



**Community College District 528**  
**Serving McHenry, Boone, Kane and Lake Counties**

# **BOARD POLICY MANUAL**

This document is to be understood and applied in association with:

- A. Illinois Public Community College Act
- B. Agreement between the McHenry County College, District No. 528, and the McHenry County College Faculty Association
- C. Agreement between the McHenry County College, District No. 528, and the McHenry County College Staff Council, Local 1642 IFT/AFT/AFL-CIO
- D. Agreement between the McHenry County College, District No. 528, and the McHenry County College Adjunct Faculty Association, IEA-NEA

## PHILOSOPHY OF THE COLLEGE

The commitments which evolve from McHenry County College's publicly declared definition as both a comprehensive community college and an integral part of the Illinois system of higher education have served as a basis for all this institution's efforts in the past and will continue to do so in the future.

Not only is the College responsive to the educational needs of the post-high school constituents within its area without duplicating existing services, it is also dedicated to carrying out the following commitments: a policy of open admissions, a comprehensive programming of educational offerings, and the maintenance of an informal student-oriented learning environment.

The College admits any high school graduate or any adult who is capable of profiting by continuing his or her education and who desires to do so through the educational experiences offered. This open-door philosophy openly and sincerely extends to those who may not have benefited from previous college learning experiences as fully as their desires and capabilities permitted. McHenry County College also cooperates with area secondary schools in accepting high school students who desire and who are capable of using selected college educational experiences to complement their high school programs. In accordance with its open admissions concept, the College gives all entering students an equal opportunity to enter courses and programs. However, individuals must make their choices with full awareness of the standards necessarily set by the College for these courses or programs and are, therefore, expected to acquaint themselves with all available information related to the College's performance standards. Counseling services are provided to assist students in making educational and career decisions.

Through its stated commitments, the College offers both short-term and longer-term educational programs and training experiences. For example, seminars, workshops, and short courses are provided which focus on single topics of current importance; likewise, certificate and degree programs consisting of from three to as many as twenty courses are offered for students desiring a more in-depth or more extensive level of preparation in a field of study. As a comprehensive institution, McHenry County College is concerned with providing timely assistance to all students, whether their needs call for as little as a one-day seminar or for as much as a complete, two-year degree program.

As a community college, McHenry County College is dedicated to teaching and to the type of research aimed at improving its instruction. Within this context, it plans to remain a two-year institution with an informal student-oriented environment. Communication between all students and educators is planned to benefit to the fullest all those served.

## MISSION

Our focus is learning. Student success is our goal.

## VISION

A Relevant Educational Institution, which is:

- Preferred
- Collaborative
- Full service and offers varied modes of delivery on demand
- Value-based (cost-efficient)
- A servant to the entire community, including K-12 schools
- A leader in sustainability

## INSTITUTIONAL GOALS

- Create an empowering environment to increase student engagement, completion, and success.
- Position the College to meet its future needs in a sound and fiscally stable manner.
- Pursue initiatives to deliver infrastructure and technology to ensure state-of-the-art learning.
- Pursue initiatives to ensure high-quality services and learning opportunities through a culture of continuous improvement, innovation, and accountability.
- Ensure the College engages in partnerships that enable McHenry County College students to succeed in a local, regional, and global economy.
- Attract, develop, and retain quality instructors who are outstanding scholars/teachers and an excellent, diverse staff who are committed to the mission of McHenry County College.
- Engage and expect student learning through an effective teaching and learning process.

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## DOCUMENT LINKS

Below is a list of state and federal acts, and other referenced documents (hyperlinks) within the Board Policy Manual.

- [Abused and Neglected Child Reporting Act](#)
- [Administrative Rules](#)
- [Americans with Disabilities Act](#)
- [Business Enterprise for Minorities, Females, and Persons with Disabilities Act](#)
- [Business Enterprise Program Council for Minorities, Females, and Person with Disabilities](#)
- [College Campus Press Act](#)
- [Criminal Code](#)
- [Drug-Free Schools and Communities Act Amendments of 1989](#)
- [Drug-Free Workplace Act of 1988](#)
- [Drug and Alcohol Abuse Prevention](#)
- [Fair and Accurate Credit Transactions Act of 2003](#)
- [Family Educational Rights and Privacy Act](#)
- [Federal Copyright Act of 1976](#)
- [Federal Deposit Insurance Corporation \(FDIC\)](#)
- [Federal Trade Commission's Red Flags Rule](#)
- [Federal Uniformed Services Employment and Reemployment Rights Act](#)
- [Fiscal Management Manual](#)
- [Generally Accepted Accounting Principles](#)
- [Governmental Joint Purchasing Act](#)
- [Health Insurance Portability and Accountability Act of 1996](#)
- [Higher Education Student Assistance Act](#)
- [Illinois Banking Act](#)
- [Illinois Campus Security Enhancement Act of 2008](#)
- [Illinois Firearm Concealed Carry Act](#)
- [Illinois Freedom of Information Act](#)
- [Illinois Human Rights Act](#)
- [Illinois Metropolitan Investment Act](#)
- [Illinois Open Meetings Act](#)
- [Illinois Public Community College Act](#)
- [Illinois Public Labor Relations Act](#)
- [Illinois School District Liquid Asset Fund Plus](#)
- [Illinois Smoke-Free Campus Act](#)
- [Illinois Sustainable Investment Act](#)
- [Illinois Trust, IIT Class](#)
- [Illinois University Religious Observances Act](#)
- [Illinois Whistleblower Act](#)
- [Investment Advisers Act of 1941](#)
- [Investment Company Act of 1941](#)
- [Law Enforcement Officers Safety Act of 2004](#)
- [Local Government Travel Expense Act](#)
- [MCC Adjunct Faculty Association](#)
- [MCC Faculty Association Agreement](#)
- [MCC Staff Council Agreement](#)
- [Military Leave of Absence Act](#)
- [Prevailing Wage Act](#)
- [Public Funds Investment Act](#)
- [Rehabilitation Act of 1973](#)
- [Robert's Rules of Order](#)
- [State Officials and Employees Ethics Act](#)
- [Student Code of Conduct](#)
- [Student Optional Disclosure of Private Mental Health Act](#)
- [www.mchenry.edu/safety](http://www.mchenry.edu/safety)



## **1.0**

Revised 6/26/14

### **BOARD OF TRUSTEES**

## **1.1**

### **THE COLLEGE GOVERNING BOARD**

The College is governed by a non-partisan seven (7) member Board elected for staggered six (6) year terms in accordance with the general election laws and other appropriate statutes.

## **1.2**

Revised  
12/18/15

### **NON-VOTING BOARD MEMBER (STUDENT TRUSTEE)**

The College Board shall have one non-voting member (Student Trustee) who is a student enrolled in the community college under the jurisdiction of the Board as provided by Section 805/3-7.24 of the *Illinois Public Community College Act* (110 ILCS 805/3-7.24). The method of selecting the student member shall be determined by campus-wide student referendum. The student member shall serve a term of one year beginning on April 15 of each year. A vacancy that occurs within the term of a sitting student trustee shall be filled expeditiously by the student body.

The non-voting student member shall have all of the privileges of membership, including the right to make and second motions and to attend executive sessions. The Student Trustee on the Board will be expected to cast a formally recorded non-binding advisory vote on all Board actions. **Also see Section 4.4.5 Student Trustee.**

## **1.3**

Revised  
12/18/15

### **AUTHORITY OF THE BOARD OF TRUSTEES**

The Board of Trustees is the elected governing body of Illinois Community College District #528. As such, the Board operates pursuant to the authority established by the statutes and regulations governing public community colleges in Illinois, and retains those powers enumerated in the *Illinois Public Community College Act* of 1965 (110 ILCS 805 3-31 through 3-43), of as amended and all other powers that are not inconsistent with the *Illinois Public Community College Act* that may be requisite or proper for the maintenance, operation and development of the College.

## **1.4**

Revised  
12/18/15

### **RESPONSIBILITIES OF THE BOARD OF TRUSTEES**

The Board shall have the responsibility of formulating policy to provide district residents with a fully accredited comprehensive community college. The formulation and adoption of written policies and resolutions shall constitute the method by which the Board meets its responsibility.

The Board shall appoint a President as the College's chief executive officer. The chief executive officer shall have full authority and responsibility for the operation of the College, in compliance with the policies and resolutions of the Board. The Board shall delegate to the President the responsibility to develop, implement and modify procedures necessary for administration of the College under these Board policies.

## **1.5**

Revised  
12/18/15

### **AUTHORITY OF THE INDIVIDUAL MEMBERS OF THE BOARD OF TRUSTEES**

An individual of the Board of Trustees shall have the power to speak out and/or act in the name of the Board only when authorized to do so by the Board of Trustees.

## **1.6 COMPOSITION OF THE BOARD**

### **1.6.1 NUMBER AND SELECTION**

The Board of Trustees is comprised of seven (7) voting members elected at-large by the District electorate and one non-voting student member elected by the student body.

### **1.6.2 TERM**

Revised  
12/18/15

Board member elections are conducted biannually according to the *Illinois Public Community College Act* (110 ILCS 805 3-7 through 805/3-7.13 and as subsequently amended). Voting Trustees are elected for a term of six (6) years.

### **1.6.3 VACANCIES**

Vacancies on the Board of Trustees shall be filled pursuant to 110 ILCS 805/3-7(d) of the *Illinois Public Community College Act* ("Act"). If a new trustee is not appointed by the Board of Trustees within sixty (60) days after the vacancy occurs, one will be appointed by the Chairman of the Illinois Community College Board. The term of office of the appointed trustee shall be determined pursuant to 110 ILCS 805/3-7(d) of the Act.

### **1.6.4 OFFICERS**

#### **1.6.4.1 ELECTION**

Revised  
12/18/15

The Board will elect annually from its membership a Chair, Vice Chair and Secretary. A majority vote of the full membership eligible to vote will be required to elect an officer.

#### **1.6.4.2 DUTIES**

##### **1.6.4.2.1 Chair**

Revised  
12/18/15

The duties of the Chair shall include the following:

- A. Preside at the Board meeting.
- B. Make the Board committee appointments with the advice of the Board.
- C. Call special meetings.\*
- D. Direct the preparation of the meeting agenda.
- E. Serve as an ex-officio member of all Board committees.
- F. Represent the interests of the Board on a day-to-day basis.
- G. Perform such other duties as prescribed by law or by Board action.
- H. Act as spokesperson for the Board in communication to the public and notify other trustees about any such act as spokesperson as promptly as is practical.

- \* Special Board meetings may be called by the Chair or by any three Board members as provided by Section 805/3-8 of the *Illinois Public Community College Act* (110 ILCS 805/3-8).

#### **1.6.4.2.2**

Revised  
12/18/15

#### **VICE CHAIR**

The duties of the Vice Chair shall include the following:

- A. Serve as Chair in the Chair's absence.
- B. Serve as Chair of the Committee of the Whole.
- C. Perform such other duties as prescribed by law or by direction of the Board.

#### **1.6.4.2.3**

Revised  
12/18/15

#### **SECRETARY**

The duties of the Secretary shall include the following:

- A. Direct the official signing of all official legal documents of the Board.
- B. Direct the preparation of legal notices in all official newspapers designated by the Board.
- C. Provide for the custody of all records, proceedings, and documents of the Board, including making them available for public use.
- D. Direct that a duplicate set of official College records be stored in a secure facility.
- E. Record call to order and adjournment; motions, seconds, and voting; attendance, absence, late arrival, and early departure of members; and other such occurrences as necessary for an accurate record of Board proceedings.
- F. Perform such other duties as prescribed by law or by direction of the Board.

#### **1.6.4.4**

Adopted  
12/18/15

#### **Replacement of Officer Vacancies**

If an office of the Board is vacated more than thirty-one (31) days before the term of that office expires, the Board will convene within thirty-one (31) days of the date the office is vacated, and elect a Board member to serve the remaining term of the vacated office.

If the Chair position is vacated, the Vice Chair will preside over the election for a new Chair. If the Vice Chair, or Secretary position is vacated the Chair, will preside over the election. In the event that all three officer positions become simultaneously vacant, the remaining trustees will decide how to proceed in selection of a new Chair.

**1.6.4.5**

Adopted  
12/18/15

**APPOINTMENT OF LIAISONS**

The Board Chair, with the advice of the Board, appoints a designated liaison to the Board of Directors of the Friends of MCC Foundation (hereinafter referred to as Foundation) and to the Illinois Community College Trustee Association (ICCTA). Other liaisons may be appointed as needed.

**1.6.4.6**

Revised  
12/18/15

**TRUSTEE EMERITUS PROGRAM**

A Board member who leaves the Board after serving the College for six (6) or more years will be conferred with Trustee Emeritus status.

**1.7**

**COMMITTEES AND CITIZEN ADVISORY GROUPS**

**1.7.1**

Revised  
3/22/13  
12/18/15

**COMMITTEE OF THE WHOLE**

The Committee of the Whole shall consist of every member of the Board. The Committee of the Whole may meet to discuss college business in preparations for the Regular Board Meeting

**1.7.2**

Revised  
12/18/15

**STANDING COMMITTEES**

The Board may establish Standing Committees to carry out a continuing function. Standing committees are comprised of board members appointed by the Board Chair with the advice of the Board. The committee will remain in existence until the next Organizational Meeting.

**1.7.3**

Revised  
12/18/15

**SPECIAL COMMITTEES**

The Board may establish special committees to carry out specified tasks. Special committees are comprised of board members appointed by the Board Chair with the advice of the Board. Upon the Board’s decision that a special committee’s task is complete, the special committee will cease to exist.

**1.7.4**

Revised  
12/18/15

**CITIZEN ADVISORY GROUP**

The Board may seek the assistance of a representative group of citizens to study complex issues confronting the College. The Board shall approve the establishment and set the purposes of the citizen advisory group.

**1.8**

**OPERATION OF THE BOARD OF TRUSTEES**

**1.8.1**

Revised  
3/22/12  
12/18/15

**FORMULATION OF POLICY**

The formulation and adoption of policies shall constitute the method by which the Board exercises leadership in the operation of the College. Policies will be published within the *Board Policy Manual*. Any change in the *Board Policy Manual* will be made by orderly process and approved by the Board of Trustees. **Also see Section 1.4 Responsibilities of the Board of Trustees.**

## **1.8.2**

Revised 10/27/11  
12/18/15

### **FORMULATION OF ADMINISTRATIVE PROCEDURES**

The Board delegates to the President, the responsibility to develop, implement, and modify procedures necessary for administration of the College under the Board's policies.

## **1.8.3**

### **MEETINGS**

#### **1.8.3.1**

Revised  
12/18/15

##### **PUBLIC MEETINGS**

To hold a public meeting of the Board of Trustees, a quorum of voting members of the Board (four (4) trustees) must be physically present at the location of the meeting (110 ILCS 805/3-9).

Any meeting involving a majority of a quorum of Board members (at least three (3) trustees entitled to vote) held for the purpose of discussing College business is a public meeting and must be held in accordance with the *Illinois Open Meetings Act* (5 ILCS/120).

#### **1.8.3.1.1 AGENDA**

Revised  
12/18/15

The President shall prepare a tentative meeting agenda for all public meetings of the Board subject to approval by the respective Chair. Following preparation of an agenda, the President shall prepare and distribute to all Board members, in advance when possible, those documents and reports which relate to the agenda. Any materials provided to the Board that are confidential in nature shall be maintained as confidential records of the Board.

#### **1.8.3.1.2 MEETING PROCEDURES**

##### **1.8.3.1.2.1**

Revised  
12/18/15

##### **OPEN SESSION FOR VISITORS AND PRESENTATIONS**

As a means of insuring the rights of interested parties to be heard, the Board, at each regular business meeting, shall provide an opportunity for visitors to address the Board on matters of concern to them.

##### **1.8.3.1.2.2**

Revised  
3/22/12

##### **CLOSED SESSION**

As provided by statute, the Board may elect, by a vote taken in a public meeting, to consider and discuss prescribed matters in Closed session. Closed sessions will be conducted in accordance with the *Illinois Open Meetings Act* 5 ILCS 120. The authorized reason must be stated in the motion, recorded in the minutes and approved by a roll call vote.

**1.8.3.1.2.3 PARLIAMENTARY PROCEDURE**

For Board meetings and Board committee meetings, the Board will function under procedure established for Small Boards in the official *Robert’s Rules of Order* (10th Edition ISBN 0-7382-0307-6, page 470), except that the Board Chair shall be counted for purposes of establishing a quorum at any meeting he/she attends as a member of the Board, including as an ex-officio member of any standing or temporary committee of the Board.

**1.8.3.1.2.4 ORDER OF BUSINESS**

There will be a prescribed order of business for Board meetings that will be followed unless modified by a Board action.

**1.8.3.1.2.5 ELECTRONIC MEETING PARTICIPATION BY BOARD MEMBERS**

Revised  
2/26/09  
3/22/12

A college trustee may participate electronically at open and closed session of all board meetings in accordance with the *Illinois Open Meetings Act* if the trustee is prevented from physically attending for one of the following five reasons: (1) personal illness or disability, (2) employment purposes, (3) business of the public body, (4) a family emergency, or (5) another emergency. However, a quorum of trustees must be physically present at the location of an open or closed meeting of the Board of Trustees. Minutes of all meetings shall specify if a trustee was physically present or electronically present. Lack of such a specification shall be deemed to indicate that the trustee in question was physically present. If a trustee wishes to attend a meeting electronically, the trustee must notify the Board Secretary at least forty-eight (48) hours before the meeting, unless advance notice is impractical.

The Board allows electronic attendance for qualifying reasons listed in the *Illinois Open Meetings Act*, as a matter of standing policy. The audio or video equipment shall be activated at the beginning of the meeting, or at the time requested by the trustee, so that the trustee can participate. If there is no quorum physically present at the meeting, the Board shall designate a person to contact the trustee and notify him/her of that fact.

If the trustee who is attending electronically would normally chair the meeting, a president *pro tempore* who is physically present may be appointed. When a trustee

attends a meeting electronically, all votes shall be by roll call vote. A trustee who is attending electronically must identify him/herself by name and be recognized by the Chair before speaking.

This policy shall apply to any subsidiary committee, subcommittee or other agency of the Board which is a “public body” under the *Illinois Open Meetings Act*, and shall constitute the Board’s “rules” regarding electronic attendance as permitted (5 ILCS 120/7(c)).

**1.8.3.2** Revised  
12/18/15

**ORGANIZATIONAL MEETING**

Following each Board election and canvas, and within any applicable time limits prescribed by statute, the Board shall conduct an organizational meeting and convene the new Board.

**1.8.3.3** Revised  
12/18/15

**REGULAR BOARD MEETING**

The Board shall hold regularly scheduled public meetings for the purpose of establishing policy and executing its fiduciary responsibilities. Notice of such meetings will be posted at the College and made known to the media as annually requested in writing.

**1.8.3.4**  
Revised  
12/18/15

**RESCHEDULED, RECONVENED OR SPECIAL MEETING**

The Board may conduct a rescheduled, reconvened or special meeting to enable the timely consideration of a particular issue or issues. Special Board meetings may be called by the Chair or by any three Board members as provided by Section 805/3-8 of the *Illinois Public Community College Act* (110 ILCS 805/3-8).

**1.8.4**  
Revised  
12/18/15

**RESOURCE PERSONNEL FOR THE BOARD**

To assist the Board in the efficient conduct of its business, various resource personnel are necessary. The positions identified and described below are filled by action of the Board, with appropriate compensation determined by the Board.

The Board may determine the timing of and specifications for seeking proposals necessary in selecting appropriate resource personnel by a vote of the Board at any regularly scheduled Board meeting.

**1.8.4.1**  
Revised  
12/18/15

**AUDITOR**

The Board will employ a public accounting firm licensed to practice public accounting in Illinois to audit the financial records and status of the district as required by law.

**1.8.4.2**

Adopted  
12/18/15

**APPOINTMENT OF TREASURER**

The Board shall annually appoint a treasurer who shall not be a member of the Board. The Board shall require that a bond be executed in the manner provided for community college district treasurers in the *Illinois Public Community College Act* (110 ILCS 805/3-18).

**1.8.4.3**

**SPECIALIZED RESOURCE PERSONNEL**

Specialized expertise will be sought for advice on labor relations, architectural, insurance, investment and other matters on a periodic basis.

**1.9**

Revised  
12/18/15  
12/15/16

**REIMBURSEMENT FOR EXPENSES**

Members of the Board of Trustees may apply for reimbursement for travel expenses and registration fees incurred while engaged in the performance of Board duties.

All Board travel, meals, lodging and/or registration fees subject to reimbursement or paid for by the College on behalf of a Board member(s) shall be preapproved by the Board of Trustees and consistent with the Reimbursement of Travel, Meals, and Lodging Expenses policy.

All Board reimbursement/on-behalf payments for Board member(s) shall be posted on the College’s website.

Board member(s) requesting reimbursement or on-behalf payments shall submit to the full Board of Trustees a summary written report describing the benefit(s) of the event attended or the reason for the travel.

**1.10**

**PHYSICAL AND ELECTRONIC COMMUNICATION TO THE BOARD**

The College will quickly and efficiently forward physical and electronic communication (including but not limited to postal mail, email, social media and voicemail) to the Board of Trustees. These communiques will be dispersed to either the entire Board or individual Trustees depending on the mode of the communication and addressee(s).

**1.11**

**INSTITUTIONAL AFFILIATIONS**

The College recognizes its responsibility to participate in appropriate regional, state, and national associations in order to contribute insight and experience to these larger fellowships, and to receive the benefits of conference participation, consultation, and publication services from these associations.

**1.12**

Revised 2/25/10  
3/22/12  
12/18/15

**FREEDOM OF INFORMATION**

The Board of Trustees recognizes the right of members of the public to have access to public records in accordance with the provisions of the *Illinois Freedom of Information Act* (5 ILCS/140) (“FOIA” or the “Act”) and affirms that it is the policy of the College to comply with the Act.



**1.13**

Adopted  
4/22/04  
Revised  
3/22/12  
12/18/15

**ETHICS ORDINANCE**

Preamble

WHEREAS, the Illinois General Assembly has enacted the *State Officials and Employees Ethics Act* (5 ILCS 430/1-1), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and community college districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize violations; and

WHEREAS, this Resolution has been adopted in order to and shall be construed in a manner so as to comply with the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF TRUSTEES OF McHENRY COUNTY COLLEGE DISTRICT NO. 528, McHENRY COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1:

ARTICLE 1 – DEFINITIONS AND GENERAL PROVISIONS

Section 1-1. For purposes of this Ordinance, the following terms shall be given these definitions or, if different from time to time, then as defined by the State Officials and Employees Ethics Act (5 ILCS 430/1-1):

“Board” means the Board of Trustees of Community College District No. 528, McHenry County, Illinois.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the *Illinois Public Labor Relations Act* (115 ILCS 5/1 *et. seq.*).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by McHenry County College, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means McHenry County College.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or law, regardless of whether the officer is compensated for service in his or her official capacity. The term "officer" includes all members of the Board of Trustees.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), as the case may be, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

Section 1-2. Construction. This Ordinance shall be construed in a manner consistent with the provisions of the *State Officials and Employees Ethics Act* (5 ILCS 430/1-1 *et. seq.*). This Ordinance is intended to impose the same but not greater restrictions than the Act.

#### ARTICLE 5 - PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities.

- (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of McHenry County College in connection with any prohibited political activity.
- (b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- (c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- (d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.
- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

#### ARTICLE 10 - GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any

gift from any prohibited source, as defined herein, or which is otherwise prohibited by law. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code, or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments provided as a "contribution" under the definition of the term offered above, not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment

of the officer or employee, and are customarily provided to others in similar circumstances.

- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intergovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100. Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Resolution if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## ARTICLE 25 – PENALTIES

Section 25-1. Penalties.

- (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for McHenry County College by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for McHenry County College, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- (e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: This Ordinance shall be in effect upon its approval by the Board of Trustees.

**1.14**

Revised 3/22/12

**RESOLUTIONS OF SUPPORT**

The Board may issue resolutions of support which pertain to or affect McHenry County College. All resolutions for consideration must be presented to each Board member with the Board packet information for the Board meeting at which endorsement is to be sought. A resolution not meeting this requirement may be presented before a Board meeting but will not be acted upon until the next regular Board meeting.

**1.15**

Adopted  
11/16/17

**BOARD SELF-EVALUATION AND BOARD RETREAT**

**1.15.1**

Adopted  
11/16/17

**BOARD SELF-EVALUATION**

The Board will conduct an annual self-evaluation. Board members will receive a copy of the most recent self-evaluation form for review each January. The form will be discussed at the February Committee of the Whole meeting, and a vote for approval of the form will take place at the February Regular Board of Trustees meeting.

Trustees will fill out the form in February, and receive a compiled summary report for discussion at the March Committee of the Whole meeting. Actions resulting from the Board self-evaluation will be finalized by the March Regular Board of Trustees meeting.

**1.15.2**

Adopted  
11/16/17

**BOARD RETREAT**

The Board will hold an annual retreat to conduct in-depth discussions of issues relevant to the College. The Evaluations and Policies Committee will provide a recommended retreat agenda for discussion at the May Committee of the Whole meeting. The Board will agree to a retreat agenda by the June Regular Board of Trustees meeting, and schedule the retreat for July or August.

The Board prefers the annual retreat be held in open session, pursuant to the provisions of the Illinois Open Meetings Act.

There will be a scribe to document a summary of the conclusions of the discussions, and any resulting actions.

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## 2.0 COLLEGE OPERATIONS

### 2.1 MANAGEMENT OF COLLEGE FUNDS

#### 2.1.1 INVESTMENTS

Revised  
11/2/05  
07/24/14  
2/28/19  
4/25/19  
2/27/20  
2/24/22

##### A. Scope of Policy

As required by the *Public Funds Investment Act* (30 ILCS 235/1 *et seq.*), this Investment Policy governs the investment of all College funds including any new or temporary funds placed within the custody of the College, and will be administered consistent with applicable state and federal laws.

##### B. Objectives

The purpose of this Investment Policy is to establish cash management and investment guidelines for the stewardship of public funds of the College. The specific objectives of the policy will be as follows:

1. Safety – The security of monies, whether on hand or invested, shall be the primary concern of the Treasurer in selecting depositories or investments.
2. Liquidity - The investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated operating requirements.
3. Return -The Treasurer shall seek to attain a market average or better rate of return throughout budgetary and economic cycles, taking into account risk, constraints, cash flow, and legal restrictions on investment. All investments shall be selected on the basis of competitive bids.

##### C. Diversification

The College will diversify its investments to the best of its ability based on the type of funds invested and on cash flow needs. Diversification can be by type of investment, number of institutions invested in, and length of maturity, and shall seek to reduce the risk of loss which may result from over-concentration in a specific maturity, issuer, or class of securities. No more than 5% of the College's funds may be invested in any one single issuer, with the exception of the U.S. Treasury, any of the federal agencies or instrumentalities, and diversified corporate bond ETFs.

##### D. Responsibility of College Treasurer for Investment Program and Related Operational Procedures

The Board delegates the investment of funds to the Treasurer. The Treasurer shall be responsible for all transactions and shall establish written operational procedures designed to prevent losses of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent action by employees of the College. The procedures shall include a system of controls for all authorized subordinates who are directly involved in investment activities. Only the Treasurer is authorized to establish financial accounts and investments for the College. Authorized signatories are not permitted to reconcile bank accounts at any time.

The Treasurer shall annually cause an independent review of internal controls to be conducted by external auditors, to ensure compliance with this aspect of the Investment Policy.

The College may engage the services of an external investment manager to assist in the management of the College's investment portfolio in a manner consistent with the College's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the *Investment Advisers Act of 1940*.

E. Performance Measures

The Treasurer will seek to earn a rate of return appropriate for the type of investments being managed, given the portfolio objectives, and will strive to earn, over the course of a complete business cycle, an average rate of return equal to or greater than the College's designated benchmark(s). The Treasurer will establish and maintain the College's benchmark(s).

F. Periodic Review of Investment Portfolio

The Treasurer shall conduct appropriate periodic reviews, not less than annually, of the investment portfolio, its effectiveness in meeting the College's needs for safety, liquidity, rate of return, and diversification, and its general performance.

G. Reporting

The Treasurer will report monthly to the Board of Trustees on all investments, by College fund, financial institution, investment amount, interest rate, maturity date and other pertinent information deemed necessary. At least quarterly, the Treasurer shall provide a written report of investment activities to the Board of Trustees and College President, including information regarding securities in the portfolio by class or type, book value, income earned, and market value as of the report date.

H. Authorized Investments

The College may invest its funds in any investments allowed by Section 2 of the *Public Funds Investment Act*, (30 ILCS 235/2) including, without limitation, the following:

1. Notes, bonds, certificates of indebtedness, treasury bills, or other securities, which are guaranteed by the full faith and credit of the United States of America as to principal and interest.
2. Bonds, notes, debentures or other similar obligations of the United States of America, its agencies, and its instrumentalities.
3. Interest bearing accounts, interest-bearing certificates of deposit or interest bearing time deposits or any other investments constituting direct obligations of any bank as defined by the *Illinois Banking Act*.
4. Obligations of corporations organized in the United States with assets exceeding \$500,000,000 if (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating

services and is on the approved list of the College's contracted SEC registered Investment Advisor and which mature not later than 3 years from the date of settlement, (ii) such purchases do not exceed 10% of the corporation's outstanding obligations and (iii) no more than one-third of the College's funds may be invested in short term obligations of corporations that mature in 270 days or less at the time of settlement and an additional one-third of the College's funds may be invested in obligations of corporations that mature between 270 days and three years at the time of settlement.

5. Interest bearing bonds of any county, township, city, village, incorporated town, municipal corporation, or school district, of the State of Illinois, of any other state, or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned thereon is taxable or tax-exempt under federal law. The bonds shall be registered in the name of the municipality or county or held under a custodial agreement at a bank. The bonds shall be rated at the time of purchase within the 3 highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.
6. Money market mutual funds registered under the *Investment Company Act of 1940*, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) of this subsection and to agreements to repurchase such obligations.
7. Mutual funds that invest primarily in corporate investment grade short term bonds. Purchases of mutual funds in short term bonds shall be limited to funds with assets of at least \$100 million and that have an average credit quality of at least a single A rating established by a recognized rating service. No more than 25% of the College's funds may be invested in these mutual funds.
8. Investment options offered by the Illinois Trust, IIIT Class
9. Investment options offered by the Treasurer of the State of Illinois (i.e. Illinois Funds).
10. Investment options offered by the Illinois School District Liquid Asset Fund Plus.

Any percentage limits, rating requirements, or other investment parameters identified throughout this investment policy will be calculated and/ or evaluated based on the original cost of each investment at the time of purchase, based on settlement date, of the security in determining compliance with the investment policy.

I. Selection of Financial Institutions

Financial institutions which are located in Community College District No. 528 or have a branch office in the District may request to become a depository for College funds, upon meeting the requirements of Section 6 of the *Public Funds Investment Act ("Act")* and of this Policy. In selecting all depositories, the College will require compliance with Section 6 of the Act, and will take into consideration a financial institution's security, size, location, financial condition, service, fees, competitiveness, and community relations involvement. Funds also may be

deposited with investment options offered by the Treasurer of the State of Illinois (i.e., Illinois Funds).

The College will not maintain funds in any financial institution that is not a member of the Federal Deposit Insurance Corporation (FDIC) system. In addition, the College will not maintain funds in any institution not willing or able to post required collateral for funds or to purchase private insurance to protect College funds on deposit in excess of FDIC insurable limits.

#### J. Collateralization

1. It is the policy of the College to require that time deposits in excess of federally insured limits be secured by collateral (110%), or a FHLB letter of credit, or if, at the time of purchase, the bank carries a top tier short-term rating of A1/P1 or better without regard to gradation and long-term rating of A- or better and is on the Approved List of the College's contracted SEC-registered Investment Advisor.
2. Eligible collateral instruments are any investment instruments acceptable under and subject to the conditions set forth in Sections 6(d) through 6(g) of the *Illinois Public Funds Investment Act*, 30 ILCS 235/6(d) - 6(g). The collateral must be placed in safekeeping at or before the time the College places the deposits with the bank so that it is evident that the purchase of the investment is predicated on the securing of collateral.
3. Maturity of acceptable collateral shall not exceed 120 months.
4. The ratio of fair market value of collateral to the amount of funds secured shall be reviewed monthly and additional collateral will be requested when the ratio declines below the level required.
5. Single institution pools can be used to pledge collateral to cover uninsured deposits at financial institution(s). A pledge report shall be received directly from the custodian.
6. The College requires monthly reports with market values of pledged securities unless the College is utilizing a FHLB letter of credit for that financial institution.
7. Safekeeping of Collateral  
Third party safekeeping is required for all collateral. To accomplish this, the pledged securities will be held at a safekeeping depository, separate from the bank where the deposits are placed, as approved from time to time by the Treasurer.

Safekeeping will be documented by an approved written agreement.

Substitution, exchange or release of securities held in safekeeping may be done upon two (2) days prior written notice to the Treasurer, and only on condition that the market value of the replacement securities is equal to or greater than the market value of the securities for which they are being substituted.

#### K. Safekeeping of Securities

Securities, unless held physically by the College, require third party safekeeping. The College will have the sole responsibility for selecting safekeeping agents. Safekeeping will be documented by an approved written agreement.

L. Prudent Person Standard

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the possible income to be derived.

In maintaining its investment portfolio, the Treasurer shall avoid any transaction that might impair public confidence in McHenry County College.

The above standards are established as standards for professional responsibility and shall be applied in the context of managing the portfolio.

The Treasurer and employees of the College acting in accordance with this Investment Policy and procedures as have been or may be established and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market changes.

M. Ethics and Conflicts of Interest

No person involved in the investment process shall make any investment decision based upon personal or political gain or consequence. This Policy will be administered consistent with Federal and State laws pertaining to public funds investments.

N. Sustainable Investing

The College will regularly consider any material, relevant, and decision-useful sustainability factors, within the bounds of financial and fiduciary prudence, in evaluating investment decisions. Such factors include, but are not limited to: (i) corporate governance and leadership factors; (ii) environmental factors; (iii) social capital factors; (iv) human capital factors; and (v) business model and innovation factors, as provided under the *Illinois Sustainable Investing Act*. The College will periodically review portfolio holdings to determine their consistency with these objectives and will provide specific issuers that are restricted from purchase under this policy.

O. Amendment

This Policy will be reviewed annually, during the quarter after fiscal year end, and revised upon approval of the Board of Trustees.

## 2.1.2 BORROWING

### 2.1.2.1 INTERFUND LOANS

Revised  
6/26/14

The Treasurer is authorized to make, as interfund loans, transfers from any fund over which the Board has control to any other fund maintained by the College. Each such loan must be repaid to the proper fund within one year as required by Section 3-34 of the *Illinois Public*

*Community College Act* (110 ILCS 805/3-34.) The Treasurer will keep the Board informed of these transfers.

Pursuant to section 3-20.10 of the *Illinois Public Community College Act* (110 ILCS 805/3-20.10), when the College has insufficient monies to defray the necessary expenses of the College, including amounts needed to pay maturing principal and interest of bonds, the Board, upon approval of an appropriate resolution may in order to meet the expenses, issue warrants drawn against and in anticipation of any taxes levied for the payment of necessary expenses of the College, either for educational purposes or for operations and maintenance purposes, or for the payment of maturing principal and interest of bonds, as the case may be, to the extent of 85% of the total amount of the tax so levied. The warrants shall show upon their face that they are payable in the numerical order of their issuance solely from such taxes when collected and that those taxes are to be set aside and held for their payment.

#### **2.1.2.2**

Revised  
6/26/14

#### **TAX ANTICIPATION WARRANTS**

Pursuant to section 3-20.10 of the *Illinois Public Community College Act* (110 ILCS 805/3-20.10), when the College has insufficient monies to defray the necessary expenses of the College, including amounts needed to pay maturing principal and interest of bonds, the Board, upon approval of an appropriate resolution may in order to meet the expenses, issue warrants drawn against and in anticipation of any taxes levied for the payment of necessary expenses of the College, either for educational purposes or for operations and maintenance purposes, or for the payment of maturing principal and interest of bonds, as the case may be, to the extent of 85% of the total amount of the so levied. The warrants shall show upon their face that they are payable in the numerical order of their issuance solely from such taxes when collected and that those taxes are to be set aside and held for their payment.

#### **2.1.2.3**

Adopted  
6/26/14

#### **TEMPORARY TRANSFERS FROM WORKING CASH FUND**

Monies may be transferred from the working cash fund to the educational fund or the operations and maintenance fund only upon the authority of the Board, which shall by resolution direct the Treasurer to make such transfers and to effect repayment of principal thereof to the working cash fund, all as prescribed in Section 3-33.6 of the *Illinois Public Community College Act* (110 ILCS 805/3-33.6).

#### **2.1.3**

Revised  
6/26/14

#### **TREASURER'S BOND**

As required by Section 3-19 of the *Illinois Public Community College Act* (110 ILCS 850/3-19), the College Treasurer shall, before entering upon his or her duties, execute a bond with a surety company authorized to do business in the State of Illinois, payable to the Board of Trustees and conditioned upon the faithful discharge of the Treasurer's duties. The amount of the bond shall be 25% of the amount of all funds of which the Treasurer is to have custody, and shall be

increased or decreased from time to time as the increase or decrease of the amount of funds in the Treasurer's custody may require. The bond must be approved by a majority of the Board of Trustees, and must be filed with the Illinois Community College Board. A copy of the bond must also be filed with the county clerk of each county in which any part of the College District is situated.

## 2.1.4

Revised  
6/26/14

### PURCHASING

The College shall centralize its purchasing function in order to obtain products and services at the best value. All purchasing activities will be conducted and all contracts will be let in accordance with Section 3-27.1 of the *Illinois Public Community College Act* (110 ILCS 805/3-27.1) and other applicable state statutes, and with administrative procedures promulgated pursuant to this Policy. Purchase orders must be authorized by the President or President's designees.

#### 2.1.4.1

Revised  
6/26/14

### PURCHASING AUTHORITY

The administration shall manage the day-to-day purchasing decisions, recognizing that the Board of Trustees has ultimate fiduciary responsibility for the College.

#### Competitive bidding of contracts for expenditures exceeding \$25,000

Contracts for purchase of supplies, materials or work involving expenditures of more than \$25,000 shall be awarded to the lowest responsive and responsible bidder after public advertisement, in accordance with procedures specified in and except as otherwise provided by Section 3-27.1 of the *Illinois Public Community College Act*, (110 ILCS 805/3-27.1). When reasonably possible, competitively bid contracts involving expenditures exceeding \$25,000 shall be awarded only after at least three bids have been received.

#### Contracts over \$25,000 for which bidding is not required

Competitive proposals may, when feasible and practical to obtain, be solicited for contracts involving expenditures of more than \$25,000 which, are exempt from competitive bidding pursuant to provisions of Section 3-27.1 of the *Illinois Public Community College Act*.

As provided in Section 3-27.1(m) of the *Act*, expenditures of funds exceeding \$25,000 may be made without competitive bidding in an emergency, upon approval by  $\frac{3}{4}$  of the members of the Board. An emergency may be found to exist when (1) the safety and welfare of any person or damage to valuable real or personal property is actual or imminent; (2) the operation of the College's educational program is disrupted or disruption may be imminent unless immediate action is taken; and/or (3) the failure to take prompt action may cause additional expense to the College District.

As provided in Section 3-27.2 of the *Act* and Policy 2.1.4.2 below, the College may participate in joint purchases by governmental units which purchases are made by competitive solicitation pursuant to the *Governmental Joint Purchasing Act*, 30 ILCS 525/1 *et seq.* The Board delegates to the President, or to the President's designee, authority to determine when it is in the College's best interest to participate in such joint purchases by governmental units or cooperatives.



Authority of administration to enter into contracts under \$25,000

The Board delegates to the President or President’s designee authority to enter into contracts involving expenditures under \$25,000. When deemed appropriate by the President or designee, such contracts shall be based on written or verbal quotations by at least three prospective contractors.

Contractor eligibility, prevailing wage, and equal opportunity compliance

Bid documents and solicitations of quotes from prospective contractors shall contain statements requiring them to certify their eligibility to enter into public contracts, compliance with the *Prevailing Wage Act* as may be applicable, and compliance with applicable laws regarding equal employment opportunity.

**2.1.4.2**

Adopted  
9/26/02  
Revised  
6/16/14

**SUSTAINABLE PRACTICES**

McHenry County College is committed to becoming a leader in academic programs and operational practices that model the sustainable use of resources, meeting the needs of current generations without impairing the ability of future generations to meet their own needs.

McHenry County College is committed to researching new sustainability practices, conserving natural resources, reducing greenhouse gas emissions and minimizing generation of waste. Purchase of environmentally preferable and energy-efficient products, using recycled and recyclable materials and/or using sustainable energy sources will be considered in all purchasing decisions. Reducing transportation footprint and striving to employ high standards of environmental and energy efficiency excellence will be considered in all construction.

**2.1.4.3**

Revised  
6/26/14

**COOPERATIVE PURCHASING**

The College may participate in joint purchases by governmental units pursuant to 110 ILCS 805/3-27.2, when the President or President’s designee determine that it is in the College’s best interest to do so. The President or designee shall inform the Board on a monthly basis of purchases made through governmental purchasing cooperatives or consortia.

**2.1.4.4**

Adopted  
8/23/07  
Revised  
6/126/14

**CHANGE ORDERS**

As provided in Section 3-27.1(d) of the *Illinois Public Community College Act*, change orders for competitively bid contracts made for the purchase of supplies, materials or work involving an expenditure in excess of \$25,000 are exempt from competitive bidding, only when the change order does not cause additional expenditures in excess of 10%

of the contract price, and the change order is due to unforeseen revisions which are not the fault of the contractor 110 ILCS 850/3-27.1(d).

Authority of President or President’s designee to approve change orders

Subject to the foregoing conditions, the President or President’s designee is authorized to approve individual change orders to a contract up to a total \$100,000 or 10% of the approved contract price, whichever is less.

In accordance with the provisions of Section 33E-9 of the *Criminal Code* pertaining to change orders to public contracts of local government units, no change order which increases or decreases by \$10,000 or more the cost of a public contract of the College, or which would extend the contract completion time by more than 30 days, may be approved unless it is made in writing and is accompanied by a written determination of the College that (1) the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or (2) the change is germane to the original contract as signed, or (3) the change order is in the best interest of the College 720 ILCS 5/33E-9. The Board delegates authority to the President to make such a written determination in appropriate cases. The written determination and the written change order resulting from that determination shall be maintained in the contract’s file and available for public inspection.

Periodic reports to Board on contract change orders

The President or President’s designee shall update the Board on a monthly basis regarding all change orders associated with College projects involving major renovations or new construction of College facilities.

**2.1.4.5**

Adopted  
6/26/14

**EMERGENCY EXPENDITURES**

The President or his/her designee has the authority to approve emergency project expenditures of up to \$100,000 in order to mitigate damages to person or property, or for the preservation of College revenues, or where such emergency expenditure is approved by ¾ of the members of the Board, 110 ILCS 805/3-27.1(m).

An emergency arises when (1) the safety and welfare of any person or damage to valuable real or personal property is actual or imminent; (2) the operation or the educational program of the District is disrupted or disruption may be imminent unless immediate action is taken; and/or (3) the failure to take prompt action may trigger delay and additional unnecessary expense to the District.

**2.1.5**  
Revised  
6/26/14

## **ESTABLISH AND MAINTENANCE OF FUNDS**

To enable the efficient and timely conduct of College business, the Board of Trustees authorizes the Treasurer to established and maintain the following funds in accordance with the *Illinois Public Community College Act* and the *Illinois Community College Board's Fiscal Management Manual*.

**2.1.5.1**  
Adopted  
1/22/15

### **OPERATING FUND BALANCE**

The College maintains an Operating Fund Balance to ensure the financial stability of the College. The Operating Fund includes Educational Fund 01 and Operations and Maintenance Fund 02 activities of the College. The Operating Fund Balance contains both assigned and unassigned funds.

An unassigned fund balance is defined as the difference between the assets and the liabilities within the Operating Funds; the liabilities include assigned funds. The unassigned fund balance includes only those assets without a constraint on use. An assigned fund balance is defined as that portion of the fund balance where a constraint has been established, which limits the use of those funds for a specific purpose.

The Operating Fund Balance, including assigned and unassigned fund balances, can preserve or enhance the College's bond rating, allows the College to accumulate sufficient assets to make annual expenditures, provide funds for unforeseen needs without incurring short term debt, and to satisfy the requirements of accrediting bodies and governmental agencies.

The responsibility of the Board of Trustees, and the goal of the Operating Fund Balance policy is to provide prudent fiduciary oversight of the Operating Fund Balance that efficiently preserves the financial stability and integrity of the College. In effectively managing the unassigned portion of the Operating Fund Balance, a fund balance level not less than four but not greater than eight months of the average annual operating fund expenditures should be retained, which is measured by either:

- a. the monthly average of the final year to date actual operating fund expenditures of the previous fiscal year; or
- b. the monthly average of the current year's operating fund expenditures budget;

whichever provides the most prudent outcome.

If the unassigned fund balance portion of the Operating Fund Balance falls below the minimum threshold on the date of the adoption of this policy, or any time thereafter, the President shall implement a plan, with Board approval, to achieve the desired Operating Fund Balance level. The plan shall include setting aside a portion of the operating

fund revenues expected in any fiscal year until the desired Operating Fund Balance level is achieved. The duration of the plan shall not exceed five years.

At any time, such as when the unassigned portion of the Operating Fund Balance exceeds the upper threshold, the College may assign a portion of the Operating Fund Balance. The Board will review the Operating Fund Balance Policy annually for changes or modifications, taking into consideration factors such as predictability of revenues and volatility of expenditures, availability of other resources, liquidity and existing or potential assignments of the Operating Fund Balance.

**2.1.6**

Revised  
6/26/14

**BASIS OF ACCOUNTING**

The accounting procedures and financial records of the College shall be established and maintained on a basis consistent with the requirements of the Illinois Community College Board *Fiscal Management Manual* and in conformity with *Generally Accepted Accounting Principles (GAAP)*.

**2.1.7**

Revised  
6/26/14

**PREPARATION OF AN ANNUAL BUDGET**

The President or President's designee, consistent with the direction of the Board, is authorized to prepare a budget for the fiscal year beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>. A tentative budget shall be published and available for public inspection, and a public hearing on the tentative budget shall be conducted on a timely basis before the Board takes final approving action. The Board will adopt the budget by the end of the first quarter of each fiscal year, all as provided in Section 3-20.1 of the *Illinois Public Community College Act*.

**2.1.8**

Revised  
6/26/14

**PUBLICATION OF AN ANNUAL FINANCIAL STATEMENT**

As required by Section 3-22.2 of the *Illinois Public Community College Act* (110 ILCS 805/3-22.2) and implementing provisions of the Illinois Community College Board's *Fiscal Management Manual*, the College shall, no later than November 15 after the close of each fiscal year, publish an annual financial statement containing basic financial data and an annual program report in a newspaper having general circulation within the District, and shall file a copy of the report with the ICCB on or before December 1.

**2.1.9**

Revised  
11/2/05  
6/26/14

**PREPARATION OF ANNUAL AUDIT**

The Board of Trustees shall annually engage the services of a public accounting firm to conduct, as of the end of each fiscal year, an independent external audit of College financial activities. The conduct and content of the audit report shall conform to the requirements of *Illinois Public Community College Act* Section 3-22.1 and pertinent administrative rules of the Illinois Community College Board, shall be submitted to the Board of Trustees, and shall be filed with the ICCB by October 15 following the close of the fiscal year.

The President or designee shall provide written representations to the auditor that 1) they have reviewed the audit report, and 2) based on their knowledge,

the report does not contain any untrue statement of a material fact or omission of a material fact that makes the statements misleading, and that the financial statements present the College's financial condition and results of its operations accurately in all material respects.

The College shall rotate the lead coordinating and reviewing audit firm partners at least every seven years. An individual employed by an external auditing firm who has worked on the College's audit may not be hired for the position of President or Chief Financial Officer (or equivalent position) for a minimum period of one year from the date of completion of such audit, absent exigent circumstances.

The Board of Trustees, or a committee or designee(s) of the Board, shall annually review and report to the Board concerning 1) the appointment and compensation of the independent auditors, 2) procedures for receiving, retaining and processing of complaints received by the College regarding accounting, internal controls, and auditing matters, and 3) procedures for receiving confidential anonymous reports by employees regarding possible financial improprieties, as provided for in Board Policy 2.5 (*Confidential Reporting*).

#### **2.1.10**

Revised  
6/26/14

#### **SALE OF STOCKS**

The Board hereby authorizes and designates the Treasurer to sell any stock which is received by the College as a gift or bequest pursuant to Board Policy 1.10 (*Donations/Bequests to the College*). The Treasurer shall notify the Board of the receipt and sale of such stock.

#### **2.1.11**

Revised  
6/26/14

#### **COLLEGE USE OF CHECKING ACCOUNTS**

The College shall establish and maintain the minimum number of checking accounts necessary to comply with sound business and fiscal practices, as determined by the Treasurer and in accordance the *Illinois Public Funds Investment Act* and Board Policy 2.1.1 concerning investment of College funds.

### **2.2**

Revised  
6/26/14

#### **COMPREHENSIVE PROGRAM OF LIABILITY AND PROPERTY INSURANCE**

Comprehensive insurance coverage shall be obtained to protect the College and its assets from loss.

The Board of Trustees shall provide for a program of risk management for the College consistent with all of the legal requirements pertaining thereto and consistent with the financial ability of the District. Within its program of risk management, the Board will purchase or otherwise provide from College funds the type and amount of insurance necessary, and/or shall set aside adequate reserves, to:

1. Insure and/or self-insure itself as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental injury to any person or in property damage within or without the College buildings while the above named insureds are acting in

the discharge of their duties and (in the case of employees) within the scope of their employment and/or under the direction of the Board;

2. Insure and/or self-insure all real and personal property of the College;
3. Insure and/or self-insure the College from losses due to employee dishonesty, injury or death;
4. Insure and/or self-insure Board members and College employees against financial loss, including attorney's fees and court costs, arising out of any demand, claim, suit or judgment by reason of an alleged wrongful act of the Board member or College employee, provided that the Board member or College employee was, at the time of the alleged act or omission causing the damages, acting in the discharge of his or her duties and (in the case of employees) within the scope of employment.

The President or President's designee is directed to develop and maintain rules and procedures as needed to carry out all aspects of this policy, including the designation of the College employee responsible for administration and supervision of the risk management program.

## **2.3**

Revised  
6/26/14

### **TUITION, RATES AND FEES**

#### **2.3.1**

Revised  
6/26/14

#### **TUITION AND FEES PER CREDIT HOUR**

The Board of Trustees sets and establishes tuition and fees per credit hour in accordance with the *Illinois Public Community College Act*. Tuition and fees may be changed upon affirmative Board action, but may not exceed state statutory limits.

#### **2.3.1.1**

Adopted  
2/28/19

#### **TUITION**

##### **A. Scope of Policy**

The guidelines in this Tuition Policy Statement are intended to assist, but not bind, the Board of Trustees in their continuous pursuit to implement a prudent process, free of political agendas, special interests and conflicts of interest, that consistently addresses the financial needs of the institution while maintaining fair and equitable tuition and fee adjustments that impact the student population in any given academic calendar year.

The Board of Trustees has important responsibilities and is subject to a code of ethics that includes but is not limited to the following:

- That the primary function of the Board is to establish policies for governance of the institution
- To consider the viewpoint of citizens, organizations, businesses, senior administration, faculty, adjunct faculty, staff council, and the student body with respect to establishing policy on current college operations and proposed future developments

## B. Objectives

The Board of Trustees has a number of core responsibilities that include but are not limited to the following:

- Approve long-range plans
- Ensure the well-being of students, faculty, staff, and administration
- Ensure strong financial management
- Ensure adequate financial resources

MCC demonstrates a commitment to valuing employees through a dedicated strategic goal: *Attract, develop, and retain quality instructors who are outstanding scholars/teachers and an excellent, diverse staff who are committed to the mission of McHenry County College.*

Mission-critical factors in determining a prudent process for tuition and fee increases begin with the collective bargaining agreements of the Faculty, Adjunct Faculty, and Staff Council, as these are contractual obligations approved by the Board of Trustees. Such contractual obligations will inevitably lead to increases in the variable costs and, as a result, it would be fiscally prudent, at a minimum, to adjust revenue streams to meet those obligations.

## C. Process

Three main indexes and/or processes can be used to implement a Tuition Per Credit Hour increase. The three indexes/processes are listed below:

1. Consumer Price Index – Urban (CPI-U)
  - a. The exact increase used will be the December to December increase in the same manner as determined under the Property Tax Extension Limitation Act (PTELA).
2. Higher Education Price Index (HEPI)
  - a. This index is similar to the CPI-U but is specifically related to institutions of higher education. The index used will be the most current available as of January 15 of each year.
3. Collective Bargaining Agreements (CBA)
  - a. The highest average annual increase of all existing CBA's over the life of each agreement can be used to establish the index.

Upon the determination of each index by January 31 of the current fiscal year, the highest index calculated may be used to adjust the rate of Tuition Per Credit Hour. The rate adjustment will then be applied to the summer term of the following fiscal year.

If it is determined that the adjustment identified under this section is insufficient to meet the critical needs of the College in any given year, the administration will bring to the Board a recommendation for approval for a different amount to be applied beginning with the summer term of the following fiscal year or a different time as may be needed in the recommendation.

Changes in Fees Per Credit Hour will be brought to the Board as may be needed for a separate approval by the Board of Trustees.

The purpose of the policy is to provide the Board of Trustees with guidance in discharging certain fiduciary responsibilities. It creates no obligation to act in any way. The Board of Trustees will monitor all of the evaluation criteria as well as any other material issues when making decisions concerning the College's Tuition and Fees.

**2.3.2**  
Revised  
6/26/14

**CREDIT TUITION WAIVER FOR IN-DISTRICT SENIOR CITIZENS**

In-district senior citizens (ages 65 or older) may take credit courses at the College by paying only the fees charged for those courses, but no tuition. The course might be cancelled if not enough students paying regular tuition are enrolled. Verification of residency and age happens at the time of registration. The person must be 65 or older as of the start date of the course.

**2.3.3**  
Revised  
6/26/14

**FEES**

The College administration shall maintain a Board-approved structure for fees to offset expenses related to program maintenance, services, improvements, consumable materials and supplies as needed.

**2.3.4**  
Revised  
6/26/14

**RATES AND FEES FOR NONCREDIT COURSES**

The rates and fees associated with noncredit courses are established to meet the operational and strategic direction of the College.

**2.3.5**  
Revised  
6/26/14

**REFUNDS**

Students who follow applicable procedures shall receive refunds according to the current refund schedule in use at the College. The refund schedule will be published in appropriate College publications.

**2.4**  
Revised  
6/26/14

**USE OF ALL COLLEGE FACILITIES, EQUIPMENT AND GROUNDS**

The primary purpose of College facilities, including buildings, grounds and equipment, is to accommodate the College's educational mission. Accordingly, first priority for the use of all College facilities will be given to College classes and scheduled activities. The College may make its facilities available for use by outside groups where such use would not interfere with the College's educational services, and subject to administrative procedures designed to implement this policy. The College strives to provide safe and open access to facilities and grounds for students, employees and visitors during posted regular hours of operation. Access to some facilities and grounds may be restricted in order to avoid disruption to the educational environment, or for the safety and protection of individuals, equipment or facilities.



**2.4.1**  
Revised  
6/26/14

### **NON-COLLEGE USE OF THE COLLEGE FACILITIES**

The College may grant the use of its facilities to outside groups and organizations for activities and events, based on administrative procedures and an application process established for this purpose. The College may establish and implement a usage or rental fee consistent with this policy and related procedures.

**2.4.2**  
Revised  
6/26/14

### **RENTAL OF OFF-CAMPUS FACILITIES**

The College may secure off-campus rental facilities to serve the direct needs of instructional programs and College-sponsored activities.

**2.4.3**  
Revised  
6/26/14

### **CAMPAIGNING AND SOLICITATIONS ON CAMPUS**

**2.4.3.1**  
Adopted  
6/26/14

#### **SPEECH AND ASSEMBLY ON CAMPUS**

The College affirms the right of individuals to free speech and assembly, subject to reasonable regulations as to time, place and manner of that exercise, as are necessary and appropriate within the context of the orderly and reasonably unimpeded conduct of the College's public educational programs.

**2.4.3.2**  
Adopted  
6/26/14

#### **NON-SOLICITATION POLICY**

Solicitation and advertising is prohibited on or within College facilities by any individual, group, commercial enterprise or non-profit organization, except as otherwise provided below, and in compliance with College administrative procedures adopted and maintained in connection with this policy. Solicitation shall include any undertaking by an individual, group or organization to promote the sale or use of a particular product or service, or a request for a contribution to or support for an individual or organization.

The following solicitation activities, undertaken in compliance with all applicable College administrative procedures and rules, are exceptions to this policy: solicitations sponsored or authorized by the College, solicitations sponsored by registered student organizations, collection of signatures for petitions or similar documents done on outdoor College spaces and subject to reasonable limitations on the time, place and manner of such activity.

**2.4.3.3**  
Adopted  
6/26/14

#### **SPEAKERS AND POLITICAL EVENTS ON CAMPUS**

Recognized campus organizations may invite guest speakers to speak on the College campus subject to established College rules and administrative procedures.

Illinois law expressly prohibits the use of public funds to urge electors to vote for or against any candidate or public question 10 ILCS 5/9-25.1. Candidates for public office and individuals who support or oppose propositions before the electorate must be advised by the

sponsoring College group that: (1) a speech or appearance on College premises does not constitute endorsement by the College of any candidate or position on a public question; (2) no direct solicitation of funds or distribution of campaign fund raising literature is permitted on College premises; (3) no campaign materials may be distributed which state or imply that the College supports or opposes a candidate or public proposition. All provisions of the College Ethics Ordinance (policy 1.11) apply to this section.

#### **2.4.3.4**

Adopted  
6/26/14

#### **POSTING AND DISPLAYING OF MATERIALS**

Posting and displaying of materials in or on College property or facilities shall be governed by the administrative procedures and regulations established by the College for such purpose.

#### **2.4.4**

Adopted  
7/27/95  
Revised  
6/26/14

#### **RESPONSIBLE USE OF INFORMATION TECHNOLOGY AND RELATED SERVICES**

In support of its mission and goals, the College provides access to information technology and related services for students, employees and other authorized users. The Administration shall adopt and maintain responsible use regulations and guidelines for students, faculty members, staff and other authorized users.

#### **2.5**

Adopted  
11/19/09  
Revised  
6/26/14

#### **CONFIDENTIAL REPORTING**

McHenry County College is committed to the highest ethical standards and conducting its operations in compliance with federal and state laws and regulations. To ensure that this standard of performance is achieved and maintained, this policy is intended to provide an avenue for employees to report allegations of internal wrongdoing and to provide assurance that they will be protected from retaliation for such reporting in good faith.

Wrongdoing may include, but is not limited to:

- Crimes, or violations of the law or governmental regulations;
- Fraud or financial irregularity;
- Improper use of College funds, property or assets;
- Corruption, bribery or blackmail;
- Endangering the health or safety of an individual;
- Harming College property;
- Abuse of students, staff, patrons, College guests, or visitors and
- Other unethical conduct.

This policy is not intended, and should not be used, for personal grievances.

At a minimum, the College President will provide the Board with a quarterly update of any complaint received and action taken, although the Board may ask for reports at any time.

#### Confidential Reporting Procedures

To ensure maximum confidentiality in making a complaint under this policy, the College will maintain a relationship with an outside independent reporting service to receive and review complaints of wrongdoing as defined under this Policy.

The College's administration will disseminate information to the College community on accessing the independent service for the receipt of complaints.

#### Investigation of Reports

Complaints made to the independent service will be confidentially reported to the College's designated ombudsman. The College President will designate the ombudsman. The ombudsman, in consultation with the President, will review complaints reported by the independent service for appropriate follow up, including investigation and recommended action. If the President is the subject of a complaint, the ombudsman will not consult with the President and will report directly to the Board Chair. If the ombudsman is the subject of the complaint, the report will be directed to the Board Chair by the independent agency.

#### Confidentiality

Reports and investigations will be kept confidential to the extent possible and consistent with the need to conduct an adequate investigation and consistent with College policies and applicable federal, state and local laws. Disclosure of reports of wrongdoing to individuals not involved in the investigation is a serious offense and may result in discipline.

The alleged wrongdoer's name may be disclosed only upon completion of the investigation and if the individual is found to have engaged in wrong doing. If the wrongdoer is found to have engaged in this conduct, appropriate legal and/or personnel action will be taken.

#### Protection Against Retaliation

The College will not tolerate any harassment or victimization of reporters and will take appropriate action to protect reporters, including their anonymity (if name is known), who raise concerns in good faith.

Any employee who believes he or she has been subjected to or affected by retaliatory conduct for reporting suspected wrongdoing or for refusing to engage in activity that would result in a violation of the law, should report such conduct to the appropriate supervisory personnel or the College's designated ombudsman. Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, must advise the College's designated ombudsman for appropriate follow-up, including investigation and recommended action. Retaliatory conduct is a serious offense and may result in discipline.

#### Sanctions for a False Report

Employees shall not intentionally misuse this policy. Intentional misuse includes, but is not limited to:

- Lack of good faith in invoking this policy and

- Any known, false, malicious or misleading statements made at any time under the procedures of this policy.

Intentional misuse of this policy is a serious offense and may result in discipline.

#### Compliance with the Illinois Whistleblower Act

The College will fully comply with the *Illinois Whistleblower Act*, 740 ILCS 174/1 et seq., and other applicable state and federal laws.

## **2.6**

Revised  
6/26/14

### **COLLEGE MASTER PLANNING**

The College will develop and maintain appropriate master plans, which fulfill the requirements in accordance with the Illinois Community College Board and the Higher Learning Commission and guide the College's strategic direction. Such plans will be reviewed and updated at least every five (5) years and as required by the Illinois Community College Board and/or the Higher Learning Commission.

## **2.7**

Revised  
6/26/14

### **COPYRIGHT ACT COMPLIANCE**

All College employees and students are required to comply with the *Federal Copyright Act of 1976*, as amended, 17 U.S.C. 101 et seq., in all activities related to instruction, research and study at the College. The College will maintain procedures and guidelines to assist employees and students with the understanding the parameters of such compliance. Any employee or student who violates the *Copyright Act* is solely liable for such action.

## **2.8**

Adopted  
1/23/14  
Revised  
6/26/14

### **FIREARMS**

Possession of firearms on McHenry County College campus, on property controlled by the College, at College sponsored events, at events attended while on College business, or in College owned or leased vehicles is prohibited, except as permitted by the *Illinois Firearm Concealed Carry Act* (430 ILCS 66) ("Act"). A firearm includes any gun, pistol, rifle, assault rifle or shotgun from which a projectile is fired by gunpowder or other explosive action.

In compliance with the Act, an individual with a valid concealed carry license issued by the State of Illinois must properly store his/her firearm in his/her vehicle out of sight in a secure and closed container prior to entering any college facility, event or vehicle according to specific requirements of the Act.

The McHenry County College Police Department should be notified of any individual suspected or found to have a firearm on their person. Campus Police Officers will determine whether the individual has lawfully recognized authority to possess a firearm on College property. McHenry County College will pursue appropriate disciplinary and/or criminal action against anyone found in violation of this policy and/or the statute.

Law enforcement officers authorized to carry a firearm may carry their firearm on College property and in College facilities, in accordance with the laws of the State of Illinois governing police officers and the *Law Enforcement Officers Safety Act of 2004*

(218 U.S.C. 926B and 926C). The College may request current/valid identification of the officer's law enforcement capacity authorizing possession of a firearm and reserves the right to confirm the officer's law enforcement capacity with proper authorities.

## **2.9**

Revised  
6/26/14

### **IDENTITY THEFT PREVENTION PROGRAM (Red Flag Rules)**

The Chief Financial Officer shall be charged with the responsibility for the College's Identity Theft Prevention Program in accordance with *Federal Trade Commission's Red Flags Rule*, which implements Section 114 of the *Fair and Accurate Credit Transactions Act of 2003*.

## **2.10**

Revised  
6/26/14

### **COLLEGE COMMITTEES**

McHenry County College believes in a broad-based system of planning and governance. To assist with achieving this goal, a diverse committee system, involving all segments of the College community is maintained for the purpose of providing input as a precursor to the making of decisions.

## **2.11**

Adopted  
6/26/14

### **RESEARCH ON CAMPUS**

All research involving MCC students and employees shall be designed to ensure the rights and safety of research participants and safeguard the College. The Chief Academic Officer or designee(s) will grant approval for research projects that involve students and employees.

## **2.12**

Adopted  
6/26/14

### **NAMING OF COLLEGE FACILITIES AND PROPERTY**

The College Board of Trustees has sole authority to approve the naming or renaming of any facility or part thereof at McHenry County College. Proposals for such naming or renaming shall be submitted to the Friends of McHenry County College Foundation or the College Board of Trustees.

## **2.13**

Adopted  
8/25/16

### **RECORDS RETENTION**

The College will meet its official records retention obligations through systematic and consistent management of all records, regardless of format, in compliance with applicable federal, state and local law, including the Local Records Act (50 ILCS 205/1), and pursuant to the Records Retention Policy and Procedures maintained and reviewed annually by the College.

## **2.14**

Adopted  
11/17/16

### **BUSINESS ENTERPRISES ACT**

The College recognizes the importance of increasing the participation of businesses owned by minorities, females, and persons with disabilities (as defined in 30 ILCS 575/2) in public contracts in an effort to overcome the discrimination and victimization such firms have historically encountered (30 ILCS 575/1). It is the College's policy to promote the economic development of such businesses by setting aspirational goals to award contracts to businesses owned by minorities, females, and persons with disabilities for certain services as provided by the *Business Enterprise for Minorities, Females, and Persons with Disabilities Act* (30 ILCS 575/0.01 et seq.) (the "Act") and the *Business Enterprise Program Council for Minorities, Females, and Persons with Disabilities* (30 ILCS 575/5).

In support of this policy, the College will encourage the participation of qualified minority, female, and persons with disability owned businesses by advertising, whenever possible, with trade associations, service organizations, minority newspapers and other appropriate media and other organizations focused on the needs of businesses owned by minorities, females, and persons with disabilities to alert potential contractors and suppliers of opportunities. The College will support key administrative and staff members to attend and participate in training sessions, workshops, conferences, and seminars dealing with procurement through qualified minority, female, and persons with disability-owned businesses in compliance with the Act. The College shall comply with all other requirements of the Act.

## 2.15

Adopted  
11/17/16  
Revised  
10/26/17  
2/27/20

### **REIMBURSEMENT OF TRAVEL, MEAL AND LODGING EXPENSES**

McHenry County College (the “College”) will regulate the reimbursement of all College Board member, administrator, and employee travel expenses as set forth below:

1. Definitions.
  - A. “Entertainment” includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
  - B. “Travel” means any expenditure directly incident to official College business travel by Board members, administrators, or employees of the College involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.
2. Reimbursable Rates. The College shall reimburse permitted travel expenses as set forth on Exhibit A to this policy, and pursuant to the procedures referenced in the College’s *Travel Procedures, Reimbursement & Taxable Benefits* manual.
3. Travel Advancement/Reimbursement Form. The College shall only approve reimbursement of expenses if the Board member, administrator, or employee submits said expenses on the College Travel Advancement/Reimbursement Form, which must include at a minimum all of the information requested in Exhibit B to this Policy. All documents submitted to the College for reimbursement are public records subject to disclosure under the *Freedom of Information Act*, unless otherwise protected under that Act.
4. Entertainment Expenses. The College shall not reimburse any Board member, administrator, or employee for any entertainment expense.
5. Board Approval of Certain Reimbursable Expenses. The following expenses for travel, meals, and lodging may only be approved by a roll call vote at an open meeting of the Board of Trustees of the College:

- A. Any reimbursable expenses of a College administrator, or employee that exceeds the maximum allowed under the regulations adopted under Section 2 of this Policy.
  - B. Any reimbursable expense of a member of the Board Trustees of the College.
  - C. Any other reimbursable expenses because of emergency or other extraordinary circumstances.
6. Compliance with Act. The College shall comply with all requirements of the *Local Government Travel Expense Act*, effective January 1, 2017 (PA 99-0604 “Act”). Any College policy, procedure or resolution that conflicts with the provisions of the Act is hereby repealed or superseded to the extent of such conflict.

**EXHIBIT A – PERMISSIBLE TRAVEL EXPENSES**

The maximum reimbursable rates for travel are set forth as follows:

<b>Maximum Reimbursable Rates for Transportation</b>	
Air Travel	Lowest reasonable rate (coach)
Auto	As adopted and published by the IRS Standard Mileage Rate at time of travel.
Rental Car	Lowest reasonable rate (midsize)
Rail or Bus	Lowest reasonable rate and cost shall not exceed Air Travel
Taxi, Shuttle, Rideshare, or Public Transportation	Actual reasonable rate

<b>Maximum Reimbursable Rates for Meals Including Tax and Tip</b>	
Breakfast	\$18.00
Lunch	\$19.00
Dinner	\$34.00

<b>Maximum Reimbursable Rates for Lodging Excluding Taxes</b>	
Chicago and Suburban Cook County	\$309.00 / night
DuPage, Kane, Lake, McHenry and Will Counties	\$189.00 / night
All other Illinois Counties	\$189.00 / night
Outside of Illinois	\$309.00 / night or as approved by the Board

All travel must also follow the College’s *Travel Procedures, Reimbursement & Taxable Benefits* manual, except to the extent that any travel expense reimbursement procedure that is contrary to any provision of the *Local Government Travel Expense Control Act*, or the College’s Board Policy for Reimbursement of Travel, Meal, and Lodging Expenses, will be superseded by the Act or applicable Board policy.

The following expenses shall not be reimbursable:

Refer to the *Travel Procedures, Reimbursement & Taxable Benefits* manual under Non-Reimbursable Expenses.

[https://mymcc.mchenry.edu/resources/policyprocedures/Documents/MCC\\_Travel\\_and\\_Reimbursement\\_Procedures.pdf#search=travel%20reimburse](https://mymcc.mchenry.edu/resources/policyprocedures/Documents/MCC_Travel_and_Reimbursement_Procedures.pdf#search=travel%20reimburse)

#### **EXHIBIT B - TRAVEL EXPENSE REIMBURSEMENT REQUEST FORM**

- (1) The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or office.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Job Title/Office

- (2) The date or dates and nature of the official College business for which the travel, meal, or lodging expense was or will be expended. Please attach supporting documentation describing the nature of the official College business event or program.

\_\_\_\_\_  
Name of Event or Program

\_\_\_\_\_  
Date(s) of Event or Program

\_\_\_\_\_  
Location of Event or Program

\_\_\_\_\_  
Purpose of Event or Program

- (3) An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred. Please attach either (a) a document explaining the basis for your estimate if expenses have not yet been incurred or (b) receipts if the expenses have already been incurred.

You may also provide such other documentation as would assist the Board of Trustees in considering your request for reimbursement. In the discretion of the Board of Trustees, additional documentation relevant to the request for reimbursement may be required prior to action by the Board of Trustees with respect to the reimbursement request.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**2.16**  
Revised  
3/22/12

#### **COMMUNITY SUPPORT**

The Board of Trustees is grateful for the support of community organizations. Organizations conducting fundraising on behalf of the College must receive authorization in advance from the College or Foundation.



**2.17**

Adopted 10/28/99  
Revised  
3/22/12

**DONATIONS/BEQUESTS TO THE COLLEGE**

The Friends of MCC Foundation is the principal means through which the College will accept donations in support of the College's mission. Donors will be encouraged to make donations to the College through the Foundation.

### **3.0**

Revised  
9/27/12  
8/25/16

## **HUMAN RESOURCES**

### **3.1**

## **EMPLOYMENT**

#### **3.1.1**

Revised  
8/25/16

### **POSITION DESCRIPTIONS AND CLASSIFICATION**

The supervising administrator, in consultation with the chief human resources officer or designee, is responsible for developing for each position a job description which sets forth the duties, responsibilities and requirements of the position. Classification of positions is determined by the College's Classification Committee.

#### **3.1.2**

Revised  
9/27/12  
8/25/16

### **RECRUITMENT AND SELECTION**

McHenry County College strives to employ highly qualified candidates for open positions. McHenry County College is an Equal Opportunity Employer and will comply with all applicable laws.

#### **3.1.2.1**

Revised  
7/22/10  
8/25/16  
2/27/20

### **EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

McHenry County College declares and reaffirms a policy of equal opportunity and non-discrimination. The College will make all decisions regarding employment without discrimination on grounds of race, color, creed or religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disabilities, military status, sexual orientation, gender-related identity, pregnancy, unfavorable discharge from military service, or other factors prohibited by law. Decisions regarding employment include hiring, promotion, termination, wages or salaries, benefits, and other terms and conditions of employment.

#### **3.1.2.2**

Revised  
9/27/12  
8/25/16

### **APPOINTMENT**

Appointment of full-time faculty and administrative employees requires approval of the Board upon the recommendation of the College President.

### **3.2**

Revised  
9/27/12  
8/25/16

## **EMPLOYEE GROUPS**

#### **3.2.1**

Revised  
9/27/12  
8/25/16

### **ROLE OF THE COLLEGE PRESIDENT**

The President is the Chief Executive Officer of the College and has supervision and control of its facilities, equipment, operations, and employees, subject to the direction of the Board of Trustees. The primary responsibility of the President is to provide the leadership that enables the College to establish and pursue its mission, vision, and goals as approved by the Board of Trustees in accordance with applicable provisions of the Illinois Public Community College Act, (110 ILCS 805/1 et seq.).

The President acts as the official signatory to the Illinois Community College board. The President is the official recipient of notification of Illinois Community College Board's actions pertaining to McHenry County College.

**3.2.2**

Revised  
9/27/12  
8/25/16

**ADMINISTRATIVE CONTRACTS**

The Board approves all full-time administrative notification of assignments on a fiscal year contractual basis.

**3.2.3**

Adopted  
8/25/16

**FACULTY**

**3.2.3.1**

Revised  
9/27/12

**SPOKEN ENGLISH PROFICIENCY FOR ALL FACULTY**

The ability to use spoken English effectively is an essential skill for all faculty members. The College will assess oral English proficiency of all instructors, as required by Section 3-29.2 of the *Illinois Public Community College Act*, 110 ILCS 805/3-29.2, to ensure instructors are orally proficient in English and can adequately communicate with students.

**3.2.3.2**

Revised  
9/27/12  
8/25/16

**FACULTY – FULL-TIME**

The Board-Faculty Association Agreement and any applicable law shall provide the bases for College employment practices for all full-time faculty members. The Board of Trustees retains the prerogative of adopting additional policies relating to faculty employment which are determined to be necessary for the effective operation of the College and which do not conflict with provisions contained within the Board-Faculty Association Agreement and applicable law.

**3.2.3.3**

Revised  
9/27/12  
8/25/16

**ADJUNCT FACULTY**

The Board-Adjunct Faculty Association Agreement and any applicable law shall provide the bases for College employment practices for all adjunct faculty members. The Board of Trustees retains the prerogative of adopting additional policies relating to adjunct faculty employment which are determined to be necessary for the effective operation of the College and which do not conflict with provisions contained within the Board-Adjunct Faculty Association Agreement and applicable law.

**3.2.3.3.1**

Revised  
9/27/12  
8/25/16

**ADJUNCT FACULTY QUALIFICATIONS**

In the hiring process, adjunct faculty shall meet the same minimum qualifications for employment as those required of full-time faculty. Exceptions to this hiring practice will only be done in documented extraordinary circumstances.

**3.2.3.3.2**

Revised  
9/27/12  
8/25/16

**ADJUNCT FACULTY NOTIFICATION OF ASSIGNMENT**

Adjunct faculty are employed only for the prescribed purposes and assignments expressed in Notification of Assignment documents issued by their respective divisions.

### **3.2.4**

Revised  
9/27/12  
8/25/16

#### **CLASSIFIED AND PROFESSIONAL EMPLOYEES**

The Board-Staff Council Contract and any applicable law shall provide the bases for College employment practices for all classified and professional employees. The Board of Trustees retains the prerogative of adopting additional policies relating to classified and professional employment which are determined to be necessary for the effective operation of the College and which do not conflict with provisions contained within the Board-Staff Council Contract and applicable law.

### **3.3**

Revised  
9/27/12  
8/25/16

#### **CONTRACTED SERVICES PERSONNEL**

The Board reserves the right to appoint individuals or organizations to perform specialized services (legal counsel, consultants, etc.).

### **3.4**

Adopted  
3/28/03  
Revised  
6/29/04  
9/27/12  
8/25/16

#### **EMPLOYEE MILITARY LEAVES OF ABSENCE**

Full-time and part-time employees of the College who are members of any reserve component of the United States Armed Services, including the Illinois National Guard, should advise the College of their military statuses at the time of hire or on the date they become members of a reserve component, whichever date is earlier. The College will comply with the *Illinois Public Community College Act*; the *Federal Uniformed Services Employment and Reemployment Rights Act (USERRA)* (38 U.S.C. Sections 4301-4333); and the *Military Leave of Absence Act*, 5 ILCS 325/1 with respect to applicable compensation, benefits and employment status entitlements.

### **3.5**

Revised  
9/27/12  
8/25/16

#### **EXTERNAL EMPLOYMENT**

Full-time employees of the College shall not engage in any external employment which would be in conflict with or interfere with their work schedules or performances at the College.

Full-time employees of the College may perform consulting, teaching, research, or other professional services for a party other than the College for compensation, providing that the performance of such external professional services does not constitute a conflict of interest nor place the employees in competition with the College.

Official resources of the College are used for the performance of college business, and those resources may not be used for external employment.

### **3.6**

Adopted  
9/23/99  
Revised  
9/27/12  
8/25/16  
1/25/18

#### **3.6 EMERITUS/LEGACY PROGRAM**

Consideration for Emeritus status will be given to select employees who meet the current criteria:

Full-time Faculty/Instructor: Minimum of ten (10) years as a full-time faculty member of McHenry County College and must be nominated for the honor by the President.

Adjunct Faculty/Instructor: Must have served a minimum of 10 years (a total of 20 spring or fall semesters; does not need to be consecutive semesters) as a part-time

faculty member of McHenry County College and must be nominated for the honor by the President.

Consideration for Legacy status will be given to select employees who meet the current criteria:

Staff/Administrator: Must have served a minimum of ten (10) years as a full-time staff member/administrator of McHenry County College and retire from the College, and be nominated for the honor by the President.

NOTE: The Board of Trustees reserves the right to assign Emeritus and/or Legacy status to any employee at their collective discretion.

There shall be no salary or any other monetary payments associated with either status. It is an honorary designation, granted in appreciation of the employee's service and desire to continue a relationship with the College during retirement years. The privileges of Emeritus or Legacy status are as follows:

- A. Emeritus or Legacy personnel qualify for tuition waiver for credit and noncredit classes (excluding all trips). The spouse and dependent children of Emeritus or Legacy personnel qualify for tuition reimbursement for credit classes that are successfully completed (successful completion is defined as a grade of C or higher).
- B. Upon request, Emeritus or Legacy personnel receive MCC business cards indicating their status.
- C. Emeritus or Legacy personnel will be invited to college functions and will be kept on the College mailing list.
- D. Emeritus or Legacy personnel will be included on the employee newsletter distribution list after providing a personal email address.
- E. Emeritus or Legacy personnel will qualify for the employee rate in the MCC Fitness Center.

### **3.7**

Approved  
2/28/02  
Revised  
9/27/12  
8/25/16

### **REORGANIZATION**

The College recognizes that in order to adapt to the demands of an ever-changing environment, it may become necessary to review the organizational structure of the College. Any recommendation for significant change in the organizational structure of the College or a recommendation that will have significant fiscal impact will be brought to the Board of Trustees for approval.

### **3.8**

Revised  
9/27/12  
8/25/16

### **CAUSES FOR TERMINATION OF COLLEGE PERSONNEL**

College personnel may be terminated for cause. Cause for termination includes, but is not limited to:

- A. Reduction in force
- B. Physical or mental incapacity
- C. Unsatisfactory performance of job duties
- D. Unprofessional conduct
- E. Falsification of credentials or employment records
- F. Conviction by a court of law of a felony

### **3.9**

Revised  
9/27/12  
8/25/16

#### **REQUEST FOR REVIEW OF SUSPENSION OR TERMINATION OF EMPLOYMENT**

Full-time administrators given an unpaid suspension or termination of employment for cause shall be entitled to a Board review of the action.

### **3.10**

Adopted  
2/28/19

#### **CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS**

The College is committed to the highest standards of conduct. The College's mission is promoted by and dependent upon professionalism exhibited by all members of the College community, particularly concerning relationships between employees and between employees and students. Romantic or sexual relationships, even consensual, can undermine such professionalism and adversely affect the College's mission. As such, the College desires to establish expectations for such relationships in order to mitigate risks and reduce liability for the involved parties and for the College.

Within this policy, the term "supervisory authority or relationship" refers to situations when one member of the College community has direct or indirect influence on decisions concerning selection and hiring, which makes recommendation for hiring, assignment or review of work, providing input on employee performance evaluations, transfer, promotion, grievance review, or other terms and conditions of employment over another member of the College community, including supervisors and coordinators. It also pertains to academic personnel who have a direct or indirect influence over a student's academic performance, including tutors, advisors, faculty, and other related positions.

Within this policy, the term "member of the College community" includes any college employee, student, volunteer, Board of Trustees member or other individual engaged in any college activity or program.

Within this policy, "faculty/staff" is defined as any college employee who has an educational or supervisory responsibility for the student, including but not limited to faculty members, tutors, advisors, coaches, administrators, and staff.

#### **Relationships Between Employees**

Co-workers who enter into a consensual romantic or sexual relationship, including marriage, should be mindful of laws, statutes, and college policies related to sexual harassment, sexual misconduct, sexual discrimination, and retaliation. Special care should be taken by each partner in the relationship to exhibit professionalism and to guard against any behavior, both at work and otherwise, that could result in a

complaint of sexual harassment, sexual misconduct, sexual discrimination, or retaliation, which will be addressed in accordance with college policies and applicable state/federal regulations.

Any employee of the College with supervisory authority over another college employee (including student workers) shall not engage in a romantic/sexual relationship with such employee, even if the relationship appears to be consensual. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions of authority. These relationships may be less consensual than perceived by the individual whose position confers power. The power differential inherent in such relationships may compromise free choice, produce conflicts of interest, or encourage favoritism and/or exploitation, and consensual relationships can turn into quid pro quo harassment. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic/sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable college policies.

If a college employee has a pre-existing consensual romantic/sexual relationship, including marriage, with another college employee, he/she should not enter into work situations in which he/she would be supervised by the other college employee.

#### Relationships between Faculty/Staff and Students

Faculty/staff shall not enter into a romantic/sexual relationship with a student, even if the relationship appears to be consensual to prevent real, potential, or perceived conflicts of interest, exploitation, or bias. Faculty/staff in pre-existing relationships must immediately notify their supervisor of the relationship.

If a faculty/staff member has a pre-existing consensual romantic/sexual relationship, including marriage, with a student, the student should be discouraged from enrolling in courses taught by the instructor or entering into work situations in which he/she would be supervised by the faculty/staff member.

### **3.11**

Adopted  
2/28/19

#### **NEPOTISM**

The College is committed to the highest standards of conduct and expects all members of its community to adhere to them. Members of the College community must avoid conflicts of interest, situations that might be perceived as conflicts of interest, or situations that might impair objective judgment. A college employee may not directly influence issues relating to employment, or the terms and conditions of employment of a person who is a member of the employee's immediate family, with whom he/she shares a household, or with whom he/she has a personal relationship.

Within this policy, the term "nepotism" shall mean actions by a college member that directly influence college employment (e.g. hiring, promotion, supervision, evaluation, and salary determination) or academic progress (e.g. grading and advising) of any other college member with whom he/she has a relationship.

Within this policy, the term “immediate family” includes mother, father, children, sister, brother, spouse, any step-relation, domestic partner, grandparent, uncle, aunt, cousin and in-laws of the same relation as any of the foregoing. The term “personal relationship” includes marital or other committed relationship, or consensual sexual/romantic relationship. The term “household” includes anyone with whom the employee shares a house, apartment, or other living arrangement.

Within this policy, the term “member of the College community” includes any college employee, student, volunteer, Board of Trustees member or other individual engaged in any college activity or program.

Within this policy, the term “supervisory relationship” means when one member of the College community has direct or indirect influence on decisions concerning employment terms and conditions, which includes making recommendations for hiring, assignment or review of work, providing input on employee performance evaluations, transfer, promotion, grievance review, or other terms and conditions of employment over another member of the College community, including supervisors and coordinators. It also pertains to academic personnel who have a direct or indirect influence over a student’s academic progress/performance, including tutors, advisors, faculty, and other related positions.

The employment of members of the same immediate family, of those who share a household or those with other types of personal relationships may create conflicts of interest or the perception of conflicts of interest. The College will use sound judgment in the placement of such employees in accordance with the following guidelines:

- Members of the same immediate family, same household, or those involved in a personal relationship are permitted to work in the same college department, provided that no direct reporting or supervisor-to-subordinate relationship exists. That is, no individual should have decision-making or supervisory authority, or significant influence over the hiring, work responsibilities, wages, hours, career progress, benefits, or other terms and conditions of employment of a related party.
- Individuals who become a related party to a college employee while already employed at the College should promptly report that fact to each employee’s supervisor and the Office of Human Resources, and both employees will be treated in accordance with this policy. If in the opinion of the College leadership that this relationship creates a conflict of interest, one of the employees may be transferred at the earliest practicable time, or other arrangements shall be promptly implemented.
- If an applicant is otherwise qualified and might be selected for an available position but is a related party to an existing employee in the same department, the selecting authority should consult with the Office of Human Resources on the applicability of this policy.



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## **4.0 STUDENTS**

### **4.1 STUDENT RESIDENCY**

Revised 1/24/13

Student residency classification (in-district, in-state out-of-district, out-of-state, or out-of-country) and verification will be in accordance with the provisions of the *Illinois Public Community College Act*, 110 ILCS 805/1 *et seq.*, and the administrative rules of the Illinois Community College Board (ICCB). In accordance with the ICCB, the College will maintain procedures for the classification and verification of student residency status.

### **4.2 STUDENT STATUS**

Revised 1/24/13

Student status is determined pursuant to the *Higher Education Student Assistance Act*, 110 ILCS 947/1 *et seq.* Consistent with the language of the statute, in a fall or spring semester, a full-time student is one who is registered for twelve (12) or more credit hours in that semester; and in a summer semester, a full-time student is one who is registered for six (6) or more credit hours in that semester. In a fall or spring semester, a part-time student is one who is registered for less than twelve (12) credit hours in that semester; and in a summer semester, a part-time student is one who is registered for less than six (6) credit hours in that semester.

A freshman is a student who has earned fewer than thirty (30) semester hours of credit; a sophomore is a student who has earned thirty (30) or more semester hours of credit.

## **4.3 STUDENT SERVICES**

### **4.3.1 ADMISSIONS**

Adopted  
1/24/13

The College shall admit students in accordance with all requirements respecting qualifications and preferences set forth in Sections 3-17 and 3-28 of the *Illinois Public Community College Act*, 110 ILCS 805/3-17 and 805/3-28, and the administrative rules of the Illinois Community College Board. Information about admission requirements, procedures and options is published in the College catalog and other appropriate media. Admission to the College does not guarantee entrance into a particular course or program of study.

### **4.3.2 STUDENT FINANCIAL OBLIGATIONS**

Revised  
1/24/13

Financial obligations to the College must be met by all students in order to receive services.

### **4.3.3 FINANCIAL ASSISTANCE PROGRAM**

Revised 1/24/13

The College may provide students with a financial assistance program, which may provide and/or administer financial assistance services including loans, grants-in-aid, scholarships, college work opportunities, and such other assistance that may be available. The College, in consultation with the Friends of McHenry County College Foundation, will also develop and administer a scholarship program to attract and retain students.

#### **4.3.4**

Revised 1/24/13

#### **STUDENTS CALLED TO ACTIVE MILITARY DUTY**

In compliance with Section 3-25.6 of the *Illinois Public Community College Act*, 110 ILCS 805/3-25.6, McHenry County College will permit enrolled students who are active military, military reservists or National Guard and are called for active military duty to either complete any unfinished courses at a later date at no additional charge or to receive a full refund of tuition and fees for all classes in which they are enrolled for the semester in which they are called to active duty. Said students will be given priority over other students in reenrolling in the course(s).

### **4.4**

#### **STUDENT DEVELOPMENT**

#### **4.4.1**

Revised  
1/24/13

#### **STUDENT LIFE AND CAMPUS ACTIVITIES**

McHenry County College recognizes that a diverse and well-balanced program of co-curricular activities contributes to the goals of the College and to the educational growth and development of students. The College will support co-curricular activities with appropriate resources. The College is committed to supporting the following:

1. An inter-collegiate athletic program designed for both men and women;
2. A diverse student activities program comprised of College-sponsored student clubs and organizations, intramural athletic activities, and an entertainment and cultural program designed to appeal to a wide variety of age and interest groups;
3. A responsive student life program.

#### **4.4.2**

Adopted 1/24/13

#### **STUDENT SUPPORT**

As part of McHenry County College's commitment to student success, the College maintains comprehensive student support programs appropriate for a diverse student population such as tutoring, testing, advising, counseling, library services, and college preparation. In accordance with the *Americans with Disabilities Act* and Section 504 of the *Rehabilitation Act of 1974*, additional support services may be provided.

#### **4.4.3**

Revised 1/24/13

#### **STUDENT CONDUCT**

Students are responsible for complying with all existing College rules and regulations. Students are expected to behave appropriately, with self-respect and respect for others. The College will address sanctions for conduct violations of College rules and regulations.

The College has established a *Student Code of Conduct* in order to maintain order on campus and to guarantee the broadest range of freedom for all who come to learn at the College. This *Student Code of Conduct* addresses the College's conduct rules, regulations and judicial procedures for conduct violations.

The College recognizes each student's right to fair procedures, including notice that specifies the alleged violation(s) of College rules and regulations for conduct, an opportunity to respond to the allegations, and an appeal process appropriate to the nature and potential consequences of the violation.

#### **4.4.4 STUDENT PUBLICATIONS**

Revised 1/24/13

In accordance with the *College Campus Press Act*, 110 ILCS 13/1 *et seq.*, the College supports student publications produced through the College for the benefit of students. The format for such publications may include a student newspaper, student literary magazine, and/or other formats that will effectively communicate the ideas and views of students.

All College-sponsored or authorized student publications are considered learning opportunities for students, and students are expected to follow the professional standards of journalism and other applicable disciplines.

#### **4.4.5 STUDENT TRUSTEE**

Revised 1/24/13

The College promotes the development of student leadership. The Student Trustee is one opportunity for such development. An election of a Student Trustee shall be held every year in accordance with the *Illinois Public Community College Act*, 110 ILCS 805/3-7.24, and Student Trustee election procedure. **Also see 1.2 Non-Voting Board Member.**

#### **4.5 PRIVACY AND SECURITY OF STUDENTS RECORDS**

Revised 1/24/13

The College shall maintain the integrity, privacy, and security of student records in accordance with the *Family Educational Rights and Privacy Act* (FERPA).

#### **4.6 RELIGIOUS OBSERVANCES**

Revised 1/24/13

In accordance with the *Illinois University Religious Observances Act*, 110 ILCS 110/1 *et seq.*, the College will reasonably accommodate the religious observance of individual students in regard to class attendance, and the scheduling of examinations and work requirements, provided that the student notifies the faculty member or instructor well in advance of any anticipated absence or pending conflict. A student who believes that he or she has been denied reasonable accommodations in accordance with this policy may seek redress through appropriate college processes.

#### **4.7 COLLEGE ALUMNI**

Revised 1/24/13

Through dedicated resources, the College supports the development of strong and ongoing relationships with graduates and former students.

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## **5.0**

Revised  
4/25/13

## **ACADEMICS**

### **5.1**

Adopted  
4/25/13

### **COLLEGE CATALOG AND STUDENT HANDBOOK**

The College Catalog and Student Handbook are official publications of the College that define student policies and procedures. These publications serve to highlight programs, services and other vital information of particular importance to McHenry County College students.

### **5.2**

Adopted  
4/25/13  
8/25/16

### **ACADEMIC CALENDAR**

In accordance with the *Administrative Rules* of the Illinois Community College Board, 23 Ill. Admin. Code 1501.303(e), the College shall annually establish a Board-approved academic calendar that is an official list of dates and schedules for the College.

### **5.3**

Adopted  
4/25/13

### **CURRICULUM**

The Board of Trustees shall approve all new degrees and certificates. Upon approval, the faculty and administration are responsible for implementation, and for the regular review and evaluation of curricula.

### **5.4**

Revised  
4/25/13

### **CERTIFICATES**

McHenry County College awards program certificates as authorized by the Illinois Community College Board.

### **5.5**

Revised  
4/25/13  
Revised  
9/25/14

### **DEGREES AWARDED**

McHenry County College awards the following degrees authorized by the Illinois Community College Board.

- A. Associate in Arts Degree (AA)
- B. Associate in Fine Arts Degree (AFA)
- C. Associate in Science Degree (AS)
- D. Associate in Engineering Science Degree (AES)
- E. Associate in Applied Science Degree (AAS)
- F. Associate in General Education Degree (AGE)

### **5.6**

Adopted  
4/25/13  
8/25/16

### **PROGRAM ACCREDITATION**

Individual program accreditation increases prestige and visibility of the individual program, and allows students upon graduation, to sit for licensure exams. The College will seek and maintain accreditation for specific programs when appropriate.

### **5.7**

Revised  
4/25/13

### **COOPERATIVE EDUCATIONAL AGREEMENTS**

McHenry County College is committed to providing diverse educational opportunities to McHenry County residents. In order to meet this commitment, the College may establish cooperative educational agreements with neighboring community colleges and other institutions of higher education to provide supplemental educational opportunities.

## **5.8**

Adopted  
4/25/13

### **GRADUATION REQUIREMENT**

The College requirements for graduation shall conform with units of instruction approved by the Illinois Community College Board and Illinois Board of Higher Education. These requirements shall be published in the College Catalog and Student Handbook. Graduation requirements may be waived on an individual basis in accordance with the *Illinois Public Community College Act* and all applicable regulations.

## 6.0

Adopted  
11/20/14  
8/25/16

### CAMPUS HEALTH AND SAFETY

McHenry County College is committed to providing safety and security for the College community. The College achieves this through a proactive friendly approach that enhances safety and security with a visible presence of campus police and security personnel, preventive patrols, positive conflict resolution, and crime prevention awareness programs. Additional information can be found on the College's website at [www.mchenry.edu/safety](http://www.mchenry.edu/safety).

## 6.1

Adopted  
11/20/14

### CAMPUS HEALTH

#### 6.1.1

Adopted  
11/20/14

#### AMERICANS WITH DISABILITIES ACT

The College shall comply with the *Americans with Disabilities Act (ADA)* (42 U.S.C. § 12101 *et seq.*) and pertinent federal implementing regulations, in all phases of its operations.

#### 6.1.2

Previously  
1.13  
Revised  
11/20/14  
8/25/16

#### HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) COMPLIANCE POLICY

The College will comply with all applicable provisions of the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*. Employee health information will not be used or disclosed for employment-related actions or decisions affecting the benefits of an individual employee.

The College is subject to the HIPAA Privacy Rule requirements as both a health plan, based on the College's health flexible spending arrangement plan (Health FSA Plan), and as a plan sponsor based on the College's other health plans. With respect to the College's Health FSA Plan, the College designates the Office of Human Resources as the sole healthcare component of a hybrid entity in accordance with HIPAA. The Office of Human Resources shall comply with all HIPAA obligations applicable to a health plan. The remainder of the College is designated as a non-healthcare component of the hybrid entity and not subject to the requirements of a health plan as defined under HIPAA.

The College shall adopt such administrative procedures as are necessary to comply with the obligations of the hybrid entity status of the Office of Human Resources as well as the College's general obligations as a plan sponsor.

#### 6.1.3

Previously  
4.3.1  
Revised  
11/20/14  
8/25/16  
2/27/20

#### DRUG-FREE SCHOOLS AND COMMUNITIES ACT POLICY

In accordance with the *Drug-Free Schools and Communities Act Amendments of 1989* and implementing regulations (20 U.S.C. § 1011i, 34 C.F.R. Part 86), the College will develop and implement a program and maintain procedures to prevent the possession, use, or distribution of controlled substances, illegal drugs, or alcohol, and the abuse of alcohol or drugs by students and employees. The College prohibits students or others from using, possessing, dispensing, distributing, or manufacturing any controlled substances, illegal drugs, or alcohol on College premises or any other locations used for College-sponsored activities.



Exceptions may be made for alcoholic beverages served during a College function approved by the Board of Trustees, or alcoholic beverages served in connection with the instructional curriculum (for example, as part of culinary arts program activities) as permitted by law.

Any employee or student who violates any of the College's drug and alcohol policies will be subject to disciplinary action up to and including termination of employment or expulsion from the institution, as well as any other applicable consequences for violation of state or federal laws.

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable;
2. Being used in a manner different than prescribed;
3. Legally obtainable, but has not been legally obtained; or
4. Referenced in federal or state controlled substance acts.

#### **6.1.4**

Previously  
3.1.5  
Revised  
11/20/14  
2/27/20

#### **DRUG AND ALCOHOL-FREE WORKPLACE**

McHenry County College will comply with *Drug-Free Workplace Act of 1988*, (41 U.S.C. § 8101 et seq.). The College prohibits the possession, use, manufacture, dispensation or distribution of illegal drugs, controlled substances, and/or alcohol by employees on College premises or as part of its activities.

Exceptions may be made when approved by the Board of Trustees for serving alcohol during a College function, or in connection with the instructional curriculum (for example, as part of culinary arts program activities), as permitted by law.

Employees are prohibited from being under the influence of illegal drugs, controlled substances, and/or alcohol while on call or while working for the College, regardless of when and/or where the drug or alcohol use occurred. Employees who are being disciplined for being impaired by or under the influence of cannabis while working or while on call will be provided a reasonable opportunity to contest the basis of the College's determination.

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable;
2. Being used in a manner different than prescribed;
3. Legally obtainable, but has not been legally obtained; or
4. Referenced in federal or state controlled substance acts.

Employees employed on a grant provided by a state or federal agency and convicted of a violation of a criminal drug statute are required to notify the Associate Vice President of Human Resources of this fact within five (5) days of their conviction. The College must notify the granting agency within ten (10) days of receiving notice from the employee, or otherwise receiving actual

notice of such conviction. The College shall impose appropriate sanctions within thirty (30) days following notification of conviction.

**6.1.5**

Previously  
2.4.7  
Revised  
11/20/14  
2/27/20

**SMOKE AND TOBACCO-FREE CAMPUS**

To promote a safe, clean and healthy learning environment, and in compliance with the *Smoke-Free Campus Act* (110 ILCS 64/1, et seq.), McHenry County College prohibits the use of tobacco and cannabis products inside College facilities, College vehicles, and on all College premises. This includes the burning of any type of cigar, cigarette, pipe, joint, blunt, electronic cigarette, or any other smoking equipment. The use of smokeless/chewing tobacco and consumable cannabis products is also prohibited.

It is the responsibility of all faculty, staff, students, and visitors to comply with this policy. Refusal to comply with this policy will be met with increasingly severe penalties.

**6.1.6**

Previously  
4.4  
Revised  
11/20/14

**PERSONS WITH COMMUNICABLE DISEASES**

McHenry County College is committed to providing a safe environment for all students, employees and visitors. Each instance of a communicable disease will be addressed individually, according to established College procedures, which will take into account the appropriate health, safety and privacy factors involved. All actions will be in compliance with the *Americans with Disabilities Act* (24 U.S.C. 12101 et seq.) and all other applicable laws and regulations.

**6.1.7**

Adopted  
8/25/16

**STUDENT OPTIONAL DISCLOSURE OF PRIVATE MENTAL HEALTH INFORMATION**

In compliance with the *Student Optional Disclosure of Private Mental Health Act*, (Public Act 99-278) the College shall establish procedures and an accompanying form providing students with the opportunity to authorize, in writing, the disclosure of certain private mental health information to a designated person, subject to conditions and under the circumstances provided for in the Act.

**6.2**

Adopted  
11/20/14

**CAMPUS SAFETY**

**6.2.1**

Adopted  
11/20/14

**CAMPUS SECURITY ENHANCEMENT ACT**

The College will comply with the provisions of the *Illinois Campus Security Enhancement Act of 2008*, 110 ILCS 12/1 et seq. (Act). The Campus Public Safety/Police Department shall be responsible for implementing measures to comply with the Act, in cooperation with other College departments or divisions and with state and local emergency managers and responders, as needed or as required by the Act.

**6.2.2**

Previously  
3.1.6.1  
Revised  
11/20/14

**SEXUAL HARASSMENT**

It is the policy of McHenry County College, in compliance with state and federal laws, and in keeping with efforts to establish an environment in which the

dignity and worth of all members of the College community are respected, that sexual harassment of employees or students at McHenry County College will not be tolerated. Individuals who violate this policy will be subject to disciplinary action up to and including termination or expulsion from the College. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, with respect to a person of the same or different sex, when:

- A. Submission to such conduct is made, whether explicitly or implicitly, a term or condition of an individual's employment or education;
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual;
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creates an intimidating, hostile or offensive educational or work environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

Sexual harassment can take many forms and other conduct which may constitute sexual harassment includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-Verbal: Suggestive or insulting sounds (whistling), and/or leering, or obscene gestures.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault.
- Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

While the most commonly recognized forms of sexual harassment involve the types of conduct described above, non-sexual conduct can also constitute a violation of the applicable laws when that conduct is directed at the victim because of his or her gender or gender-identity.

**Reporting:** All employees and students are responsible to help ensure that discrimination, harassment and retaliation do not occur. If students or employees experience, observe, or become aware of a perceived incident of

harassment, discrimination, or retaliation in violation of this policy, they may file a complaint or obtain information and assistance from the College's Title IX coordinators and their respected offices. The College's Sexual Misconduct and Title IX Procedures designed to implement this policy may be found at: <http://www.mchenry.edu/sexualmisconduct>. Employees may report an allegation of sexual harassment, including making a confidential report, to his/her supervisor or the College's Office of Human Resources. Additional details on how an employee can make a confidential report are provided for in Board Policy 2.5 (Confidential Reporting).

**Retaliation Prohibited:** Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment, or misconduct or any witness to or person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation. Complainants and witnesses have available whistleblower protections under the *Illinois State Officials and Employees Ethics Act*, the *Illinois Whistleblower Act*, and the *Illinois Human Rights Act*.

**Bad Faith Complaints:** False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the possibility of serious consequences for an individual accused of sexual harassment, complaints made in bad faith or otherwise false and frivolous charges are considered severe misconduct and may result in disciplinary action up to and including termination and/or expulsion from the College as determined by such administrative or Board action as is required by law, Board policy and procedure, and/or applicable collective bargaining agreement.

Resolution Outside the College: Nothing in this policy precludes a report of discrimination, harassment or retaliation to the appropriate government agency. An employee has the right to contact the Illinois Department of Human Rights (IDHR) about filing a formal complaint.

### 6.2.3

Previously  
1.10  
Revised  
11/20/14  
2/22/18  
2/27/20

### **DISCRIMINATION, HARASSMENT AND/OR ANTI-VIOLENCE**

The College is committed to providing a safe and respectful environment and will not tolerate acts or threats of violence including, but not limited to, aggression, hate crimes, bullying, cyber bullying, cyber intimidation, domestic violence, stalking, intimidation, or harassment from students, employees, or outside parties including visitors and vendors.

Discrimination and/or harassment based on race, color, creed or religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disabilities, military status, sexual orientation, gender-related identity, pregnancy, or unfavorable military discharge is prohibited by law.

Employees and students engaging in such conduct will be subject to disciplinary action up to and including termination or expulsion from the College as determined by such administrative or Board action as is required by law, Board policy, and procedure, and/or applicable collective bargaining agreements.

#### **6.2.4**

Previously  
4.8.4  
Revised  
11/20/14  
8/25/16

#### **TRAFFIC ENFORCEMENT**

All roadways and parking lots on College property are subject to state, local and College traffic ordinances and applicable rules. Campus Public Safety/Police officers are empowered to enforce these laws and rules.

#### **6.2.5**

Adopted  
11/20/14

#### **ABUSED AND NEGLECTED CHILD REPORTING ACT**

The College will comply with the *Abused and Neglected Child Reporting Act* (325 ILCS 5/1 et seq.). All College personnel are mandated reporters.

#### **6.2.6**

Previously  
2.4.5  
Revised  
11/20/14

#### **CHILDREN ON CAMPUS**

The College recognizes the importance of maintaining a safe and orderly environment. In order to maintain this environment, children under the age of 16 are not allowed on the campus, unless accompanied by a parent or guardian, except when the child is attending classes or receiving services offered by the College. To protect children from possible injury and to maintain a safe, secure learning environment, children are not permitted in classes in which they are not enrolled, and are not to be left unsupervised anywhere on campus, including employee work areas. Children of employees, if on campus, should not interfere with any employee's work responsibilities.

#### **6.2.7**

Adopted  
11/20/14

#### **ANIMALS ON CAMPUS**

No animals are permitted on the College campus except for designated service animals as defined by state and/or federal law or regulations, animals used for educational purposes as authorized by an Executive Dean for laboratory use, or animals for which prior authorization has been granted by the Campus Public Safety/Police Department or an Executive Dean in accordance with College procedures.