and curriculum of the College.
- ~~.02~~ ~~Appointing and fixing the compensation and contract terms of the President and other officers of the College.~~
- ~~.03~~ ~~Adopting terms and conditions of employment of all College personnel and fixing compensation specifically or under general schedules.~~
- ~~.04~~ ~~Granting any power to appoint and employ other officers, agents, and employees and fixing general terms and conditions of such employment.~~
- ~~.02 .05~~ Fixing and determining tuition rates and other fees.
- ~~.03 .06~~ Entering into contracts and agreements with a value of more than \$25,000, or such lesser amount as the Board may determine in consultation with the Comptroller and the President.
- ~~.04 .07~~ Any proceedings for eminent domain.
- ~~.05 .08~~ Establishment of general policies for operation of the College.

### 6.0120 ACTION BY MOTION

Generally, all other action taken by the Board of Directors and not falling in the categories listed in Section 6.0110 of these bylaws will be pursuant to motion and passed by majority vote at a regular or special meeting. This includes, but is not limited to, the following:

- ~~.01~~ ~~Employing and fixing the compensation and contract terms of the President of the College. Appointing members of the administration and academic teaching staffs in accordance with general schedules fixing compensation and terms of employment.~~
- ~~.01 .02~~ Acting upon routine approvals of the Board at a regular or special meeting covering such matters as:
  - 1) (1) —Serving as a final adjudicating or appeal body for students, employees, and citizens on matters of policy and policy interpretation.
  - 2) (2) —Considering communications and requests from citizens and organization on matters of policy, administration, and other items of public concern affecting the College.
  - 3) (3) —Directing the President ~~or other College official~~ to take appropriate action regarding the ordinary functions of the College.
  - 4) (4) —Procedural motions of any kind, including adoption of rules of order in special situations, such as appearances before the Board.
  - 5) Adopting terms and conditions of employment of College President, Vice President, and Comptroller and fixing compensation specifically or under general schedules.

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**Commented [MD15]:** I recommend this be by motion and not resolution.

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**Commented [JDLS16]:** Get Interpretation from others. Is this a form of shared governance?

## SECTION 3 BOARD OF DIRECTORS BY LAWS

### 6.0130 EMERGENCY MEETINGS

Any action required or permitted to be taken by the Board in any emergency in which the College or any person is in imminent threat of harm if action is not taken may be taken without a formal meeting, provided a quorum is present and all members of the Board have been notified of the meeting. Such a meeting may be conducted by telephone, electronic device such as the Internet or in any other way the Board members shall decide that will allow immediate action to be taken or authorized. In such cases, the President of the College may act as the Secretary of the Board, or the Board may appoint a temporary Secretary to record the proceedings of the meeting. A written consent setting forth the action so taken, and signed by all of the members of the Board in attendance at the meeting, must be filed with the minutes of the meeting.

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### 6.0140 AGENDA

The agenda shall be prepared by the President and its contents presented to the Board for consideration at each meeting. Any item not on the agenda may be placed on the agenda by any Board member unless objected to by any member of the Board of Directors present, but, even if an objection is made; such item shall be placed on the agenda upon motion if a majority of the Board consents.

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### 6.0150 ORDER OF BUSINESS

1. ~~1.~~ Call to order
2. ~~2.~~ Opening Prayer
3. ~~3.~~ Roll call
4. ~~4.~~ Approval of Agenda
5. ~~5.~~ Approval of Minutes
6. ~~6.~~ Old Business
7. ~~7.~~ New Business
8. ~~8.~~ Other Business
9. ~~9.~~ Adjournment

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### 6.0160 MINUTES OF MEETING

Minutes of regular and special meetings are public records. The Minute Book, a permanent record of all actions of the Board of Directors, shall be open to inspection by any citizen of the Turtle Mountain Band of Chippewa community and shall be kept on file at the College administrative offices as a permanent official record of all transactions of the Board.

The minutes shall record the name of the director making a motion, the name of the director seconding it, and the vote attributing each 'yea' and 'nay' vote, or abstinence if not voting, to the individual director. The voting shall be by voice except that a roll call may be required for resolutions and all other questions whenever requested by a Board member. A Board member may also have the reasons for his or her vote recorded in the minutes if so requested at the time of voting.

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### 6.0170 ADOPTION OF POLICY AND BYLAWS

No matter of policy regarding the College shall be submitted to the Board for approval or placed on a regular or special meeting agenda for action by the Board unless it has been presented in writing at a previous regular meeting of the Board. This rule may be waived only by the unanimous consent of those Board members present and voting at the meeting when any such proposed action is contemplated.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

There will be a thirty (30) day comment period for adoption and changes in the policy and bylaws. All comments will be compiled and submitted to the Board for consideration prior to the vote. The adoption of policy and bylaws requires the affirmative vote of a majority of the Board.

A copy of the adopted bylaws will be submitted to the Board of Trustees for approval.

### 6.0180 ~~0~~ — RULES OF CONDUCT FOR MEETINGS

Except as they may be in conflict with the bylaws heretofore set forth, Robert's Rules of Order, in its current revision, shall constitute the rules of conduct for meetings of the Board of Directors. Robert's Rules regarding decorum at all meetings will be followed. If necessary, the Chairman of the Board, or any two (2) members of the Board, may request the appointment of a Sergeant at Arms to assist in maintaining the decorum of the meeting. In the event matters of decorum are not being followed, either upon approval of a majority of the Board present at the meeting, or upon the determination of the Chairman of the Board, the meeting ~~may will~~ be terminated and recommenced at another date, time, or place.

### 6.0190 HONORARY DEGREE POLICY

In the name of the Turtle Mountain Community College, the Board of Directors may, at any regularly scheduled Board meeting, award honorary one and two year degrees. Recommendations for an honorary degree can be made by the President, members of the Board of Trustees, and the Board of Directors for approval by the Board of Directors. In order to avoid any embarrassment, no announcement shall be made to any person under consideration until the Board has acted. The selection criteria shall be as follows:

.01 .01 — The candidate should have had an association with the College;

.02 .02 — The candidate must have achieved a level of distinction which would merit comparable recognition in the candidate's profession or area of excellence; and.

.03 .03 — The reputation of the candidate should reflect favorably on the Board, the Turtle Mountain Community College, and the Turtle Mountain Band of Chippewa.

### 6.0200 RETREAT

Board members will meet periodically and not less than once each year, apart from official meetings held pursuant to these bylaws, to review institutional direction and discuss policy.

### 3.7.0000 — CONFLICT OF INTEREST

#### 7.0010 DEFINITION OF CONFLICT OF INTEREST

A Board member shall be considered to have a conflict of interest if:

.01 Such Board member has an existing or potential financial or other interest in a particular matter that requires the approval or other action by the Board, which impairs or gives the appearance that the interest will impair such member's independent, unbiased judgment in the discharge of the member's responsibilities to the College, whether such interest occurs on the part of the member individually or as an owner, officer, director, employee, member, partner, trustee, or controlling stockholder in any organization with an interest in the particular matter before the Board.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

.02 A financial interest would not include matters that affect the entire employee population.

An example of not having a financial interest would be a COLA increase.

.03 Such Board member is aware that a member of his/her immediate family has an existing or potential financial or other interests in a particular matter that requires the approval or other action by the Board. For the purposes of this paragraph, a family member shall be a spouse, parents, siblings, children, and any other relative if the latter resides in the same house held as the Board member. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee, or controlling stockholder of any organization with an interest in the matter before the Board.

.04 An immediate family member shall be defined as a spouse, parent, sibling, children, grandchildren, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, niece, nephew, uncle, aunt, stepmother, stepfather, stepchild, half-sibling, foster parent, or foster child. The definition of immediate family member also includes any person who resides in the same home as the Board member. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee, or controlling stockholder of any organization with an interest in the matter before the Board.

.05 Nepotism shall be a conflict of interest. Nepotism is defined as the hiring, selecting, appointing, promoting, advancing, or advocating of an immediate family member without regard to qualifications.

.06 The Director's will also follow section 4.10.0000 Conflict of Interest Policy.

.07 Each board member is required to sign the Conflict of Interest Statement Form (Appendix A2-1).

### 7.00240 DISCLOSURE OF CONFLICT OF INTEREST

Directors shall avoid all conflicts of interest in any financial activity of the College and shall avoid even the appearance of a conflict of interest. A conflict of interest arises when a Director's position or authority may be used to influence or make decisions or have the appearance of influence that lead to any form of financial, personal, or professional gain for that Director or for the Director's Immediate Family Member.

All Board members shall disclose to the Board any possible conflict of interest at the earliest possible time. No Board member shall participate in discussion or vote on any matter under consideration at a Board or Committee meeting in which such Board member has a conflict of interest. The Board member should disqualify him/herself in the event of a conflict of interest and not participate in any way in the matter. The minutes of such meeting shall reflect that a disclosure was made by the Board member who has the conflict of interest and that the Board member who has the conflict of interest abstained from discussion and voting. An abstention is a non-vote.

Any Director who becomes aware of a conflict of interest shall immediately furnish a written disclosure of any such conflict to the Chair of the Board or the President of the College, including such additional disclosures as maybe required by state and federal law or under these bylaws. The Board shall review and promptly notify the Director if it concurs there is a conflict of interest. In every instance, the Board of Directors reserves the right to make a determination on a conflict of interest in light of the College's best interest.

On an annual basis, all Directors are required to submit a Conflict of Interest Statement to the Board President or Vice President (See Appendix A2-1).

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**Commented [MD17]:** You can include an appeal option such as "The Director may appeal the decision to the \_\_\_\_\_."

**Commented [MD18]:** The annual Conflict of Interest Disclosure Survey requirement is contained in the Fiscal Management policies which applies to all Board members and employees.

## SECTION 3 BOARD OF DIRECTORS BY LAWS

~~All Board members shall disclose to the Board any possible conflict of interest at the earliest possible time. No Board member shall vote on any matter under consideration at a Board or Committee meeting in which such Board member has a conflict of interest. The minutes of such meeting shall reflect that a disclosure was made by the Board member who has the conflict of interest and that the Board member who has the conflict of interest abstained from voting.~~

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### 7.00320 UNCERTAINTY REGARDING CONFLICT OF INTEREST

Any Board member who is uncertain whether or not he/she has a conflict of interest in any matter may request the Board or Committee to determine whether or not a conflict of interest exists, and the Board or Committee shall resolve the issue by majority vote. Conflicts of interest for members of the Board of Directors shall be resolved consistent with resolution of similar conflicts for members of the Board of Trustees and the Fiscal Management Conflict of Interest policy. Any discrepancies in the policies will be resolved by the Board of Directors' majority vote.

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### 7.0030 – DEFINITION OF CONFLICT OF INTEREST

~~A Board member shall be considered to have a conflict of interest if:~~

~~.01 — Such Board member has an existing or potential financial or other interest in a particular matter that requires the approval or other action by the Board, which impairs or gives the appearance that the interest will impair such member's independent, unbiased judgment in the discharge of the member's responsibilities to the College, whether such interest occurs on the part of the member individually or as an owner, officer, director, employee, member, partner, trustee, or controlling stockholder in any organization with an interest in the particular matter before the Board.~~

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~~.02 — Such Board member is aware that a member of his family has an existing or potential financial or other interests in a particular matter that requires the approval or other action by the Board. For the purposes of this paragraph a family member shall be a spouse, parents, siblings, children, and any other relative if the latter resides in the same house held as the Board member. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee, or controlling stockholder of any organization with an interest in the matter before the Board.~~

### 7.0040 RULES OF ETHICAL CONDUCT FOR MEMBERS OF BOARD OF DIRECTORS

Each Board of Director shall adhere to the laws, rules, regulations, and policies of applicable governmental and institutional authorities and the following standards of conduct. Failure to do so ~~may~~will be grounds for removal of the Director.

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.01 No Director shall engage in any activity, transaction or Board decision where the Director may receive a personal or financial gain or benefit or the Director's immediate family member or business owned by the Director or immediate family member may receive a personal or financial gain or benefit.

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.02 No individual shall be appointed by the Board of Directors or the President to any position at the College in which he or she is directly supervised by an immediate family member, except by special approval of the Board of Directors.

.03 No Director shall accept or solicit any gift, favor, or service that might reasonably tend to influence the Director in the discharge of the Director's official duties or that the Director knows or should know is being offered with the intent to influence the Director's official conduct.

.04 No Director shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.

## SECTION 3 BOARD OF DIRECTORS BY LAWS

- .05 No Director shall accept employment or engage in any business or professional activity, which the Director might reasonably expect, would require or induce the Director to disclose confidential information acquired by reason of his or her official position.
- .06 No Director shall disclose confidential information gained by reason of his or her official position or otherwise use such information for personal gain or benefit.
- .07 No Director shall transact any business in his or her official capacity with any business entity of which the Director is an officer, agent, or member, or in which the employee owns a substantial interest.
- .08 No Director shall make personal investments, which could reasonably be expected to create a substantial conflict between the Director's private interest and the public interest.
- .09 No Director shall accept other employment or compensation, which could reasonably be expected to impair the Director's independence of judgment in the performance of the Director's duties as a Board member.
- .010 No Director shall act in a manner that constitutes sexual harassment, discrimination, bullying or misconduct. The educational and working environment of the College should be free from inappropriate conduct of a sexual nature by any Board member.
- .011 No Director shall violate the Fiscal Management Conflict of Interest Policy (Section 4.10.0000).
- .012 No Director shall coerce or exert undue influence or power upon the Board or College for any personal or financial gain or benefit for him/herself or for the Director's immediate family member.
- .013 No Director shall defame, by slander, libel or otherwise, the College and its students, employees, Directors, officers, or Trustees.
- .014 The Directors will also follow section 5.28.0000 Harassment and Bullying Policy.

▲ This list is not an exhaustive list of conflicts of interest and Trustees should exercise full disclosure of any potential conflict of interest.

- ~~.01 No member of the Board of Directors may have a direct or indirect interest, financial, or otherwise, of any nature as described in Section 7.0030 of these bylaws that is in conflict with the proper discharge of the Director's duties. Any Director shall timely furnish a written disclosure of any such conflict to the Chair of the Board or the President of the College, including such additional disclosures as may be required by state and federal law or under Section 7.0030 of these bylaws.~~
- ~~.02 No individual shall be appointed by the Board of Directors or the President to any position at the College in which he or she is directly supervised by his or her spouse mother, father, son, daughter, brother, or sister, except by special approval of the Board of Directors.~~ ▲
- ~~.03 No Director shall accept or solicit any gift, favor, or service that might reasonably tend to influence the Director in the discharge of the Director's official duties or that the Director knows or should know is being offered with the intent to influence the Director's official conduct.~~
- ~~.04 No Director shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.~~
- ~~.05 No Director shall accept employment or engage in any business or professional activity which the Director might reasonably expect would require or induce the Director to disclose confidential information acquired by reason of his or her official position.~~
- ~~.06 No Director shall disclose confidential information gained by reason of his or her official position or otherwise use such information for personal gain or benefit.~~
- ~~.07 No Director shall transact any business in his or her official capacity with any business entity of which the Director is an officer, agent, or member, or in which the employee owns a substantial interest.~~

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

~~.08 No Director shall make personal investments which could reasonably be expected to create a substantial conflict between the Director's private interests and the public interest.~~

~~.09 No Director shall accept other employment or compensation which could reasonably be expected to impair the Director's independence of judgment in the performance of the Director's duties as a Board member.~~

~~.10 Sexual Harassment and Misconduct: The educational and working environment of the College should be free from inappropriate conduct of a sexual nature by any Board member.~~

### 7.0050 SANCTIONS

~~Failure to disclose a conflict of interest or violations of this Conflict of Interest Bylaw will result in discipline, including but not limited to, warning, reprimand, suspension or removal as a Director.~~

### 3.8.0000 CODE OF CONDUCT

~~All of Board of Directors shall follow the Code of Conduct policy found in section 5.5.0030 of the Personnel Policy Manual.~~

### 8.0010 SANCTIONS

~~Failure to follow the Code of Conduct will result in discipline, including but not limited to, warning, reprimand, suspension or removal as a Director.~~

### 3.98.0000 AMENDMENTS TO BYLAWS OF BOARD OF DIRECTORS

#### 98.0010 APPROVAL OF BYLAWS BY TRIBAL COUNCIL

~~These bylaws, including the process of amendment to these bylaws as contained herein, will not go into effect until approved by:~~

- ~~1) 1. The Board of Directors and the Board of Trustees of the College;~~
- ~~2) The Tribal Council of the Turtle Mountain Band of Chippewa Indians; and~~
- ~~3) 2. The An update will be provided to the Higher Learning Commission-Higher Learning Commission of the North Central Association of Colleges and Schools, if necessary; and~~

#### 3. The Tribal Council of the Turtle Mountain Band of Chippewa Indians.

#### 98.0020 APPROVAL OF AMENDMENT BY BOARD OF TRUSTEES AND BOARD OF DIRECTORS

The bylaws of the Board of Directors are subject to amendment by a majority vote of the members of the Board at a duly called and noticed meeting of the Board, and upon 30 days' advance notice to each member of the Board of Directors of the proposed amendment, and provided further that such amendment, once approved by the Board of Directors, is approved by a majority vote of the members of the Board of Trustees of the College. The Board of Trustees shall have 30 days following receipt of the proposed amendment, as approved by the Board of Directors, in which to approve or reject the proposed amendment to the bylaws of the Board of Directors. Failure of the Board of Trustees to act within the 30 day period specified shall mean that the bylaws are deemed approved by the Board of Trustees.

#### 98.0030 NO AMENDMENT TO VIOLATE CHARTER OF COLLEGE

No proposed amendment to the bylaws ~~may will~~ be presented or approved by the Board of ~~Directors~~ ~~which Directors, which~~ violates the Charter of the College as approved by the Tribal Council.

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## SECTION 3 BOARD OF DIRECTORS BY LAWS

### **98.0040 APPROVAL BY HIGHER LEARNING COMMISSION, IF NECESSARY**

If submission of a proposed amendment to the bylaws to the Higher Learning Commission ~~of the North Central Association of Colleges and Schools~~ is deemed appropriate by the President of the College, the Board of Directors, or the Board of Trustees, the amendment will not go into effect until the Higher Learning Commission has either indicated that it approves the amendment or that approval of the amendment by the Commission is not necessary for the amendment to go into effect.

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### **98.0050 ANNUAL REVIEW OF BYLAWS BY BOARD OF DIRECTORS**

The Board of Directors shall review at least annually the bylaws of both the Board of Trustees and the Board of Directors.

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### **3.10.0000 BOARD OF DIRECTOR POLICIES**

All members of the Board of Directors will follow the policies and procedures set in all the TMCC policies manuals.

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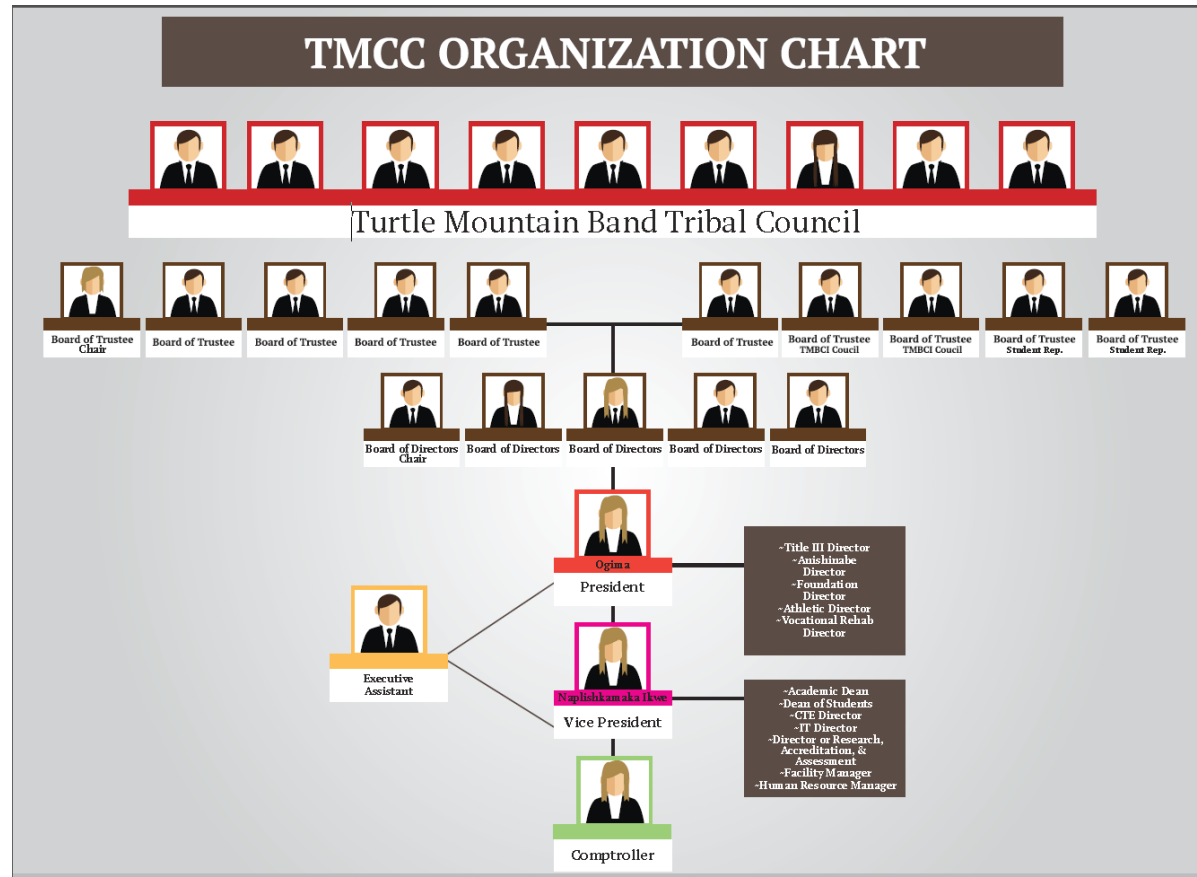
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APPENDIX A1-1 MODEL OF EXTERNAL AND INTERNAL ADMINISTRATION



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**APPENDIX A2-1 CONFLICT OF INTEREST STATEMENT**

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**Conflict of Interest Statement****For****Board of Trustees and Board of Directors****Statement:**

It is the policy of Turtle Mountain Community College Board of Trustees and Board of Directors to ensure that the image and implementation of fairness, propriety and integrity remain an integral part of the duties and responsibilities of the member of the Board of Trustees and Directors toward the college and their constituents.

**General Policies****1. Definition:**

- a. An actual Conflict of Interest arises in a situation where financial or other personal or professional considerations compromise an individual's objectivity, professional judgment, professional integrity, and/or ability to perform his or her professional responsibilities to Turtle Mountain Community College. In addition to situations that clearly give rise to an actual Conflict of Interest, individuals are cautioned also to consider gray areas that might create the perception of or the potential for a Conflict of Interest. Perceived or potential Conflicts of Interest can be said to exist in situations where an individual member of Turtle Mountain Community College (Member), a member of the individual's family (Family), or a close personal relative (Close Relative) has financial interests, personal relationships, or professional associations with an individual, individuals, or outside organization, such that his or her activities within Turtle Mountain Community College could appear to be influenced by that interest or relationship.
- b. An immediate family member shall be defined as a spouse, parent, sibling, children, , grandchildren, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, niece, nephew, uncle, aunt, stepmother, stepfather, stepchild, half-sibling, foster parent, or foster child. The definition of immediate family member also includes any person who resides in the same home as the Board member. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee, or controlling stockholder of any organization with an interest in the matter before the Board.
- c. Nepotism shall be a conflict of interest. Nepotism is defined as the hiring, selecting, appointing, promoting, advancing, or advocating of an immediate family member without regard to qualifications.

2. No Trustee/Director shall engage in any activity, transaction or Board decision wherein the Trustee/Director may receive significant personal or financial gain or benefit for himself/herself or the Trustee/Director's family member or business wherein the Trustee/Director's or the family member has an interest.

3. No Trustee/Director shall coerce or exert undue influence up the Board or College for any personal or financial gain or benefit for himself/herself or for the Trustee/Director's family member or a business owned by the Trustee/Director or family member or a business wherein the Trustee/Director or the family member has an interest.
4. No Trustee/Director shall accept any gratuities, monetary payment or special favors in for influences the Trustee/Director's position ma have on deliberations or decisions of the Board for final results.
5. No Trustee/Director shall be an employee of the College nor obtain any ~~any~~ type of short or long term employment, consulting or other contract from the College. However, this provision does not prevent the Trustee/Director from receiving the stipends from attendance of Board meetings. Student Trustees may be employed as identified as in the charter.
6. A Trustee/Director making or issuing public statements or opinions regarding the College must notify the receiver of the statement or opinion that such statement or opinion is issued at the direction of the Board, or alternatively, that such statement is the personal opinion of the speaker and does not reflect the view of the Board.
7. No Trustee/Director may publicly advocate his/her personal or political opinion to the general public within his/her capacity as a Trustee/Director.
8. No Trustee/Director shall defame, by slander, libel or otherwise, the College, other Trustees or Directors or the Board of as a whole
9. No Trustee/Director shall promise, convey or otherwise obligate assets, efforts or support of the College or Board of Trustees/Directors without the express directive or authorization of the Board.
10. No Trustee/Director shall disclose any private, privileged or other confidential information arising from the Board of Trustees/Directors meetings or functions that would give unfair financial, personal or political advantage to any individual, organization or business entity.
11. No Trustee/Director shall disclose any private or confidential information arising from Board of Trustees/Directors meeting, function, correspondence or other communications.
12. No Trustee/Director shall participate in any Board of Trustee/Directors action that would constitute an action of nepotism for the Trustee/Director. No Trustee/Director shall participate in the deliberation, decision or vote of any matter concerning the Trustee/Directors family member but shall abstain from the deliberation and decision or vote, except for matters that affect the entire employee population; i.e. COLA increases and that otherwise do not violate any policy or law.
13. All Trustee/Directors, upon his/her appointment, shall sign this agreement and abide by the bylaws, policies, and this agreement as adopted and required by the Boards

_____	_____
Board of Trustee/Director member	Date

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## APPENDIX A3-1 EVALUATION OF THE PRESIDENT

**TURTLE MOUNTAIN COMMUNITY**  
**COLLEGE**  
**EVALUATION OF THE PRESIDENT**  
**FOR THE PERIOD OF**

The President's Evaluation Form is provided as an evaluation tool for the Board of Directors and the President to assess and discuss job performance. The focus of the performance review is to establish a mutual understanding between the President and the Board of Directors regarding the requirements for effective job performance.

Process for the President's Evaluation:

1. Both the President and the Board of Directors review the current job description and jointly develop any additional performance factors, based on the job description or specific duty assignments, and include these on the evaluation form.
2. The Board of Directors then completes the President's review form, rating each performance factor as (5) Superior, (4) Exceed Requirements, (3) Competent, (2) Requires Improvement, or (1) Unsatisfactory.
  - A. A Rating Factor Guide is included to assist the Board of Directors in providing an accurate assessment of performance.
  - B. Written comments are required for any factor rated less than "Competent", and noteworthy performance in any particular factor(s).
3. The President and the Board of Directors meet to conduct the performance interview and enter the required signatures.

### Rating Scale

SUPERIOR: Performance of job requirements noticeably exceeds established expectations and standards for quality, quantity, and timeliness. Outcomes are well above fully competent performance; performs more than asked; explores improved methods of accomplishing tasks; and small room for improvement.

EXCEED REQUIREMENTS: Performance of job requirements exceeds established expectations for quality, quantity, and timeliness. While performance at this level can still be improved, the President at this level exceeds the performance expected of a fully capable individual in most aspects of job performance.

COMPETENT: Performance of job requirements achieves acceptable standard results expected by this position. Periodic incidents or problem work performance are typical in the class of work performed.

REQUIRES IMPROVEMENT: Performance of some job requirements is unacceptable, which does not achieve results expected by this position. Incidents of problem work performance are not typical in the class of work performed and improvement is required.

UNSATISFACTORY: Performance of some job requirements is consistently unacceptable. Training and reminders for improvement have not improved work performance.

#### Performance Factors

Rate each of the eleven factors for job performance on a scale of 5 (Superior) and 1 (Unsatisfactory) by circling the appropriate number:

1. Mission Statement: Fully understands the mission of      5    4    3    2    1  
the college. Integrates and utilizes the mission in an  
appropriate manner. Promotes the mission with  
students, staff, faculty, Board of Directors and Board of  
Trustees, and general public

Comments:

2. Leadership: Provides the necessary leadership in all      5    4    3    2    1  
aspects of the job. Projects and implements a  
leadership style that is communicative, instills  
teamwork, promoting high expectations, and is

conducive to achieving results.

Comments:

- |  |                              |
|--|------------------------------|
| 3. <u>Budget/Funding: Develops and implements appropriate procedures, policies, processes, and practices for the development, management, and implementation of an approved annual budget. Reviews processes and practices as needed to assure that the approved budget results in a balanced budget at the end of the fiscal year. Seeks funding from various sources which includes state, federal, corporate, and private for purposes of initiating special projects and programs. Develops and seeks private donations via the Foundation which serves as a source of revenue to the College.</u> | <u>5    4    3    2    1</u> |
|--|------------------------------|

Comments:

- |  |                              |
|--|------------------------------|
| 4. <u>Planning/Strategic Planning: Assures that a strategic plan is in place and is managed so measurement is an on-going process. The strategic plan is based on an internal and external assessment of needs of the College community.</u> | <u>5    4    3    2    1</u> |
|--|------------------------------|

Comments:



5. Communication: Works to effectively communicate with the Board of Directors on all matters related to the College community and the College that includes faculty, staff, and students. Represents the College in a respectful and professional manner that involves tribal, regional, state, and national organizations and agencies.      5    4    3    2    1

Comments:

6. Policies: Annually reviews and updates policies that involve personnel, fiscal, and other policies that pertain to the College and makes recommendations to the Board for adoption. Adheres to policies and procedures in the daily function of duties.      5    4    3    2    1

Comments:

7. Facilities: Seeks to continually improve the current facilities that involves safety; and adequate space for programs and activities appropriate for student, faculty, and staff use. Assess the need for additional space for programmatic, instructional, and academic      5    4    3    2    1

use. Secure financial resources for the design and construction of needed facilities.

Comments:

8. Personnel: Provides for an annual performance evaluation of all employees and continuously seeks for improvement of performance of employees. Provides for the individual training needs of employees in order that employees are performing at their required capacities. Provides appropriate supervision of employees that will allow them to perform their duties and grow in the performance of said duties.      5   4   3   2   1

Comments:

9. Instruction: Assures that instructors are providing quality instruction to students as well as possess the knowledge of content that allows for a quality education in all subjects and programs of study. Assures that programs of study meet the accreditation standards.      5   4   3   2   1

Comments:

5      4      3      2      1

5      4      3      2      1

5      4      3      2      1

5      4      3      2      1

and are in line with good recruiting and retention practices.

Comments:

Total Score based on overall assessment by the Board of Directors is:

---

**BOARD OF DIRECTORS COMMENTS AND IDENTIFICATION OF PERFORMANCE GOALS**

(Attach additional sheets as needed)

Board of Directors Chairperson Signature:

Date:

---

**PRESIDENT'S  
COMMENTS**

(Attach additional sheets as  
necessary)

This rating constitutes the Board of Directors' evaluation of your job performance during the rating period. Your signature below certifies only that you have received a review and had the opportunity to discuss your rating with the Board of Directors. Please respond to this performance review by indicating agreement or disagreement with any of the statements on this document and why you feel that way. Also, provide documentation and any information you feel is important in understanding your current performance.

President's Signature:

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APPENDIX A3-2 BOARD OF DIRECTORS SELF EVALUATION

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Board of Directors  
Annual  
Self-Evaluation

**Turtle Mountain Community College**  
**Board of Directors**  
**Annual Self-Evaluation**

**Directions: Please use the 1 to 5 Likert Scale below each question to indicate your rating, with 5 being the highest possible rating.**

**1) Please indicate your views regarding the level to which the TMCC Board of Directors upholds the Mission, Goals, and Objectives of TMCC.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**2) Please indicate your views regarding the level to which the TMCC Board of Directors upholds the Strategic Planning of TMCC.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**3) Please indicate your views regarding the knowledge, involvement, and support of the HLC accreditation activities for TMCC.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**4) Please indicate your views regarding the level to which the TMCC Board of Directors develops meaningful policies relating to the welfare of TMCC.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**5) Please indicate your views regarding the level to which the TMCC Board of Directors upholds the policies of TMCC.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**6) Please indicate your views regarding the level to which the TMCC Board of Directors refrains from involvement with management and day-to-day operations of TMCC.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**7) Please indicate the level to which the TMCC Board of Directors provides a quality evaluation of the President.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

**8) Please indicate the level to which the TMCC Board of Directors supports and maintains a quality working relationship with the President in the decision making process.**

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

9) Please indicate your views regarding the level to which the TMCC Board of Directors supports faculty and staff and their involvement in the decision making process.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

10) Please indicate your views regarding the level to which the TMCC Board of Directors supports the student service programs and their involvement in the decision making process.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

11) Please indicate your views regarding the level to which the TMCC Board of Directors supports students and their involvement in the decision making process.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

12) Please indicate your views regarding the level to which the TMCC Board of Directors maintains Budget/Fiscal responsibilities insuring financial solvency.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

13) Please indicate the level to which the TMCC Board of Directors monitors and approves the curriculum and academic programs at TMCC.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

14) Please indicate the level to which the TMCC Board of Directors supports Cultural Promotion throughout the TMCC.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

15) Please indicate the level to which the TMCC Board of Directors supports Human Resources-hiring, firing, vacancies, changes, reduction in force, etc.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

16) Please indicate the level to which the TMCC Board of Directors supports the Physical Plant-Facilities/Grounds Construction Projects, Bids, Architectural Firm Selection, etc.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

17) Please indicate the level to which the TMCC Board of Directors promotes/enhances the institutions public image.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

18) Please indicate the level to which the TMCC Board of Directors holds productive Board of Directors and Special meetings.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

19) Please indicate the level to which the TMCC Board of Directors provides and adheres to quality meeting agendas.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

20) Please indicate the level to which the TMCC Board of Directors abides by the Conflict of Interest policy.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

21) Please indicate the level to which the TMCC Board of Directors are well prepared for meetings.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

22) Please indicate the level of satisfaction regarding the attendance of Board meetings by Board of Directors.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

23) Please indicate the level to which the TMCC Board of Directors is actively involved with Committees when requested.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

24) Please indicate your views regarding the Board of Directors ability to distinguish between policy and management.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

25) Please indicate the level to which the TMCC Board of Directors understands and utilizes institutional data in decision making and development of policy.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)

26) Please indicate your overall views regarding the overall effectiveness/performance of the TMCC Board of Directors.

(Low)      ☐1              ☐2              ☐3              ☐4              ☐5              (High)



**Board of Directors**  
**Goal Attainment**

Directions: Please indicate the degree of attainment of each goal.

**GOAL 1:** Develop a greater understanding of HR policies, salary scale, hiring process, and salary negotiations to ensure transparency.

(Not Attained)      ☐1    ☐2    ☐3    ☐4    ☐5      (Attained)

**GOAL 2:** Develop a greater understanding and appreciation of the TMCC President's duties, responsibilities, and efforts to promote increased trust, cooperation, and transparency.

(Not Attained)      ☐1    ☐2    ☐3    ☐4    ☐5      (Attained)

**GOAL 3:** Explore, develop, and approve a quality plan for the efficient management of all TMCC construction projects from inception to completion.

(Not Attained)      ☐1    ☐2    ☐3    ☐4    ☐5      (Attained)

**GOAL 4:** Determine the viability of TMCC continuing to operate and subsidize Arrowhead Printing and the Cafeteria and examine options that would likely result in discontinuing subsidies, reduced/increase subsidy, or the realization of profit.

(Not Attained)      ☐1    ☐2    ☐3    ☐4    ☐5      (Attained)

**GOAL 5:** Develop and schedule a quality mandatory orientation program for all current and new Board of Directors to ensure that Board members are well trained and knowledgeable about all aspects of TMCC along with its unique role and characteristics as a tribal community college as compared to other educational institutions.

(Not Attained)      ☐1    ☐2    ☐3    ☐4    ☐5      (Attained)

**GOAL 6:** Establish a calendar with specific dates regarding key functions of the Board of Directors to improve transparency.

(Not Attained)      ☐1    ☐2    ☐3    ☐4    ☐5      (Attained)

**TMCC Board Strengths, Weaknesses, and Recommendations**

**Strengths:**

**Weaknesses:**

**Recommendations for Improvement:**

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**APPENDIX A5-~~237~~ GRIEVANCE FORM<sup>1</sup>**

GRIEVANCE FORM

PART I: INITIATING INFORMAL GRIEVANCE

TO: (Immediate Supervisor) \_\_\_\_\_

FROM: (Employee ('s)) \_\_\_\_\_

SUBJECT: Grievance – Stage 1

1. This initiates a grievance under the Turtle Mountain Community College's Personnel Policy Manual, Section 5.25.00000
2. See item checked:  
☐ My presentation is oral

☐ My presentation is written, as indicated below on attached sheet #1.

(ADD ATTACHMENT)

3. The specific personal relief I seek is: (Add attachment #2)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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