



# **COLLEGE OF DUPAGE**

## **COLLEGE OF DUPAGE POLICY MANUAL**

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**COLLEGE OF DUPAGE**

*Policy Manual*

**Introduction**

**Preamble to Policy Manual**

### **Preamble to Policy Manual**

The following policies are intended to provide overall guidance for the administration of the College of DuPage.

To the extent, if any, that any particular policy or part of a policy conflicts with Illinois or Federal law, the applicable law shall take precedence. To the extent that any particular policy conflicts with a collective bargaining agreement provision to which the Board of Trustees is a party, the agreement shall take precedence.



## **Mission and Vision**

To educate, enrich and empower our communities for success.

College of DuPage will be the primary college district residents choose for high quality education.

## **Values**

### *Integrity*

We expect the highest standard of moral character and ethical behavior.

### *Honesty*

We expect truthfulness and trustworthiness.

### *Respect*

We expect courtesy and dignity in all interpersonal interactions.

### *Responsibility*

We expect fulfillment of obligations and accountability.

### *Equity*

We strive to remove barriers to empower all to achieve their goals.

## **Philosophy**

- College of DuPage believes in the power of teaching and learning. We endorse the right of each person to accessible and affordable opportunities to learn and affirm the innate value of the pursuit of knowledge and its application to life. Our primary commitment is to facilitate and support student success in learning.
- College of DuPage is committed to excellence. We seek quality in all that we do. To ensure quality, we are committed to continual assessment and self-evaluation.
- College of DuPage values diversity. We seek to reflect and meet the educational needs of the residents of our large, multicultural district. We recognize the importance of embracing individual differences and cultures and value the contributions made to the College by people of all ethnic and cultural backgrounds. We affirm our role as a catalyst for promoting dialogue and tolerance on issues supporting the common good.

- College of DuPage promotes participation in planning and decision making. We support participatory governance and the involvement of the College community in the development of a shared vision. We believe that all students, staff, and residents can make meaningful contributions within a respectful environment that encourages meaningful discourse. We strive to build an organizational climate in which freedom of expression is defended and civility is affirmed.
- College of DuPage values freedom of expression. We recognize the need for freedom of expression and that facts, arguments, and judgments should be presented, tested, debated, challenged, deliberated and probed for their objective truth in the marketplace of ideas.
- College of DuPage will be a benefit to students and community. The needs of our students and community are central to all we do.

History:

- Adopted 3/19/09
- Amended 6/22/10
- Reviewed 5/23/11
- Amended 6/23/12
- Amended 1/21/21
- Amended 9/21/23



## **Definitions**

Unless the context or a provision of a Policy specifically requires a different meaning, the following definitions apply to this Policy Manual:

### **Academic Calendar**

“Academic Calendar” means the schedule of events occurring in each School Year, including new student orientations, session start and end dates, holidays, and final exam schedules.

### **Administration**

“Administration” means the management staff of the College, including the President, the General Counsel, other individuals serving in Cabinet positions, the Deans, and administrative personnel.

### **Administrative Code**

The “Administrative Code” means the Illinois Administrative Code, and all subdivisions thereof, being the collection of codified rules promulgated in the State of Illinois pursuant to and in compliance with the Illinois Administrative Procedure Act, 5 ILCS 100/1-1 *et seq.*

### **Administrative Personnel**

“Administrative personnel” means the management staff of the College, not including the President, the General Counsel, the other individuals serving in Cabinet positions, or the Deans.

### **Administrative Procedure**

“Administrative Procedure” means any procedure developed and implemented as necessary to carry out the Board’s Policies, rules, resolutions, and actions.

### **Administrative Procedures**

“Administrative Procedures” means more than one Administrative Procedure or the collection of all currently operative Administrative Procedures, as adopted and revised from time to time, whether or not all such Administrative Procedures have yet been formally published in the *Administrative Procedures Manual* for the College, as the context dictates.

## **Administrator**

“Administrator” means a member of the College’s Administration other than the President.

## **Affiliated Entity**

“Affiliated Entity” shall mean any entity for which a person either directly, or indirectly (through an ownership, financial, or other material interest): (1) is a member, manager, partner, limited partner, shareholder, employee, officer, director, owner, or agent of the entity; (2) is a lender to, or has otherwise extended credit to, the entity; (3) acts as a broker, consultant, or independent contractor for the entity; or (4) has any security interest in any asset of the entity. A person shall not be deemed to be “affiliated” with a publicly-traded entity in which the person owns stock in an amount of less than 5% of the publicly-traded shares.

## **Board**

The “Board” means the duly elected board of trustees for Community College District No. 502.

## **Board Officer**

“Board Officer” means any of the Chairman, Vice-Chairman, Co-Vice-Chairman (if one has been elected), Secretary, or Treasurer.

## **Cabinet**

“Cabinet” means the advisory council to the President comprised of leaders from each department of the College who are charged with overseeing and implementing the strategic growth and mission of the College, and includes the President; Administrators who report directly to the President; and the General Counsel. In the event that an individual is serving in a Cabinet position on only an interim basis (e.g., an Interim Vice President or an Interim Director), such individual will serve as a member of the Cabinet for the duration of his or her interim appointment.

## **Cabinet Officer**

“Cabinet Officer” means (1) any Administrator who reports directly to the President; and (2) the General Counsel.

## **Campus**

“Campus” means the College’s primary campus at 425 Fawell Boulevard, Glen Ellyn, Illinois and all sites, land, buildings, facilities, and other property, whether owned, leased, or controlled by the College, where College classes, programs, and activities are held. The term “Campus” expressly includes all College satellite locations, including without limitation, those in Addison, Carol Stream, Naperville, and Westmont, and at any other locations that may hereafter be established.



## **CBA**

“CBA” means a collective bargaining agreement reached between the Board and an Employee collective bargaining unit.

### **CODAA CBA**

“CODAA CBA” shall mean the current operative version of the CBA between the Board and the College of DuPage Adjunct Association.

### **CODFA CBA**

“CODFA CBA” shall mean the current operative version of the CBA between the Board and the College of DuPage Faculty Association.

### **College Police CBA**

“College Police CBA” shall mean the current operative version of the CBA between the Board and the Illinois Fraternal Order of Police Labor Council.

### **Engineers CBA**

“Engineers CBA” shall mean the current operative version of the CBA between the Board and the International Union of Operating Engineers Local No. 399.

### **Grounds Maintenance CBA**

“Grounds Maintenance CBA” shall mean the current operative version of the CBA between the Board and the Classified Staff Association, IEA-NEA (Painters, Groundskeepers, Mechanics & Carpenters).

## **Chairman**

“Chairman” means the Trustee duly elected by the Board to preside at all meetings of the Board and perform the duties imposed on and powers granted to the Chairman by the Community College Act or other law or by Board action. The term “Chairman” also means the “chairman pro tempore” in the event one is appointed by the Board pursuant to Section 3-10 of the Community College Act, for the duration of such appointment.

## **Classified Employee**

“Classified Employee” means a College support staff individual paid pursuant to the Classified salary schedule with duties as described in a Classified Position Description included in the College’s *Classified Employee Information Guidebook*. There are five categories of Classified Employee:

## **Regular Employee**

A “Regular Employee” is a Classified Employee hired with the expectation of continued employment subject to satisfactory performance.

## **Grant Employee**

A “Grant Employee” is a Classified Employee who performs services funded by government or other external agency grants. Employment in the grant position ends when the grant funding for the position ceases and alternative funds are not available for use or the Grant Employee is otherwise terminated. Full-time and part-time Grant Employees are eligible for pay, benefits, and working conditions equal to those of Regular Employees at the same level of benefits, or as provided by grant funds.

## **Temporary Employee**

A “Temporary Employee” is a Classified Employee who is hired for a definite duration of less than one year, is available for peak periods/events, or is a vacation substitute. The President may approve exceptions for extended temporary assignments, for a limited specified time, upon the recommendation of the appropriate member of the Cabinet. A Temporary Employee may be dismissed without cause.

## **Casual Employee**

A “Casual Employee” is a Classified Employee hired to work a variable schedule on an as-needed basis for a non-specified period of time. A Casual Employee may be dismissed without cause.

## **Probationary Employee**

A “Probationary Employee” is any Classified Employee who is in a specified trial employment period. A Probationary Employee may be dismissed without cause.

Within each category, a Classified Employee is either a Full-Time Employee or a Part-Time Employee. Within the Regular Employee, Grant Employee, and Probationary Employee categories, a Classified Employee is further identified as benefited based on the following levels:

1-19 hours per week (less than .50 FTE): eligible for minimal benefits

20-29 hours per week (.50 - .74 FTE): eligible for limited benefits

30-39 hours per week (.75 - .99 FTE): eligible for all health benefits and other prorated benefits

40 hours per week (1.0 FTE): eligible for all available benefits

## **Classified Staff Association (“CSA”)**

The “Classified Staff Association” and “CSA” mean the Classified Staff Association, IEA-NEA (Painters, Groundskeepers, Mechanic & Carpenters), the collective bargaining unit that represents those specific Classified Employees listed in the CBA between the CSA and the College.

## **Code of Academic Conduct**

“Code of Academic Conduct” means the set of rules, responsibilities, restrictions, procedures, and practices outlining the College’s expectations regarding academic integrity, published and disseminated via the College’s website and the College Catalog, among other means, with the objective of sustaining an environment in which Students recognize and demonstrate the importance of being accountable for their academic behavior.

## **Code of Student Conduct**

“Code of Student Conduct” means the set of rules, responsibilities, restrictions, procedures, and practices outlining the College’s expectations of Students’ behavior as members of the College community, published and disseminated via the College’s website and the College Catalog, among other means, with the objective of maintaining civility on Campus while protecting the broadest range of freedom for all members of the College community.

## **College of DuPage Adjunct Association (“CODAA”)**

The “College of DuPage Adjunct Association” and “CODAA” mean the College of DuPage Adjunct Association IEA/NEA, the collective bargaining unit that represents the Part-time or Adjunct Faculty in negotiations with the College.

## **College of DuPage Faculty Association (“CODFA”)**

The “College of DuPage Faculty Association” and “CODFA” mean the College of DuPage Faculty Association IEA/NEA, the collective bargaining unit that represents the Full-time Faculty in negotiations with the College.

## **College**

The “College” means the College of DuPage, which was founded in 1967 to serve Illinois’ Community College District No. 502.

## **College Catalog**

“College Catalog” means the collection of information and policies periodically published by the College to provide an overview of the educational programs, services, and related requirements at the College, which may include, for example:

important consumer information notices and disclosures; general information regarding the College's current Facilities, Faculty, and Administration; admissions policies and procedures; academic program descriptions; degree and graduation requirements; planned course offerings during the School Year(s) covered; the Academic Calendar for each School Year covered; academic policies and procedures; payment and refund policies for tuition and fees; and general information for Students.

### **College Police**

"College Police" means collectively the College personnel employed in the College Police Department.

### **College Police Department**

"College Police Department" means the College of DuPage Police Department, a professional 24-hour law enforcement agency established for the purpose of serving the Campus.

### **College Property**

"College Property" means, collectively, the Campus, the Facilities, vehicles, and all other items of property – tangible or intangible, real or personal – owned, operated, leased, and/or controlled by the College.

### **Community College Act**

The "Community College Act" means the Illinois Public Community College Act, codified as 110 ILCS 805/1-1 *et seq.*, and as may be amended from time to time.

### **Confidential Information**

"Confidential Information" means, generally, confidential and sensitive personal, private and/or financial information obtained by the College in the course of its business, whether or not specifically requested by the College, including, but not limited to, any information that is protected from disclosure by the Illinois Identity Protection Act, 5 ILCS 179/1 *et seq.*; the Illinois Personal Information Protection Act, 815 ILCS 530/1 *et seq.*; the Illinois Personnel Records Review Act, 820 ILCS 40/1 *et seq.*; the federal Family Educational Rights and Privacy Act of 1974 (also known as "FERPA"), 20 U.S.C. § 1232g and related regulations, 34 C.F.R. Part 99; the federal Health Insurance Portability and Accountability Act of 1996 (also known as "HIPAA"), Public Law 104-191 and related regulations, 45 C.F.R. Parts 160, 162, 164; the federal Gramm-Leach-Bliley Act (also known as the Financial Services Modernization Act of 1999), Public Law 106-102 and related regulations, 16 C.F.R. Part 313; and/or any other state or federal law or regulation. For purposes of interpreting any Policy that uses this term, "Confidential Information" should be construed broadly.

## **Dean**

“Dean” means the head of a division of the College, either administrative or academic; who works under either the College Vice President of Student Affairs and Institutional Advancement, or the College Vice President of Academic Affairs; and is considered a member of the Administration.

## **District No. 502**

“District No. 502” means Illinois’ Community College District No. 502, a unit of local government and public agency, formed by referendum in 1965 by voters in the then-DuPage high school district under the provisions of the Community College Act. “District No. 502” also means, when the context so suggests, the geographic territory encompassed by the boundaries of the political and taxing authority of District No. 502.

## **Employee**

“Employee” means, generally, any individual employed by the College, including those individuals employed as Administrators, Faculty, Classified Employees, Managerial Employees, and Students employed by the College; however, the term “Employee” does not include any Trustee.

### **Exempt Employee**

“Exempt Employee” means an Employee who is exempt from the requirements of federal minimum wage and maximum hour laws.

### **Full-Time Employee**

Except for with respect to members of the Faculty, “Full-time Employee” means an individual employed by the College to regularly work a 40-hour work week.

### **Non-Exempt Employee**

“Non-exempt Employee” means an Employee who is not exempt from the requirements of federal minimum wage and maximum hour laws.

### **Part-Time Employee**

Except for with respect to members of the Faculty, “Part-time Employee” means an individual employed by the College to regularly work less than a 40-hour work week.

## **Facilities**

“Facilities” means generally all spaces, amenities, and pieces of equipment owned or provided by the College.

## **Faculty**

“Faculty” means generally the Employees with academic rank who spend the majority of their time performing instructional duties, certain academic support services, or related responsibilities.

### **Full-Time Faculty**

“Full-Time Faculty” means an Employee who: (1) is offered and accepts a nine-month or two-semester/three-quarter academic year appointment; (2) has not been terminated from employment with the College; and (3) whose duties for more than 50% of the Employee’s time include a majority of the functions listed in the CBA between CODFA and the College as the duties of Teaching Faculty, duties of Counseling Faculty, and/or the duties of Library Faculty. Employees in the positions of Reference Librarian, Technical Services Librarian, Coordinator of Faculty Development, and Coordinator of International Education are considered “Full-Time Faculty.”

### **Part-Time Faculty**

“Part-Time Faculty” or “Adjunct Faculty” means an Employee who: (1) is hired term-by-term and accepts a one-term or less assignment or is hired as a substitute; (2) who has not been terminated from employment with the College; and (3) is performing instructional duties or related responsibilities at the College.

## **Fiscal Year**

“Fiscal Year” means the 12-month accounting period for the College, which shall begin on July 1 of each calendar year and end on June 30 of the following calendar year.

## **FOIA**

“FOIA” means the Illinois Freedom of Information Act, codified as 5 ILCS 140/1 *et seq.*, and as may be amended from time to time.

## **Foundation**

“Foundation” means the College of DuPage Foundation, an Illinois not-for-profit corporation registered as a 501(c)(3) charitable organization.

## **Foundation Affiliated Entity**

“Foundation Affiliated Entity” shall mean any entity for which the Foundation and/or any Foundation Personnel either directly, or indirectly (through an ownership, financial, or other material interest): (1) is a member, manager, partner, limited partner, shareholder, employee, officer, director, owner, or agent of the entity; (2) is a lender to, or has otherwise extended credit to, the entity; (3) acts as a broker, consultant, or independent contractor for the entity; or (4) has any security interest in any asset of

the entity. A person shall not be deemed to be “affiliated” with a publicly-traded entity in which the person owns stock in an amount of less than 5% of the publicly-traded shares.

### **Foundation Personnel**

“Foundation Personnel” means the board members, directors, officers, and employees of the Foundation, individually or collectively, as the context may dictate.

### **Foundation Related Party**

“Foundation Related Party” means: (1) any Relative of Foundation Personnel; (2) any other individual residing at the same U.S. postal standardized address as Foundation Personnel; or (3) any Foundation Affiliated Entity.

### **Fund**

“Fund” means a financial account used by the College for publicly reporting its financial transactions as required by the ICCB and Illinois law.

### **GASB**

“GASB” means the Governmental Accounting Standards Board, which is the independent, private-sector organization that establishes accounting and financial reporting standards for U.S. state and local governments that follow Generally Accepted Accounting Principles (GAAP).

### **General Counsel and Office of the General Counsel**

“General Counsel” means the acting chief legal and compliance officer of the College; and “Office of the General Counsel” means, collectively, the Administrative Personnel working under the General Counsel in the College’s legal and compliance department.

### **HLC**

“HLC” means the Higher Learning Commission, an independent corporation that accredits degree-granting post-secondary educational institutions in Illinois and neighboring states and serves as a gatekeeping agency for the U.S. Department of Education with respect to federal government assistance and financial aid programs.

### **IBHE**

“IBHE” means the Illinois Board of Higher Education, the state agency established by the Illinois General Assembly to oversee and coordinate Illinois’ system of colleges and universities.

## **ICCB**

“ICCB” means the Illinois Community College Board, the state agency established by the Illinois General Assembly to oversee and coordinate the Illinois community college system pursuant to the provisions of the Community College Act.

## **Independent Auditor**

“Independent Auditor” means an accountant or accounting firm licensed to practice public accounting in the State of Illinois, not connected with the College, engaged by the Board to perform an audit or audits of the College.

## **Independent Contractor**

“Independent contractor” means an individual or entity retained by the College to undertake a specific project for the benefit of the College who is not an employee of the College.

## **Information Systems**

“Information Systems” means, generally, the systems and sets of electronic components and tools created and/or provided by the College for accessing, collecting, creating, storing, processing, and distributing information, including but not limited to: electronically produced and/or stored records and data; software; computer programs; electronic communications systems, such as electronic mail, instant messaging, bulletin boards, Listservs, newsgroups, and web pages; web-based systems; web-portal systems; networks; traditional print information published electronically; electronic broadcasting in radio and television; access to the Internet, including third-party social networking sites and web pages; and electronic archives.

## **Information Technology Equipment**

“Information Technology Equipment” means, generally, any and all physical technology, equipment, tools, and devices (including but not limited to: computers; peripheral devices that work with computers, such as keyboards, external disk drives, monitors and screens, computer mice, and routers; servers; telephones; smartphones; other telecommunications equipment and transmission devices; video and audio equipment; projectors; encoding or decoding equipment; input/output and connecting devices, such as flash drives and all external media storage devices; printers; scanners; copiers; and facsimile machines) provided, managed, and/or used by the College for purposes of creating, maintaining, accessing, and/or using the College’s Information Systems and otherwise facilitating electronic communications.

## **Internal Auditor**

“Internal Auditor” means an Employee tasked with performing an audit or audits of the College, specifically an Employee serving as or working under the Director, Internal Audit, of the College.



## **Investment Vehicle**

The term “Investment Vehicle” means any business, investment fund, limited partnership, corporation, limited liability company, joint venture, separate account, commingled account, mutual fund, or other similar entity or vehicle.

## **Managerial Employee**

“Managerial Employee” means an Employee who manages and/or supervises a department or function within the College and who is paid pursuant to the College’s Managerial Salary Schedule.

## **Open Meetings Act**

The “Open Meetings Act” means the Illinois Open Meetings Act, codified as 5 ILCS 120/1 *et seq.*, and as may be amended from time to time.

## **Personnel**

“Personnel” means generally a body of individuals employed by the College, or a specific subdivision of College Employees as the context dictates.

## **Personnel Records**

“Personnel records” means, generally, personnel documents which are being, have been, or are intended to be used in determining an Employee’s qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action as well as any other documents that may be related to an Employee and are maintained by the College in accordance with applicable laws and regulations.

## **Policy**

“Policy” means a directive duly adopted by the Board to guide the management and administration of the College.

## **Policy Manual**

“Policy Manual” means the collection of all currently operative Policies, as adopted and revised from time to time, whether or not all such Policies have yet been formally published in the *Policy Manual of the Board of Trustees* for the College.

## **President**

“President” means the acting chief executive and chief administrative officer of the College.

## **Related Party**

“Related Party” means: (1) any Relative of a Trustee or an Employee; (2) any other individual residing at the same U.S. postal standardized address as a Trustee or an Employee; or (3) any entity, organization, or unit of government that would be required to be identified on the Statement of Economic interests filed annually with the County Clerk by a particular Trustee or Employee.

## **Relative**

A “Relative” of an individual means a member of the immediate family of such individual, including, but not limited to, such individual’s child, spouse, mother, father, brother, sister, stepchild, stepparent, or grandparent, and the spouse of each of the foregoing.

## **Registration Guide**

“Registration Guide” means the collection of information published by the College for each Session of course offerings each School Year to provide information specifically applicable to that Session, which information may include, for example, tuition rates and fees and admissions and course registration policies and procedures.

## **School Year and Sessions**

“School Year” means the annual teaching cycle for the College, typically extending from August of each calendar year to August of the following calendar year and divided into three “Sessions” of course offerings and classes (a “Fall Session,” a “Spring Session,” and a “Summer Session”) as set by the Academic Calendar for that cycle.

## **Secretary**

“Secretary” means the Trustee duly elected by the Board to serve as the Board’s records and minutes keeper and perform the duties imposed on and powers granted to the Secretary by the Community College Act or other law or by Board action. The term “Secretary” also means the “secretary pro tempore” in the event one is appointed by the Board pursuant to Section 3-10 of the Community College Act, for the duration of such appointment

## **Significant Financial Interest**

“Significant Financial Interest” means a role as general or managing partner, management-level employee, owner or sponsor of an investment firm, or an ownership or financial interest of greater than 5% in an Investment Vehicle.

## **Student**

“Student” means any individual enrolled one or more courses of study for academic or non-academic credit.

### **Full-Time Student**

“Full-Time student” means any student enrolled in twelve (12) semester hours of course work or more during the fall and spring semester or in six (6) semester hours of course work or more during the summer term. For purposes of receiving federal financial aid and/or federal education benefits, applicable federal regulations determine full-time status for students.

### **Part-Time Student**

“Part-Time student” means as student enrolled in less than twelve (12) semester hours of course work during the fall and spring semester or in less than six (6) semester hours of course work during the summer term.

## **Student Fee**

“Student fee” means generally a sum of money charged by the College in addition to any tuition for enrollment or participation in a specific class or activity.

## **Student Handbook**

“Student Handbook” means the collection of information and policies published each School Year by the College to serve as a reference guide for current Students with respect to matters such as: Student rights and responsibilities, including the most recent version of the College’s Code of Student Conduct and Code of Academic Conduct, Campus safety and security policies, Title IX services, and the Student complaint procedure; Campus information and Student resources; and Student life and co-curricular opportunities.

## **Student Trustee**

“Student Trustee” means the non-voting member of the Board who is a student enrolled in the College and selected to serve in accordance with Section 3-7.24 of the Community College Act.

## **Tenure**

“Tenure” means the status that the College may afford to certain members of Faculty as a protection against summary dismissal without sufficient cause, as more specifically described and defined in the relevant College handbooks and collective bargaining agreements.

## **Treasurer**

“Treasurer” means the individual appointed by the Board in accordance with Section 3-18 of the Community College Act to serve as treasurer and chief financial officer of the College and District No. 502, and to act as the College’s Vice President of Administrative Affairs.

## **Trustee**

“Trustee” means an individual duly elected or appointed to serve as a voting member of the Board.

## **Tuition**

“Tuition” means generally the sum of money charged by the College for enrollment in any of its classes.

## **Vice-Chairman**

“Vice-Chairman” means the Trustee duly elected by the Board to perform the Chairman’s duties in the Chairman’s absence and perform the duties imposed on and powers granted to the Vice-Chairman by the Community College Act or other law or by Board action. The term “Vice-Chairman” also means the “Co-Vice-Chairman” if one has been elected by the Board.

## **Workweek**

“Workweek” means the seven-day work period for Employees of the College, which shall begin at 12:01 a.m. on Sunday and end on the following Saturday at midnight.

## **Terminology**

The use of gender references in this Policy Manual is merely for convenience and is not intended to have any exclusive or inclusive effect. The plural includes the singular and the singular includes the plural, unless the context requires a different interpretation.

### **History:**

- Adopted 1/21/21



## **SECTION 1: BOARD OF TRUSTEES**

### **Board Organization**

1.01 – Selection, Replacement and Removal of Board Officers

1.02 – Duties of Board Officers

1.03 – Student Trustee

1.04 – Vacancies

### **Board Duties, Powers and Responsibilities**

1.06 – Authority, Powers, Duties, and Responsibilities of the Board

1.07 – Formulation of Policies and Procedures

1.08 – Authority of Members of the Board

1.09 – Trustee Use of College Equipment

1.10 – Trustee Electronic Communications

1.11 – Appointment of Internal Auditor

1.12 – Appointment of an Audit Firm

1.13 – Legal Counsel

1.14 – Board Representatives at Bid Openings

1.15 – Trustee Training

1.16 – Trustee Education and Attendance at Conferences

1.17 – Reimbursement for Trustee Expenses

## **Board and Committee Meetings**

1.18 – Committees of the Board

1.19 – Board and Committee Meetings

1.20 – Conduct of Meetings

1.21 – Closed Session

1.22 – Remote Attendance for Board or Committee Meetings

1.23 – Public Comment at Meetings



### **Selection, Replacement, and Removal of Board Officers**

**Selection.** The Board will annually elect or appoint a Chairman, Vice-Chairman, Secretary, and Treasurer at its annual organizational meeting as follows:

- (1) The Board will elect from its membership a Chairman and Vice-Chairman.
- (2) The Board will either elect a Secretary from the membership of the Board or appoint a Secretary who is not a member of the Board.
- (3) The Board will appoint a Treasurer who is not a member of the Board.

**Replacement.** In the event of the resignation, removal, death, or permanent incapacity of the Chairman, Vice-Chairman, Secretary, or Treasurer, the vacancy shall be filled as follows:

- (1) In the case of the vacancy of the Chairman, the Vice-Chairman shall become the Chairman and shall serve in that role until the Board's next organizational meeting. The Board shall then elect a sitting Trustee to serve as the new Vice-Chairman to serve until the Board's next organizational meeting. If the Board is unable to elect a new Vice-Chairman by majority vote for two consecutive regular meetings, the Chairman may appoint a new Vice-Chairman at the next regular or special meeting of the Board.
- (2) In the case of the vacancy of the Vice-Chairman, Secretary, or Treasurer, the Board shall elect or appoint (as applicable) a new individual to the vacant position to serve in that role until the Board's next organizational meeting. If the Board is unable to elect or appoint an individual to the vacant position by majority vote for two consecutive regular meetings, the Chairman may appoint an individual to the vacant position at the next regular or special meeting of the Board.

**Removal.** A Board Officer may be removed from his/her position only by majority vote of the entire Board. Any such removal must be based on a finding by the Board that the Board Officer's removal is in the best interests of the College.

Authority: 110 ILCS 805/3-8; 110 ILCS 805/3-10; 110 ILCS 805/3-18.

History:

- Adopted 3/19/09
- Reviewed 5/7/13
- Amended 6/20/13
- Amended 1/21/21



### **Duties of Board Officers**

**Chairman.** The duties of the Chairman of the Board shall include, but not be limited to, presiding at all Board meetings, appointing and dissolving special ad hoc committees, directing preparation for meetings, and performing any such other duties as prescribed by law, Policy, or other action of the Board.

**Vice-Chairman.** The duties of the Vice-Chairman shall include performing any duties as prescribed by law, Policy, or other action of the Board. The Vice-Chairman shall serve as Chairman in the event of the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, the Board shall appoint a Chairman *pro tempore* to preside over the meeting.

**Secretary.** The duties of the Secretary shall include recording and keeping the minutes of all regular and special meetings of the Board, directing the official signing of all official legal documents of the Board, directing the preparation of legal notices in newspapers designated by the Board, directing that a duplicate set of official College records be stored in a secure facility, and performing any other duties as prescribed by law, Policy, or other action of the Board. The Secretary may delegate his minute-keeping responsibilities for all open public meetings to a designated clerk.

**Treasurer.** The duties of the Treasurer shall include performing any duties as prescribed by law, Board directive, Policy, or other action of the Board. The Treasurer shall serve at the pleasure of the Board.

Authority: 110 ILCS 805/3-10; 110 ILCS 805/3-18.

History:

- Adopted 3/19/09
- Amended 1/21/21





**Student Trustee**

The Board will have one (1) non-voting member who is a student enrolled in the College. The Student Trustee will be elected by the student body to a one-year term beginning April 15 of each year. The Student Trustee has an advisory vote and otherwise assumes all the rights and responsibilities of a district-elected Trustee. The Student Trustee has the right to make and second motions, to attend all sessions of the Board (including closed sessions), and receive the same materials provided to district-elected Trustees.

Authority: 110 ILCS 805/3-7.24.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Vacancies**

Vacancies on the Board shall be filled by the Board through appointment as provided for by Section 3-7(c) of the Community College Act. All Trustees shall be involved in the selection process for Trustees.

In the event of the vacancy of the Student Trustee position, such vacancy shall be filled by the College's Student Leadership Council through appointment in accordance with the procedure for such appointment. Such procedure shall be developed by the Administrator(s) charged with oversight of the Student Leadership Council, in conjunction with the elected officers of the Student Leadership Council.

Authority: 110 ILCS 805/3-7.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Authority, Powers, Duties, and Responsibilities of the Board**

The Board derives its authority to govern from the Community College Act. As the governing body of District No. 502, the Board has responsibilities including, but not limited to, the following:

- (1) Define the role, mission, and goals of the College.
- (2) Appoint the President, direct the President, and evaluate, at least annually, the President's overall and specific performance.
- (3) Establish tax and tuition rates.
- (4) Ensure ongoing long-range planning through direction to, participation in, and annual approval of a strategic long-range plan.
- (5) Review periodically the organizational structure and the operation of major components of the College.
- (6) Monitor the College's performance and progress towards the College's mission and goals.
- (7) Review the financial management of the College and cause an audit to be made, at least annually.
- (8) Serve as a fiduciary of the College and ensure that the business of the College is conducted in a fiscally-responsible manner.
- (9) Work collaboratively and cooperatively as a Board, and with the President and various College constituencies.
- (10) Ensure the quality of education provided by the College.
- (11) Establish institutional budgets and approve expenditures and contracts.
- (12) Exercise all powers consistent with the Community College Act necessary to drive the College's missions and goals.

The Board will not delegate or relinquish its overall responsibility for results, nor any portion of its accountability. The Board is responsible for all duties, and it retains all powers and authority, specifically defined and provided for under the Community College Act.

Authority: 110 ILCS 805/3-14; 110 ILCS 805/3-20 and 3-20.1; 100 ILCS 805/3-21–3-29.10 and 3-29.12; 110 ILCS 805/3-30–3-39.1; 110 ILCS 805/3-40–3-42.3; 110 ILCS 805/3-43; 110 ILCS 805/3-45; 110 ILCS 805/3-55; 110 ILCS 805/3-75; 110 ILCS 805/6-4.

History:

- Adopted 3/19/09
- Amended 8/20/09
- Reviewed 4/30/13
- Amended 5/21/15
- Amended 1/21/21



### **Formulation of Board Policy**

The authority and responsibility to enact College policy rests with the Board. The Board, in consultation with the Office of the General Counsel and the President, will continually monitor its Policies to ensure their compliance with applicable state and federal laws and regulations, accreditation standards, and best practices, their effectiveness, and their applicability to then-current conditions at the College. The President and/or his/her designee, in consultation with the Office of the General Counsel, shall conduct periodic reviews of the Policies and make recommendations for changes, alterations, revisions and updates to such Policies to the Board.

If the Board proposes new or modified Policies, the President will notify the College's Shared Governance Council (or its successor) of impending changes to any existing Policy, or any proposed new Policy and, where appropriate, will seek input from stakeholders. A Policy will require two readings by the Board prior to adoption. The readings will be agenda items at meetings of the Board. Upon adoption of any new or modified policies, the College's website will be updated and communicated to the College through COD Announcements.

### **Formulation of Administrative Procedures**

The Board directs the President and/or his/her designee to develop, implement, propose and modify Administrative Procedures as necessary to carry out the Board's Policies, rules, resolutions, and actions. The President may seek input from stakeholders in the formulation of Administrative Procedures.

Authority: 110 ILCS 805/Art. 3.

History:

- Adopted 3/19/09
- Amended 2/24/11
- Reviewed 4/30/15
- Amended 5/21/15
- Amended 1/21/21
- Amended 10/20/22



**Authority of Members of the Board**

Trustees have authority for official Board action only when acting in concert as a Board legally in session. No Trustee has the power to speak out or act in the name of the Board unless authorized to do so by the Board in legal session or by these Policies.

Nothing in the foregoing shall be construed to limit any Trustee's right to speak freely, or to offer his or her opinions – whether in public or in private – in his or her individual capacity regarding the affairs of the Board or the College.

No Trustee, however, is authorized to waive any privilege or protection from disclosure (including, without limitation, attorney-client, work product, consulting expert, auditor, accountant, or any other legally recognized privilege or protection from disclosure), or to disclose closed session matters. Only a majority of the Board may elect to waive a privilege and find that closed session matters are no longer required to be held in confidence.

Authority: 110 ILCS 805/3-9; 110 ILCS 805/3-11; 5 ILCS 120/2.06.

History:

- Adopted 3/19/09
- Reviewed 4/30/15
- Amended 5/21/15
- Amended 1/21/21



### **Trustee Use Of College Equipment**

It is desirable that Trustees have access to various types of College-owned and/or operated equipment and technology, including laptop computers, facsimile machines, networks, servers, College email addresses, and the like, to enable them to more readily access information relative to the performance of their duties as Trustees. To facilitate such access, the College may provide Trustees with access to such equipment and technology during their tenure as Trustees, subject to the following conditions:

- (1) The Trustee does not currently have access to such equipment, or the provision of such equipment will ensure confidentiality of College business.
- (2) Such equipment will be used exclusively for College business.
- (3) The Trustee's use shall be in accordance with relevant Policies, the College's *Electronic Communications Guidelines*, and applicable local, state, and federal laws.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Trustee Electronic Communications**

The Board recognizes that the public has a right to open, honest, transparent government. It is the Board's policy to comply with relevant federal and state laws concerning communications, including, without limitation, the Open Meetings Act and FOIA.

Trustees shall be provided with a College email address for use in their capacity as members of the Board. Trustees shall use their College email addresses for the purpose of sending and receiving electronic communications in their capacity as Trustees and/or that pertain to the transaction of College business. Trustees are strongly discouraged from using personal email addresses, text messages, instant messages, and other non-College controlled methods of electronic communication for such purposes, except in extraordinary circumstances.

To the extent a Trustee utilizes non-College email addresses and/or text or other methods of electronic communication in his/her capacity as a Trustee, the Trustee must disclose same to the Office of the General Counsel of the College and, when requested by the Office of the General Counsel, provide copies of the electronic communications exchanged by such methods for review and maintenance. If such communications are requested in connection with a request made pursuant to FOIA, the Trustee(s) from whom such communications are requested shall provide a response to the Office of the General Counsel within three business days of receipt of the Office of the General Counsel's request.

Authority: 110 ILCS 805/3-30; 5 ILCS 120/; 5 ILCS 140/.

History:

- Adopted 1-21-21





**Appointment of Internal Auditor**

To assist the Board in the oversight of the College's business and in evaluating the effectiveness of risk management, internal controls, and governance processes, the Board shall appoint an Internal Auditor to perform audit functions as prescribed by Board directive, Policy, or other Board action. Such audit functions shall include investigating known or suspected frauds, internal control weaknesses, and/or risk areas, and are not intended to be duplicative of the audit functions set forth in Policy 1.12. The Internal Auditor and his/her staff shall administratively report to the Office of the General Counsel of the College. The Internal Auditor shall report directly to the Board. In the event the Office of the General Counsel is the subject of the Internal Auditor's investigation, the Internal Auditor and his/her staff shall report directly to the Board.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1-21-21



### **Appointment of an Audit Firm**

The Board will cause an audit to be made at the end of each fiscal year by an accountant licensed to practice public accounting in Illinois. To accomplish this, the Board will, at or before its regular Board meeting in April, appoint an Independent Auditor with a professional staff of 100 or more persons.

The Independent Auditor will be engaged by the Board and report directly to the Board. The Independent Auditor shall conduct the audit in accordance with generally accepted auditing standards; applicable rules and regulations prescribed by the ICCB, the IBHE, and/or the Illinois Auditor General; the Community College Act; and any other applicable statutory and/or regulatory requirements. The Independent Auditor's report shall include a statement of the scope and findings of the audit and include a management letter listing recommendations regarding internal controls and accounting practices.

The Board shall not limit the scope of the examination to the extent that the effect of such limitation will result in the qualification of the Independent Auditor's professional opinion.

The Audit Committee of the Board shall meet with the Independent Auditor and review the audit report and management letter before those materials are forwarded to the full Board for consideration. The audit shall be conducted in a manner to permit sufficient time for review by the Audit Committee and by the full Board in advance of the December 30 deadline for submission to the ICCB (or such other deadline as may be prescribed by rule or statute).

Authority: 110 ILCS 805/3-22.1; 50 ILCS 310/; 23 Ill. Admin. Code § 1501.503.

#### History:

- Adopted 3/19/09
- Amended 1/21/21



### **Legal Counsel**

Protecting and advancing the College's legal rights, claims, and objectives is essential to the proper governance of the College. Accordingly, the Board reserves the discretion to retain the professional services of legal counsel, including outside counsel engaged as vendors and counsel serving as College employees within the Office of the General Counsel (in this Policy sometimes hereafter, "OGC"). The College's chief legal officer, designated as the General Counsel, will serve as a member of the President's Cabinet and report administratively to the President. The General Counsel (and any additional counsel employed within the OGC) shall serve at the pleasure of the Board, shall provide information and counsel to the Board, and shall have direct and independent access to the Board when deemed necessary in counsel's professional judgment.

OGC lawyers protect the College's interests by providing responsible legal advice to the College as a whole entity. Because the College as a whole entity is the OGC's sole client, OGC lawyers owe professional responsibilities to the College. OGC lawyers must conform their conduct to the generally accepted standards of the legal profession, including the Illinois Rules of Professional Conduct promulgated by the Supreme Court of Illinois. These include, without limitation, standards of integrity, competence, diligence, and communication.

OGC lawyers are precluded from providing legal advice or representation to College Trustees, Employees, or agents on personal legal matters. In circumstances where the activities or interests of the College are implicated, the College may be obligated or otherwise elect to provide legal representation to individual College Trustees, Employees, or agents.

The OGC manages outside legal counsel and related service providers for the College. Retention of outside counsel shall be in accordance with the College's procurement policies and procedures; provided, however, that any engagement with outside counsel in which the professional fees incurred by outside counsel will total \$15,000 or more, during the entirety of the professional engagement, must be approved by the Board.

Safeguarding privileged information is of paramount importance to the College's legal interests. Although the Board must know relevant information to make informed decisions regarding legal matters, the Board also recognizes that the dissemination of privileged and confidential information can cause a legal privilege belonging to the College to be unintentionally forfeited. Accordingly, information concerning the College's legal affairs shall be provided to the Board and individual Trustees as follows:

- (1) OGC lawyers shall regularly attend Board meetings to apprise the Board regarding legal matters and to answer questions posed by individual Trustees; and outside counsel retained by the College shall attend Board meetings upon request;

- (2) OGC lawyers (and outside counsel upon request and in consultation with the OGC) shall make themselves reasonably available to answer questions and provide information to individual Trustees between meetings;
- (3) No less than once per month, the OGC shall provide a confidential written update to the Board regarding the status of any matters pending before courts or administrative agencies;
- (4) Counsel shall provide, upon request, copies of non-privileged communications between College and litigation adversaries as well as copies of publicly filed documents;
- (5) With respect to privileged documents and any other documents, the Board may, in its discretion, direct counsel to disseminate such materials to an individual Trustee with or without conditions designed to maintain confidentiality; and
- (6) No individual Trustee is authorized to waive the attorney-client privilege on behalf of the Board; only a majority of the Board may do so.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 2/18/16
- Amended 1/21/21



### **Board Representatives at Bid Openings**

At least 14 days before the Board's annual organizational meeting, the Treasurer and the College's General Counsel shall jointly nominate no fewer than four College Employees to serve as the Board's panel of representatives at bid openings. At the annual organizational meeting, the Board shall, by majority vote, appoint a panel of at least four representatives from this list of nominees. The appointed representatives shall serve until the Board's next annual organizational meeting. In the event a vacancy occurs among the panel of duly appointed bid representatives, the Treasurer and the General Counsel shall jointly nominate two or more Employees to fill the existing vacancy. At its next regular or special meeting, the Board shall, by majority vote, appoint a substitute representative from this list of nominees.

At least one representative shall attend each bid opening as an agent of the Board. Each representative who attends a bid opening shall, with the exercise of appropriate discretion, have the duty to report to the Chairperson of the Board's Audit Committee any irregularity in the bid opening process or noncompliance with applicable laws, rules, or procedures governing the bidding process.

The Administration shall promulgate a procedure to ensure that each nominee possesses sufficient seniority, training, and experience to serve effectively as the Board's representatives at bid openings.

Authority: 110 ILCS 805/3-27.1.

History:

- Adopted 4/20/17
- Amended 1/21/21



### **Trustee Training**

Each Trustee shall complete a minimum of four hours of professional development leadership training in the first, third, and fifth years of his/her term on the following subject matters: open meetings law, community college and labor law, freedom of information law, contract law, ethics, sexual violence on campus, financial oversight and accountability, audits, and fiduciary responsibilities of a community college trustee.

The Student Trustee shall be exempt from any such training requirements.

Authority: 110 ILCS 805/3-8.5.

History:

- Adopted 1/21/21



### **Trustee Education and Attendance at Conferences**

All Trustees are encouraged to educate themselves on issues that will benefit the College. If Trustees seek to do so by participating in professional conferences, institutes, or activities, Trustees should participate in such events locally (or online) whenever possible to minimize the expense associated with travel.

Approval of the Board by roll call vote at a public meeting is required in advance of attending professional conferences. Trustees are to schedule participation in conferences in a way that avoids impairing Board business. In approving conference attendance, the Board shall consider whether such attendance will interfere with the Board's ability to conduct business.

No Trustee shall be reimbursed for travel, lodging or any other charges relating to such self-education activities without advance approval by the Board at a public meeting.

Authority: 50 ILCS 150/.

History:

- Adopted 3/19/09
- Reviewed 4/30/15
- Amended 5/21/15
- Amended 7/20/17
- Amended 1/21/21



### **Reimbursement for Trustee Expenses**

The College recognizes its position as a steward of taxpayer funds. The College is committed to the appropriate expenditure of those funds and to ensuring that appropriate oversight exists so as to avoid waste, excessive spending and reimbursement for expenses that do not contribute to the educational mission of the College.

It is the College's policy to reimburse Trustees for travel, meal, and lodging expenses in accordance with the Illinois Local Government Travel Expense Control Act, 50 ILCS 150/1 *et seq.*:

- (1) Trustees may be reimbursed for travel, meal, and lodging expenses incurred in connection with "official business." For purposes of this Policy and any corresponding Administrative Procedure, the types of "official business" for which reimbursement is permitted are as follows: professional and continuing education conferences, trainings, programs and seminars; meetings and events attended for the purpose of furthering the College's mission and/or conducting the Board's business.
- (2) All Trustee travel expenses must be approved by the Board by roll call vote at an open meeting before a Trustee may be reimbursed for such expenses. Maximum travel rates are outlined in Exhibit A – Community College District No. 502 Permissible Travel Rates appended hereto.
- (3) Any Trustee seeking reimbursement for any travel, meal, or lodging expense shall complete the form appended hereto and provide the required documentation of such expenses. Such documentation shall include receipts for the travel, meal, and lodging expenses for which reimbursement is sought.

Trustees should consult Administrative Procedure 5-200 (Reimbursement of Expenses), or any successor Administrative Procedure, for further guidance as to the types of travel expenses that are and are not reimbursable.

Authority: 50 ILCS 150/.

History:

- Amended March 16, 2023



**EXHIBIT A – COMMUNITY COLLEGE DISTRICT NO. 502**  
**PERMISSIBLE TRAVEL EXPENSE RATES**

The permitted travel expense types and their associated maximum rates are set forth as follows (adequate documentation must be submitted to substantiate actual reimbursable expenses per this Policy):

<b><u>Maximum Reimbursable Rates for: Transportation</u></b>	
Air Travel	Lowest reasonable rate (coach and economy). Travelers are strongly encouraged to book flights at least twenty-one (21) days in advance to avoid premium airfare pricing.
Auto	IRS standard mileage rate at time of reimbursement. Traveler must be licensed and carry insurance that meet or exceeds minimum policy limits, as required by Illinois State Statutes. Cost shall not exceed airfare.
Rental Car	Must be preapproved and lowest reasonable rate (midsize or smaller).
Rail or Bus	Lowest reasonable rate and cost shall not exceed airfare.
Taxi, Shuttle, Rideshare, or Public Transportation	Actual reasonable rate

<b><u>Maximum Reimbursable Rates for: Meals &amp; Incidentals (M&amp;IE Rate)</u></b>	
Breakfast	Domestic – General Services Administration (GSA) city per diem daily rate*  International – U.S. Department of State Office of Allowances city per diem daily rate** or as approved by the Board/President or designee.
Lunch	
Dinner	

<b><u>Maximum Reimbursable Rates for: Lodging</u></b>	
In the Country	General Services Administration* (GSA) city per diem rate or established conference rate, whichever is greater. Always ask for, and try and receive the Government Rate for Lodging

Outside of the Country	U.S. Department of State Office of Allowances maximum lodging rate**, or as approved by the Board/President or Designee.
<p>* U.S. General Services Administration rates @ <a href="https://www.gsa.gov/portal/content/104877">https://www.gsa.gov/portal/content/104877</a> are updated annually in October.</p> <p>** U.S. Department of State, Bureau of Administration, Office of Allowances rates @ <a href="https://aoprals.state.gov/web920/per_diem.asp">https://aoprals.state.gov/web920/per_diem.asp</a> are updated monthly</p>	

Travel must follow all applicable College Policies and Administrative Procedures, except to the extent that any of those provisions is contrary to any provision of the Local Government Travel Expense Control Act.

## Trustee Expense Reimbursement Form

*This form should be used to request reimbursement by a trustee for expenses incurred in connection with official College business. Please refer to College Policy 1.17 and Administrative Procedure 1.17 for more complete information regarding Trustee Travel and Reimbursement for Expenses.*

Date: \_\_\_\_\_ Trustee Name: \_\_\_\_\_

Name of Professional Meeting or Conference: \_\_\_\_\_

Location: \_\_\_\_\_

Travel Start Date: \_\_\_\_\_ Travel End Date: \_\_\_\_\_

Reason for Attending: \_\_\_\_\_

Pre-Travel Request Form completed and approved?  Yes  No      Cash Advance Requested?  Yes  No

Date	Description	Mileage	Airfare	Hotel	Car Rental	Other Ground Transportation	Meals-B'Fast	Meals-Lunch	Meals-Dinner	Other	Total
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
											0.00
<b>Total</b>		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.00

**Less Advances by College (Enter as Negative)**

**Total Due to Trustee/(College) \$ 0.00**

Approval Workflow:

Requested by Trustee: \_\_\_\_\_ Date: \_\_\_\_\_

Office of the President: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by Internal Audit: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Board Meeting Approval: \_\_\_\_\_

# Trustee Expense Reimbursement Form *(continued)*

## Finance Office Use Only:

GL Accounts to be charged:

Department	Object Code	Description	\$ Amount
01-90-00813-			
01-90-00813-			
01-90-00813-			
01-90-00813-			
<b>Total</b>			<b>\$ 0.00</b>

Total from previous page: \$ 0.00 (should equal total from above table)

Accounts Payable Office: \_\_\_\_\_ Date: \_\_\_\_\_



### **Committees of the Board**

**Standing Committees.** The Board shall establish and appoint members to the following committees, whose membership shall be evaluated at each annual organizational meeting: (1) Budget Committee; (2) Audit Committee; and (3) Academic Committee. The Board may establish and appoint members to additional standing committees, as deemed necessary by the Board from time to time. Each standing committee shall consist of at least three members, at least two of whom shall be Trustees, and shall meet at least twice per year, or more often as may be necessary. The Board, and/or its designee, shall develop a charter for each standing committee that outlines the roles, responsibilities, objectives, and duties of each standing committee.

**Special Ad Hoc Committees.** The Chairman, or a majority of the Board, may appoint committees as are deemed necessary by the Board. Such committees will report recommendations for appropriate action to the Board and will be dissolved by: (i) the Board's acceptance of the committee's report; (ii) the Chairman, if the committee was appointed by the Chairman; or (iii) by a vote of the Board, if the committee was appointed by the Board.

All committees of the Board may be deemed a public body and shall comply with the notice and other requirements of the Open Meetings Act.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 8/20/09
- Amended 1/21/21



## **Board and Committee Meetings**

**Open Meetings and Agendas.** All meetings of the Board and Board Committees shall comply with the provisions of the Open Meetings Act. The Chairman, with the advice and counsel of the Vice-Chairman, shall prepare an agenda for each meeting of the Board. The agenda for each regular meeting of the Board will be published and presented to the full Board at least 48 hours prior to such meeting to ensure there is adequate time for Trustees to review and prepare for the business to be conducted.

**Annual Organizational Meeting.** The Board will call and conduct an organizational meeting on an annual basis, at which the Board Officers for the year shall be elected and the Board's regular meeting schedule established.

**Regular Meetings.** At least once per month, the Board will hold an open meeting for the purpose of conducting College business. The Board may, in its discretion, hold regular meetings more frequently than once per month.

**Special Meetings.** On occasion, it may prove necessary for the Board to conduct special meetings to enable the timely consideration of a particular issue or issues. The Chairman or any three Trustees may call a special meeting.

**Emergency Meetings.** In the event of an emergency requiring immediate Board action, the Chairman may call an emergency meeting. Notice of the meeting will be given as soon as practicable but, in any event, prior to the holding of such meeting.

**Committee Meetings.** The Chairman or the chair of a Board committee may call a meeting of the committee. Agendas for each committee meeting will be prepared by the chair of the applicable committee.

Authority: 5 ILCS 120/; 110 ILCS 805/3-8.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Conduct Of Meetings**

For Board meetings and Board committee meetings, the Board will set and follow such procedures as the Board deems necessary for the efficient conduct of the public's business. Unless in conflict with a specific Policy, the laws of the State of Illinois, or the rules and regulations of the ICCB, the then-current version of *Robert's Rules of Order* shall govern the procedure of all Board and committee meetings.

Authority: 110 ILCS 805/3-30; *Robert's Rules of Order*, Newly Revised (11<sup>th</sup> edition).

#### History:

- Adopted 3/19/09
- Amended 1/21/21



### **Closed Session**

Any Board or Board committee meeting or a portion thereof may be closed to the public in accordance with the provisions of the Open Meetings Act. At the beginning of each closed session, those present must identify themselves by name for the recording of the closed session proceedings. The Board Secretary or committee secretary shall announce the start and end times of the closed session for the recording and note same in the closed session minutes. The Board Secretary shall take and maintain all closed session minutes and verbatim recordings, and the Secretary may not delegate this duty to any other person, except to another Board Officer or Trustee in the event of the Secretary's absence. Committee secretaries must promptly deliver to the Board Secretary minutes and recordings of closed sessions of committee meetings.

At the first regular Board meeting in the months of March and October, or reasonably soon thereafter, the meeting agenda shall include a closed session, the purpose for which shall include the review of closed session minutes in accordance with the Open Meetings Act. Standing committees shall review their minutes on the same schedule and inform the Chairman of the committees' recommendations with respect to closed session minutes. Ad hoc committees shall review their minutes no less than twice annually and must conduct a final review prior to their dissolution.

Authority: 5 ILCS 120/2; 5 ILCS 120/2.06; 5 ILCS 120/2a.

History:

- Adopted 3/19/09
- Amended 1/21/21





**Remote Attendance for Board or Committee Meetings**

A Trustee may attend Board meetings via video or audio conference call whenever it is not possible for the Trustee to attend in person due to personal illness or disability, employment purposes, College business, family or other emergency, or unexpected childcare obligation provided that the following conditions are satisfied:

- (1) A quorum of the members of the Board is physically present at the location of the meeting;
- (2) The Trustee has notified (i) the Chairman or Secretary and (ii) the College's Director of Legislative Relations of the need and reasons for remote attendance in advance of the meeting, unless advance notice is impractical;
- (3) The voice of the Trustee attending remotely must be broadcast at the meeting so that the voice is audible to the entire audience; and
- (4) The Trustee attending remotely must be present on the telephone line for substantially the entire meeting.

Electronic attendance shall be allowed for all qualifying reasons. Upon the provision of notice as set forth in Paragraph 2 above, the Director of Legislative Relations shall make appropriate arrangements for the Trustee's remote attendance at the meeting.

If the Trustee attending remotely would normally chair the meeting, the Vice-Chairman shall serve as Chairman for the meeting, or in the case of the remote attendance and/or absence of both the Chairman and the Vice-Chairman, the Board shall appoint a Trustee physically present at the meeting location to preside as Chairman *pro tempore*. The minutes of the meeting shall specifically reflect the Trustee(s) appearing by remote means.

The foregoing policy shall apply to any standing or ad hoc committee of the Board.

Authority: 5 ILCS 120/7; 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 10/19/2023



**Public Comment at Meetings**

At each Board or Board committee meeting that is open to the public, members of the public and College Employees will be encouraged and afforded time to comment or ask questions. The Board Chairman or the committee chair, as applicable, may limit the amount of time each member of the public is permitted to speak at a meeting and terminate any public comment that is disruptive or abusive.

Authority: 110 ILCS 805/3-8; 5 ILCS 120/2.06(g).

History:

- Adopted 3/19/09
- Amended 1/21/21



## **SECTION 2: FINANCE**

### **General**

2.01 – Financial Operations

2.02 – Financial Reports

2.03 – Basis of Accounting

### **College Funds**

2.10 – Unrestricted Fund Balance

2.11 – Budget Transfers

2.12 – Interfund Loans

2.13 – Investment of College Funds

2.14 – Long-Term Debt Management

2.15 – The Solicitation and Acceptance of Grants, Contributions (Gifts), and Other Exchange Transactions

### **Procurement**

2.20 – Procurement

2.21 – Vendor Payments

2.22 – Insurance

2.23 – Construction Contracts

2.24 – Auxiliary Fund and Other Revenue-Generating Contracts

2.25 – Business Enterprise Program

2.26 – Privatization of College Services

**Miscellaneous**

2.30 – College Use of Checking Accounts

2.31 – Credit Cards

2.32 – Disposal of College Property

**Reimbursements**

2.40 – Reimbursement for Employee Business and Travel Expenses

2.41 – Reimbursable Expenses for Non-Employees



## **Financial Operations**

The Board shall exercise its statutory authority to provide for the revenue necessary to maintain the College consistent with Section 3-23 of the *Illinois Public Community College Act*, 110 ILCS 805/3-23. The Board may determine, within the operating budget, the distribution of base operating grants and certain other revenues among the operating funds.

For the purpose of carrying out the entire educational program of the College, the Board, in accordance with the ICCB and its regulations and standards, has established the following funds for operation:

1. Educational Fund
2. Operations and Maintenance Fund
3. Operations and Maintenance Fund (Restricted)
4. Bond and Interest Fund
5. Auxiliary Services Fund
6. Restricted Purposes Fund
7. Working Cash Fund
8. General Fixed Assets Account Group
9. General Long-Term Debt Account Group
10. Trust and Agency Fund

The Board may establish other operating funds, as may be necessary, from time to time.

Authority: 110 ILCS 805/3-23

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Financial Reports**

The President or his/her designee shall provide to the Board the financial reports of the College with supporting documentation and information as directed by the Board. Such reports shall include, at a minimum, monthly and annual financial reports. Annual financial reports shall be prepared in accordance with generally accepted accounting principles. Monthly financial reports may be prepared on a cash basis, and shall be provided to the Trustees no less than 48 hours before the Board's regular monthly meeting.

Authority: 110 ILCS 805/3-23 3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Basis of Accounting**

The accounting procedures and financial records of the College will be established and maintained on a basis consistent with the requirements of the ICCB and the GASB.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Annual Budget**

Each year, the President and/or his/her designee shall prepare a proposed Fiscal Year budget for the College and present same to the Board for review and approval. The Board shall make the proposed Fiscal Year budget available for public review and inspection and hold public hearings on the proposed Fiscal Year budget as required by and in conformance with applicable state laws and regulations.

The Board shall adopt the annual Fiscal Year budget within the first quarter of each Fiscal Year, or as otherwise required by applicable laws and regulations.

Authority: 110 ILCS 805/3-20.1

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Unrestricted Fund Balance**

The College will strive to maintain an on-going unrestricted fund balance in the combined General Fund (comprised of the Education Fund and the Operations and Maintenance Fund) and Working Cash Fund in an amount equivalent to at least fifty percent (50%) of the College's total annual expenditures in the General Fund, using the modified accrual basis of accounting as reflected in the previous year's uniform financial statements submitted to the ICCB.

The Board may, from time to time, approve expenditures and/or restrictions of the unrestricted fund balance causing it to drop below the targeted percentage. Fund balance restrictions shall be reviewed at least biennially for continued relevance.

Authority: 110 ILCS 805/3-23, 3-30, 3-33.1.

#### History:

- Adopted 3/19/09
- Reviewed 3/4/14
- Amended 4/17/14
- Reviewed 12/15/17
- Amended 1/18/18
- Amended 1/21/21



**Budget Transfers**

Subsequent to the adoption of the budget for a particular Fiscal Year, it may be necessary to permit transfers of budget amounts between object and functional designations within a fund, in conformance with the Community College Act and all other applicable state and federal laws and regulations.

All budget transfers must be fully documented as to need and adhere to the following approval level. No transfers may be made until the required approval is obtained.

<b>Category</b>	<b>Approval Required</b>	<b>Approval Frequency</b>
Taxing funds <sup>1</sup> Contingency Amounts of \$25,000 and over All other	Board President Controller	Monthly As received As received
Operations & Maintenance Fund (Restricted) (Construction Fund)	Board (Budgets recorded are estimates only until project is approved by the Board.)	Project initialization, requested transfers approved monthly
Agency funds	None	Allowed to expend only funds that are available
All other funds	Controller	As received

Authority: 110 ILCS 805/3-20.1, 3-30, 3-34.

History:

- Adopted 3/19/09
- Reviewed 7/16/15
- Amended 8/13/15
- Amended 3/16/17
- Amended 12/21/23

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1. Only intra-fund budget transfers are permitted within the Taxing Funds (Educational Fund and Operations and Maintenance Fund).



### **Inter-Fund Loans**

The Board may authorize the Treasurer to make inter-fund loans from any fund maintained by the Board to any other fund maintained by the Board. All such inter-fund loans must be repaid and retransferred to the appropriate fund within one (1) year of the transfer, or as otherwise required by the Community College Act or other applicable state or federal law or regulation.

Authority: 110 ILCS 805/3-34

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Investment of College Funds**

**Purpose.** The College has adopted this Investment Policy Statement to provide a clear understanding between and among Trustees, outside investment managers and advisors and other interested parties concerning the investment of College funds. This Policy will be used to evaluate the performance of the investment portfolio and investment providers.

The College shall invest public funds in a manner that:

- Seeks to preserve capital while earning a market rate of return relative to the acceptable level of risk undertaken as defined in this Policy;
- Meets the cash flow needs of the College, and
- Complies with all applicable federal, state and local laws and regulation, including, but not limited to, the Illinois Public Funds Investment Act, 30 ILCS 235/1, *et seq.* and the Community College Act, as may be amended from time to time.

**Scope of Policy.** As required by the Public Funds Investment Act, 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. These funds are reported in the College’s Comprehensive Annual Financial Report (“CAFR”) and generally include:

- i. Local property taxes received from the County Treasurers in DuPage, Cook and Will Counties;
- ii. Monies received from the State of Illinois for Base Operating and other grants or other funds received from any political or corporate subdivision;
- iii. Tuition and fees collected from students;
- iv. All monies belonging to the College in its corporate capacity.

Upon approval and upon future amendment, if any, copies of this Policy will be delivered to:

- The Board, Audit Committee, Treasurer, and, as appropriate, other officers of the College;
- All depositories or fiduciaries of public funds of the College; and
- Any investment advisers or managers used by the College.

The investment of bond funds or sinking funds shall comply with this Policy and the requirements of any applicable bond resolution.

This Policy does not apply to the College’s 403(b) and 457 Deferred Compensation Plans, as well as funds managed separately and subject to the Investment Policy Statement of the College of DuPage Foundation.

The Treasurer’s Advisory Committee participated in the development and review this Policy.

**Responsibility of Treasurer for Investment Program and Related Operational Procedures.** The Board has ultimate fiduciary responsibility for the investment of College funds. To execute these responsibilities, the Board approves the Policy and delegates responsibility to the Treasurer. The Treasurer shall be responsible for developing and overseeing a program for monitoring 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 College Employees. The procedures shall include a system of controls for all authorized subordinates who are directly involved in investment activities. The Treasurer may delegate the day-to-day responsibility for the investment of College funds to the College's Controller. Only the Treasurer is authorized to establish investment accounts for the College.

Authorized signatories are not permitted to reconcile bank accounts at any time.

The Treasurer shall annually cause a review of internal controls to be conducted to ensure compliance with this Policy.

**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:

- **Safety** – The security of monies, whether on hand or invested, and preservation of principal in the overall portfolio shall be the primary concern of the Treasurer in selecting depositories or investments.
- **Liquidity** – the investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated operating requirements over the next 3-4 years.
- **Return** – The Treasurer shall seek to attain a return comparable with the average return of a U.S. Treasury Bill or Treasury Index that most closely reflects the duration of the portfolio, taking into account risk, constraints, cash flow, and legal restrictions on investment as defined by this Policy and applicable law and other Board Policies. All investments shall be selected on the basis of best execution.
- **Sustainability** – Material, relevant, and decision-useful sustainability factors are regularly considered by the College, within the bounds of financial and fiduciary prudence, in evaluating investment decisions. Such factors include, but are not limited to: a) corporate governance and leadership factors; b) environmental factors; c) social capital factors; d) human capital factors; and e) business model and innovation factors, as provided under the Illinois Sustainable Investing Act.

The Treasurer will work with Financial Affairs Department to maintain a cash forecast and allocate the funds by duration and investment type. This forecast will be used by the Treasurer to determine when funds may be required for expenditure. Funds will be invested with the prioritization of safety, liquidity and return.

**Authorized Investments.** The College may invest its funds in any investments allowed by Section 2 of the Public Funds Investment Act, 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. Maximum Aggregate Limit: No limit.
2. Bonds, notes, debentures or other similar obligations of the United States of America, its agencies, and its instrumentalities. Maximum Aggregate Limit: No limit on non-callable securities of this type. However no more than 25% of the fair market value of the total portfolio may be invested in callable securities of this type.

3. Negotiable interest-bearing accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank rated AA or above at the time of purchase by at least one nationally recognized statistical rating organization ("NRSRO") as defined by the Illinois Banking Act. Maximum Aggregate Limit is one-third of the fair market value of the total portfolio with no more than 5.0% in a given issuer.
4. Short term obligations of corporations organized in the United States with assets exceeding \$10.0 billion if (i) such obligations are rated at the time of purchase at the highest general short-term classification (A-1, P-1, F-1, etc.) established by at least 2 NRSRO and which mature not later than 270 days from the date of settlement and (ii) such purchases do not exceed 10% of the corporation's outstanding obligations. Maximum Aggregate Limit is one-third of the fair market value of the total portfolio with no more than 5.0% in a given issuer.
5. Obligations of corporations organized in the United States with assets exceeding \$10 billion if (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 NRSROs and which mature more than 270 days but not later than 3 years from the date of settlement, (ii) such purchases do not exceed 10% of the corporation's outstanding obligations. Maximum Aggregate Limit is one-third of the fair market value of the portfolio with no more than 5.0% in a given issuer.
6. 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, park district, forest preserve district, conservation district, county, or other governmental unit, or held under a custodial agreement at a bank. The bonds shall be rated at the time of purchase within the 4 highest general classifications, excluding gradations, established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions. Maximum Aggregate Limit is one-third of the fair market value of the total portfolio with no more than 5.0% in a given issuer.
7. Collateralized repurchase agreements which conform to the requirements stated in the Acts. Maximum aggregate exposure to any one counterparty shall be limited to 10% of the fair market value of the total portfolio.
8. 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. With respect to any Money Market Fund that is not classified as either a US Treasury or US Government Money Market Fund, a rating of AAA at the time of purchase will be required from at least one NRSRO. Maximum Aggregate Position: Unlimited for this category, although no more than 20% of the fair market value of the total portfolio in any one fund.
9. 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 \$1 billion and that have an average credit quality of at least an A rating at the time of purchase, excluding gradations, established by at least one NRSRO. Maximum Aggregate Limit is 15% of the fair market value of the portfolio., with no more than 5% in a single fund.
10. Investment options offered by the following: (i) Illinois Trust, IIIT Class; (ii) Treasurer of the State of Illinois (i.e. Illinois Funds); or (iii) Illinois School District Liquid Asset Fund Plus. Maximum Aggregate Limit for this Category is 15% of the fair market value of the total portfolio.

**Diversification.** No more than 60% of the fair market value of the portfolio shall be invested in non-U.S. Treasury or US Federal Agency securities. Excluding U.S. Treasury and U.S. Federal Agency securities, because the potential for overlap exists, the College cannot invest more than 5% of the fair market value of the portfolio in any one issuing parent company.

**Investment Maturity and Liquidity.** As described above, the Treasurer shall maintain a schedule to allow for ample liquidity. However, unless specifically stated in the authorized investments above, the maximum allowable maturity purchased shall be five years. The Board, or its designated committee, must approve purchases beyond five years of maturity.

**Ratings, Downgrades and Portfolio Rebalancing.** If the rating of any security held by the College is downgraded outside the requirements of this Policy or a security is held in violation of the Policy, the Treasurer will report the condition to the Board within 60 days. The Treasurer may sell the security prior to reporting to the Board, if market circumstances are appropriate. If the Treasurer proposes that the College retain ownership of the security, the report will include such recommendation for the Board's approval along with appropriate justification.

In the event a security is downgraded outside what is deemed acceptable in this Policy, an investment review of the credit quality will be included as part of the report.

If an asset class or security exceeds the maximum percentage limits defined within the authorized investment section of the Policy, the College shall take action to rebalance the portfolio within 180 days.

**Prohibited Investments.** The College strictly prohibits investing directly in the following financial instruments:

- Any derivatives such as forwards, swaps or futures contracts;
- Unregistered stock

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

**Authorized Financial Institutions and Intermediaries.** The Treasurer, with the assistance of staff, will limit investments to financial institutions determined by the Treasurer to be compliant with this Policy. These financial institutions may include depositories, investment advisors, broker/dealers, intermediaries, and local government investment pools, banks, savings and loans and credit unions. The Treasurer will obtain information which will provide him or her with assurance that the institution will agree to comply with this Policy. Financial institutions selected to engage in transactions with the College shall be at the sole discretion of the Board. Consideration for working with any financial institution will include financial condition, level and breadth of service, competitive pricing and experience working with other higher education and/or government institutions.

All depositories shall be insured by the Federal Deposit Insurance Corporation ("FDIC") or the National Credit Union Administration ("NCUA") and may consist of banks, savings and loan associations and credit unions that meet the following requirements:

- Minimum Capital, as defined by the FDIC, as Tier 1 Risk-Based Capital Ratio, at a level to be considered to be "Well Capitalized;"
- Have been in operation for at least five years; and
- Have a Community Reinvestment Act rating of "Outstanding" or "Satisfactory."

For bank trust companies serving in a safekeeping role, the Treasurer will validate that proper internal controls are being followed by the trust company. The Treasurer will also ensure that the bank related to the trust company meets above requirements for capitalization, time in business and community reinvestment act rating.

All financial institutions serving as a depository for College funds shall supply the following information to the Treasurer:

- Depository contract or account agreement;
- Collateral Agreement, if applicable;
- Audited financial statements;
- Statement of Condition (the “Call Report”);
- Community Reinvestment Act report; and
- Certification as to having read and agreeing to comply with this Policy.

All investment managers shall be registered under the SEC Investment Advisors Act of 1940.

All security broker/dealers desiring to provide investment transactions for the College must meet the following minimum requirements:

- Minimum Net Capital Requirements in compliance with SEC Rule 15c3-1;
- Have been in operation for at least five years; and
- Maintains blanket SIPC insurance coverage.

All security broker/dealers must also supply the following, as appropriate:

- Trading resolution, if applicable;
- Custodial Agreement, if applicable and not part of account opening document;
- Audited financial statements;
- Proof of Financial Industry Regulatory Authority (FINRA) status; and
- Certification as to having read and agreeing to comply with this Policy.

In making decisions regarding contracting with service providers, the Treasurer will consider any relevant Board Policies related to doing business with firms controlled by women, minorities and people with disabilities.

**Collateralization.** In recognition of the GFOA recommended practice on Collateralization of Public Deposits, it is the policy of the College to require that non-negotiable time deposits in excess of FDIC and NCUSIF insurable limits must be secured by collateral or AAA-rated private insurance at time of purchase to protect public deposits in a single financial institution if it were to default.

1. It is the policy of the College to require that time deposits in excess of federally insured limits be secured by collateral (102%), 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, or private insurance to protect public deposits in a single financial institution if it were to default.
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. The collateral must be placed in safekeeping at or before the time the College buys the investments 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. Third party safekeeping is required for all collateral. To accomplish this, the pledged securities will be held at a safekeeping depository 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.

**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. As applicable, security transactions shall be on a Delivery Versus Payment (DVP) basis.

**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 the College.

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

Investments shall be made seeking the highest returns consistent with: (1) preservation of capital; (2) the College's anticipated cash flow needs; (3) prudent investment principles; and (4) applicable federal, state and local laws and regulations and this Policy.

The Treasurer and College Employees acting in accordance with this 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.

**Performance Measures.** The Treasurer will seek to earn a rate of return appropriate for the type of investments being managed, given the portfolio objectives, over the course of a complete market cycle. The Treasurer will establish and maintain the College's benchmark(s).

**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, and rate of return.

**Reporting.** The Treasurer will report monthly to the Board on all investments, financial institutions, investment amounts, interest rates, maturity dates and other pertinent information deemed necessary. At least quarterly, the Treasurer shall provide a report of investment activities to the Board and President, including information regarding securities in the portfolio by class or type, book value, income earned, credit quality, and market value as of the report date.

**Selection of Investment Managers.** 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 Policy and applicable laws and regulations. Such managers must be registered under the Investment Advisers Act of 1940.

The Board is responsible for the selection of investment managers and such selection must be made through prudent due diligence procedures. The criteria for selecting investment managers include, but are not necessarily limited to:

- Organizational factors
- Investment capabilities
- Compliance monitoring procedures
- Key personnel
- Consistency of the investment philosophy and process
- Review of historical strategy performance
- Client services capabilities
- Fees

**Ethics and Conflicts of Interest.** Trustees, Cabinet Officers and Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Board Policy relating to conflicts of interest shall also apply, where appropriate, to the College's investment activities.

**Investment Policy Adoption.** The Policy will be adopted by the Board. This Policy is available for public inspection at the Office of the Board Secretary, 425 Fawell Blvd., Glen Ellyn, IL 60137. The Policy will be reviewed periodically by the Treasurer and any amendments or modifications thereto must be approved by the Board.

Authority: 110 ILCS 805/3-47; see also 3-30; Illinois Public Funds Investment Act, 30 ILCS 235/1 et seq.

History:

- Adopted 3/19/09
- Reviewed 2/21/13
- Amended 3/19/13
- Amended 5/11/18
- Amended 12/19/19
- Amended 1/21/21
- Amended 12/15/22



## **Long-Term Debt Management**

### **Purpose**

To establish a policy governing long-term financial obligations that bear the College's name or name of any subordinate Agency for the College.

### **Background**

The College recognizes that it may need to enter into long-term financial obligations to acquire or construct capital assets to meet the service needs of the District, and that these financial obligations must be managed properly. The adoption of a long-term financial strategy and policy is important to ensure sound financial management practices. This policy is general and therefore allows for exceptions in extraordinary conditions. For the purposes of this policy, long-term financial obligations are those that exceed one Fiscal Year, and include certificates of participation, bonds, or similar instruments (including, but not limited to, bank loans and letters of credit) that require the acquisition of capital from the financial markets and are supported by the College's municipal credit rating(s). This policy does not apply to leases in which the payments are not "securitized."

### **Policy**

It is the policy of the Board that the following guidelines and restrictions will be applied during the debt issuance process and the management of the College's debt portfolio:

1. Long-Term Debt Limits
  - a. All long-term financings shall comply with federal, state and local requirements.
  - b. All long-term obligations must be approved by the Board after approval and recommendation by the Chief Financial Officer and/or Treasurer.
  - c. Prior to the recommendation, the Chief Financial Officer/Treasurer shall assess the ability of the College to repay the obligation, identify the funding source of repayment, evaluate the impact of the ongoing obligation on the current budget and future budgets, assess the maintenance and operational requirements of the project to be financed, and consider the impact on the College's credit rating.
  - d. The term of the long-term obligation will not exceed the useful life or the average life of the project or projects being financed.
  - e. The State of Illinois has established limits on the amount of bonded indebtedness that a local government can have outstanding. For Illinois

community colleges, the debt limit is 2.875% of the most current equalized assessed valuation of property within the community college's borders.

## 2. Uses of Long-Term Debt

- a. Long-term financial obligations will not be used to finance current operations or for recurring needs.
- b. Capital projects identified as candidates for debt financing should have first been identified and prioritized during the development of the College's multi-year Facilities Master Plan and/or Facility Condition Assessment. If the Chief Financial Officer/Treasurer deems that the financing is feasible, financially and economically prudent, coincides with the College's objectives, and does not impair the College's creditworthiness, then it will be forwarded to the Board for consideration.
- c. Refunding is a procedure whereby the College refinances an outstanding issue by issuing new bonds. Bonds can be refunded to remove burdensome covenants, restructure the stream of debt service payments to reduce costs, or reduce interest costs. Whenever deemed to be in the best interest of the College, it shall consider refunding or restructuring outstanding debt when financially advantageous or beneficial for structuring.

## 3. Method of Sale

- a. The College will generally conduct bond sales on a competitive basis in which the College and its financial advisor will set the terms of the sale to encourage as many bidders as possible. However, a negotiated financing or private placement may be pursued when appropriate. A negotiated financing may be used where market volatility, refunding sensitivity, or the use of an unusual or complex financing or security structure causes a concern with regard to marketability. Such determination may be made on an issue-by-issue basis for a series of issues, or for part or all of a specific financing program. In the case of a public sale, the underwriting team is selected through a competitive procurement process and the ultimate decision will be based on the team's qualifications.

## 4. Management Practices

- a. The College shall encourage and maintain good relations with credit rating agencies, investors in the College's long-term financial obligations, and those in the financial community who participate in the issuance or monitoring of the College's long-term obligations. A policy of full and open disclosure on every financial report, official statement, and long-term obligation transaction will be enforced, and a credit rating agency presentation/update shall be conducted when needed.
- b. The College shall comply with all on-going disclosure conditions and shall file such required documents in a timely manner.

- c. The College shall monitor earnings on bond proceeds and rebate excess earnings as required to the U.S. Treasury to avoid the loss of tax-exempt status (*arbitrage rebate calculation*). A third-party vendor may be used to compute this.
- d. The College shall continually review outstanding obligations and initiate refundings when economically feasible and advantageous.
- e. Bond proceeds shall be invested in accordance with the College's investment policy and bond covenants as applicable.

Authority: 110 ILCS 805/3-30

History:

- Adopted 1/21/21



**The Solicitation and Acceptance of Grants, Contributions (Gifts), and Other Exchange Transactions**

**Purpose.** The College may identify financial needs for special projects, program development, and other educational endeavors that cannot be met through available funding sources. The College may seek external resources to meet identified needs. In addition, the Board may accept contributions and gifts to the College and agree to exchange transactions to meet financial needs.

**Gifts or Other Exchange Transactions.** Gifts or other exchange transactions that commit the College to providing resources must receive approval by the Office of Institutional Advancement prior to their finalization.

**Grants.** All grant proposals and other related documents that commit the College to providing resources must receive appropriate approval by the Grants Office prior to their finalization and submission through the Grants Office.

Failure to receive prior appropriate approval for the grant submission, gift or other exchange transaction may result in the College declining the award.

**Authority:** 110 ILCS 805/3-30

**History:**

- Adopted 3/19/09
- Amended 10/24/19
- Amended 1/21/21



## Procurement

**Award of Contracts.** All contracts with the College will be awarded, and, where necessary, approved by the Board, in accordance with applicable federal and state laws and regulations, including competitive bid requirements and statutory bid limits.

**Purchasing Authority.** The Board delegates to the Purchasing Department authority to enter into all contracts, in accordance with applicable Procedures, that: (a) do not exceed the statutory bid limit; (b) meet the requirements of joint purchases with governmental units; or (c) are contracts procured from another governmental agency. Construction-related contracts that do not exceed statutory bid limits shall be processed at the discretion of the Purchasing Department, in accordance with applicable Procedures. The Vice President of Administrative Affairs is authorized to develop Procedures for purchasing and procurement, consistent with this Policy and all applicable federal and state laws and regulations.

The Board delegates to the Provost authority to enter into contracts for the provision of educational services for academic credit, in accordance with applicable Procedures, that: (a) do not exceed the statutory bid limit; (b) meet the requirements of the Community College Act; and (c) meet the requirements of all other applicable laws, regulations and/or accrediting bodies. The Provost is authorized to develop Procedures for the procurement of educational services, consistent with this Policy and all applicable federal and state laws and regulations.

All other contracts for supplies, materials, work, and the provision of services must be approved by the Board.

**Centralized Purchasing Function.** A centralized purchasing function shall be maintained by the College. Purchase orders may be authorized by the Purchasing Department only.

**Emergency Expenditures.** Expenditures and contracts for supplies, materials and/or services in excess of the bid limit shall be allowed without public bid where funds are expended in an emergency and such emergency expenditure is approved by 75% of the members of the Board.

**Certifications.** All bid documents shall contain statements requiring prospective contractors to certify that they are eligible to bid on and enter into public contracts, have not engaged in bid rigging or bid rotating, and they are in compliance with the Illinois Prevailing Wage Act, 820 ILCS 130/11a and any applicable equal employment opportunity laws and requirements. Bid documents shall contain a statement advising prospective contractors that such certifications will be used as a criterion in the evaluation of prospective contractors.

Authority: 110 ILCS 805/3-27.1, 3-40; Illinois Prevailing Wage Act, 820 ILCS 130/11a; Illinois Criminal Code of 2012, 720 ILCS 5/33E-1, *et seq.*; see also Illinois Local Government Professional Services Selection Act, 50 ILCS 510/1, *et seq.*

### History:

- Adopted 3/19/09
- Amended 1/21/21



## **Vendor Payment**

To timely and efficiently effect the College's payment of the orders and bills, the Board may authorize the Treasurer to make payments to vendors prior to approval of same by the Board, subject to the following conditions and limitations:

1. Payment for items not previously approved by the Board shall require Board approval for amounts of \$25,000 and over.
2. Payment may be made only for items delineated in a category of the College's budget, or otherwise approved by the Board.
3. No payment shall be made under the terms of this Policy unless there is documentation that the services and goods have been received and that the invoice is consistent with the applicable procurement authorization.
4. No payment shall be made in an amount in excess of the dollar amount previously approved by the Board.

Exceptions to the above conditions and limitations. To ensure prompt payment to the College's vendors and the College's compliance with the Illinois Local Government Prompt Payment Act, the Treasurer is authorized to process certain expenditures. Expenditures meeting one of the following criteria are exceptions to the above conditions and limitations, and they may be paid as necessary. Each month, the Treasurer or his/her designee shall provide the Board with an itemized listing of all payments made pursuant to these exceptions during the preceding month:

- A. Utility bills (e.g., water, electric, gas, telephone).
- B. Payroll taxes, payroll deductions, and unemployment payments.
- C. Monthly medical, dental and life insurance premiums.
- D. Postage account replenishment, however, individual mailing activities of \$25,000 or more shall require Board approval.
- E. Bond principal and interest payments, according to debt service schedules.
- F. Local or state sales tax, or hotel/motel tax owed
- G. Legal services
- H. Honorarium services
- I. Publications or dues
- J. Performing arts contracts
- K. Conference registration fees
- L. Release of pass-through funds held in custody by the College on behalf of rental, ticketing, and resident ensemble clients.
- M. Release of pass-through funds held in custody by the College on behalf of student clubs and organizations.
- N. Release of pass-through funds held in custody by the College related to student deposits paid to the College for field studies or similar activities.
- O. Release of pass-through funds held in custody by the College related to Board approved intergovernmental agreements between the College and a third party.



- P. Expenditures where the College has a Board-approved contractual obligation to make the payment by a date certain and the payment does not exceed the amount approved by the Board.
- Q. Payments of \$5,000.00 or less for Independent Contractors. The payee must qualify as an Independent Contractor and the College must have an Independent Contractor Agreement on file.

All bills that do not meet the criteria above will be listed and presented to the Board for approval prior to payment. It is the responsibility of the Board to approve these bills for payment prior to disbursement being made.

Authority: 110 ILCS 805/3-27; Illinois Local Government Prompt Payment Act, 50 ILCS 505/1, *et seq.*

History:

- Adopted 3/19/09
- Reviewed 11/16/18
- Amended 12/20/18
- Amended 12/21/23



## **Insurance**

The Board will establish a program of risk management for the College, in accordance with applicable state and federal laws and regulations and consistent with the financial ability of the College.

The Board will purchase with College funds the type and amount of insurance necessary from a company licensed to write insurance policies in Illinois, or will set aside adequate reserves to self-insure, for the following purposes, properties and risks:

1. Financial losses of the College and/or its Trustees and Employees, including reasonable attorneys' fees and costs, arising out of any civil rights damage claims and suits, constitutional rights damage claims and suits, bodily injury damage claims and suits, property damage claims and suits, and the defense thereof, when damages are sought for alleged negligent or wrongful acts while acting in the scope of his/her employment, exercising his/her powers or duties of the Board, and/or acting at the direction of the Board;
2. Loss and/or damage to real and other property (e.g., furnishings, machinery, equipment, and other personal property) of the College; and
3. Losses to the College due to Employee dishonesty, injury or death.

The Board may approve and direct the purchase of additional insurance as may be necessary from time to time.

In addition, the Board will provide a program of health and welfare benefits for Employees and direct the scope and limits of such programs.

The President and/or his/her designee, shall develop, implement, and maintain Procedures consistent with this Policy for the administration and supervision of the College's risk management program and the program of health and welfare benefits for Employees within the limits established from time to time by the Board.

Authority: 110 ILCS 805/3-29, 3-38.1; *see a/so* 110 ILCS 805/3-30.

### History:

- Adopted 3/19/09
- Amended 1/21/21



### **Construction Contracts**

All contracts for construction-related services will be made in accordance with the Community College Act and all other applicable local, state and federal laws and regulations. Construction-related services contracts shall include contracts for building repair, maintenance, remodeling, renovation, or construction and professional services related thereto.

Emergency expenditures in excess of the statutory bid limit may be allowed without public bid where funds are expended in an emergency and such emergency expenditure is approved by three-fourths ( $\frac{3}{4}$ ) of the members of the Board.

Authority: 110 ILCS 805/3-27.1

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Auxiliary and Other Revenue-Generating Contracts**

The Board will annually approve the McAninch Arts Center, Business Solutions, and Conference and Events comprehensive budgets. Within the limitations of those budgets, the Administration is authorized to contract for speakers, productions, training, equipment rental, and other professional service contracts as follows:

1. McAninch Arts Center productions and speakers;
2. Business Solutions training contracts; and
3. Conference and Events equipment rentals.

Board approval is required for contracts in amounts of \$25,000 and greater, regardless of any anticipated revenue generated from the event or service. In the event that a contract is authorized for an event occurring in the next Fiscal Year, all payment on the contract will take place in the Fiscal Year that the event occurs.

Authority: 110 ILCS 805/3-27.1, 3-30

History:

- Adopted 3/19/09
- Reviewed 10/21/16
- Amended 11/17/16
- Amended 1/21/21



### **Business Enterprise Program**

The College recognizes the importance of increasing access and opportunities for businesses owned by minorities, females, and persons with disabilities in public contracts. The College is committed to the “Business Enterprise Program” to encourage participation by minority, female and persons with disabilities-owned vendors in the College’s procurement processes.

It is the College’s policy to promote and encourage the continuing economic development of businesses owned by minorities, females, and persons with disabilities by setting aspirational goals to award contracts to such businesses for certain services; to award contracts to such businesses for certain services in accordance with the provisions of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575/0.01 *et seq.* (the “Act”) and policies, regulations, and procedures enacted by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities, 30 ILCS 575/5 (the “Council”); and to comply with the requirements of the Act and the policies, regulations and procedures enacted by the Council.

Authority: 30 ILCS 575/0.01, *et seq.*; 110 ILCS 805/3-30

History:

- Adopted: 3/19/09
- Amended 11/17/16
- Amended 1/21/21



**Privatization of College Services**

The Board may authorize and/or direct the privatization of certain College services and/or functions, as permitted by the Community College Act and other applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-30

History:

- Adopted 3/19/09
- Amended 1/21/21



### **College Use of Checking Accounts**

The College shall establish and utilize the minimum number of checking accounts necessary to comply with sound business and fiscal practices as determined by the Board, in consultation with the President, and the internal and external auditors of the College. Every effort shall be made to ensure that checking accounts which consistently have substantial daily balances earn interest consistent with current bank practices.

Authority: 110 ILCS 805/3-30

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Credit Cards**

The Board permits the use of College credit cards by authorized College Employees for the efficient procurement of goods and services.

The President and/or his/her designee shall have authority to issue College credit cards and shall develop, implement, and maintain Procedures to monitor and control the use of such credit cards. Such Procedures shall be developed and comply with all relevant state and federal laws and regulations, accreditation standards, and generally accepted accounting principles.

Authority: 110 ILCS 805/3-30

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Disposal of College Property**

College property, certified by the responsible division Vice President and the Vice President of Administrative Affairs to be obsolete or no longer useful, may be disposed of if the estimated fair value, or when multiple similar items are involved over the course of a Fiscal Year, the aggregate estimated fair value, does not exceed \$25,000. The disposal of College property with an estimated fair value (or aggregate estimated fair value, if applicable) of \$25,000 or more must be approved by the Board in advance. Notification of disposals in both instances will be made to the Board in a quarterly "Summary of Property Disposals Report." The report shall describe the items disposed of or to be disposed of, the method of their disposal, and their estimated fair value (or trade-in credit or sales proceeds, if applicable).

The Vice President of Administrative Affairs, and/or his/her designee, shall determine the disposal methodology most beneficial to the College in accordance with federal, state and local law. Acceptable disposal methods may include sealed and email bids, local and online auctions, trade-ins, scrap and junk disposals.

All hazardous materials or items containing hazardous materials must be disposed of in accordance with federal, state and local laws and regulations. Disposal of such materials must be approved by the College of DuPage Coordinator of Risk Management.

Authority: 110 ILCS 805/3-30, 3-41

History:

- Adopted 3/19/09
- Amended 7/22/10
- Amended 10/19/17
- Amended 1/21/21



### **Reimbursement for Employee Business and Travel Expenses**

The Board recognizes its position as a steward of taxpayer funds. The Board is committed to the appropriate expenditure of those funds and to ensuring that appropriate oversight exists so as to avoid waste, excessive spending, and reimbursement for expenses that do not contribute to the educational mission of the College.

It is the College's Policy to reimburse Employees for travel, meal, and lodging expenses in accordance with the Local Government Travel Expense Control Act, 50 ILCS 150/1, *et seq.*:

1. Employees may be reimbursed for travel, meal, and lodging expenses incurred in connection with "official business." For purposes of this Policy and any corresponding Procedure, the types of "official business" for which reimbursement is permitted are as follows: professional and continuing education conferences, trainings, programs and seminars; meetings and events attended for the purpose of furthering the College's mission; study abroad programs for which the employee is a designated College advisor; athletics programs for which the employee is a coach or designated staff member; and student extracurricular activities for which the employee is a coach or designated College advisor (e.g., Mock United Nations, forensics team, etc.).
2. The maximum allowable reimbursement for Employee travel expenses shall be at the rates set forth in Administrative Procedure 2.40 and Exhibit A to this Policy. All Employee travel expenses in excess of the maximum allowable rates, or total Employee travel expenses that exceed \$5,000 for individual travel or \$15,000 for group travel, must be approved by the Board by roll call vote at an open meeting before an Employee may be reimbursed for such expenses. Please refer to Procedures for more on the determination of what constitutes group travel. However, the President may approve for reimbursement employee travel expenses that exceed either the maximum allowable rates, or a total of \$5,000 for individual travel, or \$15,000 for group travel if such expenses are incurred because of emergency or other extraordinary circumstances.
3. Any Employee seeking reimbursement for any travel, meal, or lodging expense shall do so using the College's standardized forms and processes for such requests and shall provide the required documentation of such expenses. Such documentation shall include: (1) an estimate of the cost of travel, meals, and lodging if such expenses have not yet been incurred; or, if such expenses have already been incurred, (2) receipts for the travel, meal, and lodging expenses for which reimbursement is sought.

Employees should consult the relevant Procedures for further guidance as to the types of travel expenses that are and are not reimbursable and for the processes for submitting reimbursement requests.

**EXHIBIT A – COMMUNITY COLLEGE DISTRICT NO. 502**  
**PERMISSIBLE TRAVEL EXPENSE RATES**

The permitted travel expense types and their associated maximum rates are set forth as follows (adequate documentation must be submitted to substantiate actual reimbursable expenses per this Policy):

<b><u>Maximum Reimbursable Rates for: Transportation</u></b>	
Air Travel	Lowest reasonable rate (coach and economy). Travelers are strongly encouraged to book flights at least twenty-one (21) days in advance to avoid premium airfare pricing.
Auto	IRS standard mileage rate at time of reimbursement. Traveler must be licensed and carry insurance that meet or exceeds minimum policy limits, as required by Illinois State Statutes. Cost shall not exceed airfare.
Rental Car	Must be preapproved and lowest reasonable rate (midsize or smaller).
Rail or Bus	Lowest reasonable rate and cost shall not exceed airfare.
Taxi, Shuttle, Rideshare, or Public Transportation	Actual reasonable rate

<b><u>Maximum Reimbursable Rates for: Meals &amp; Incidentals (M&amp;IE Rate)</u></b>	
Breakfast	Domestic – General Services Administration (GSA) city per diem daily rate*  International – U.S. Department of State Office of Allowances city per diem daily rate** or as approved by the Board/President or Designee.
Lunch	
Dinner	

<b><u>Maximum Reimbursable Rates for: Lodging</u></b>	
In the Country	General Services Administration* (GSA) city per diem rate or established conference rate, whichever is greater. Always ask for, and try and receive the Government Rate for Lodging
Outside of the Country	U.S. Department of State Office of Allowances maximum lodging rate**, or as approved by the Board/President or Designee.

\* U.S. General Services Administration rates @ <https://www.gsa.gov/portal/content/104877> are updated annually in October.

\*\* U.S. Department of State, Bureau of Administration, Office of Allowances rates @ [https://aoprals.state.gov/web920/per\\_diem.asp](https://aoprals.state.gov/web920/per_diem.asp) are updated monthly

Travel must follow all applicable College Policies and Procedures, except to the extent that any of those provisions is contrary to any provision of the Local Government Travel Expense Control Act.

Authority: 50 ILCS 150/1; 110 ILCS 805/3-30

History:

- Adopted 7/20/17
- Amended 12/21/23



### **Reimbursable Expenses for Non-Employees**

Reimbursements of reasonable expenses incurred by certain non-Employees such as consultants, speakers, performers, and the like who perform services for and/or at the College will be made based solely upon a written agreement executed before the commencement of such services.

All such reimbursements shall be approved by the appropriate authorized signator before payment will be made. Such approval indicates that the reimbursement is within limitations of the contract, any applicable budget(s) and these Policies.

Authority: 110 ILCS 805/3-27, 3-27.1, 3-30

History:

- Adopted 3/19/09
- Amended 1/21/21



## **SECTION 3: GENERAL COLLEGE OPERATIONS**

### **Ethics**

3.01 – College Ethics Policy

3.02 – Conflicts of Interest

3.03 – Economic Interests Disclosure

3.04 – Related Party and Affiliated Entity Transactions

3.05 – Employment of Related Parties

3.06 – Use of College Resources

3.07 – Employees Engaged in Federally-Funded Programs

3.08 – Confidential Reporting of Wrongdoing

### **Anti-Discrimination and Harassment**

3.10 – Prohibition of Discrimination and Harassment

3.11 – Prohibition of Sexual Discrimination, Sexual Harassment, Sexual Violence and Relationship Violence

### **Use of College Facilities and Premises**

3.20 – Use of College Facilities

3.21 – Children on Campus

3.22 – Animals on Campus

3.23 – Tobacco-Free Campus Policy

3.24 – Alcohol on Campus

3.25 – Drug-Free Campus

3.26 – Firearms and Weapons on Campus

### **Expression and Assembly**

3.30 – Freedom of Expression on Campus

3.31 – Political Events on Campus

### **Health and Safety**

3.40 – Reporting Emergencies

3.41 – Sex Offender and Sexual Predator Registration

3.42 – Traffic, Parking Control and Offense Fines

3.43 – Campus Security and Emergency Response Plan

3.44 – Infectious Diseases

3.45 – Reporting Child Abuse, Neglect and Exploitation

### **Information Technology and Privacy**

3.50 – Access to and Use of College Systems and Technology

3.51 – Electronic Communications

3.52 – Information Security

3.53 – Identity Protection

3.54 – Health Insurance Portability and Accountability Act (HIPPA) Compliance Policy

3.55 – Document Retention and Destruction

### **Miscellaneous**

3.60 – Requests for Information

3.61 – Access to Public Records



### **College Ethics Policy**

All College Trustees and Employees have an obligation to act in the best interests of the College and prevent personal interests from interfering with that obligation. To that end, all College Trustees and Employees shall avoid actual or apparent conflicts of interest, solicitation and/or acceptance of gifts, and participation in certain political activities, that could impair their ability to make impartial decisions.

The Board adopts in its totality the Ethics Ordinance prescribed by sections 70-5(i) and (ii) of the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, as part of its Ethics Policy. A complete statement of the Ethics Ordinance is Appendix A to this Policy Manual.

Nothing in this Policy or the Ethics Ordinance shall restrict or limit a Trustee or Employee's obligations and duties under state and federal laws and regulations or other Policies with regard to conflicts of interests, ethics violations, malfeasance, misfeasance, non-feasance, or other misconduct.

The College's Internal Auditor is charged with developing and promulgating Administrative Procedures in furtherance of this Policy and shall be responsible for receiving and investigating complaints and allegations of violations of this Policy.

Authority: 5 ILCS 430/70-5; 5 ILCS 430/5-15; 5 ILCS 430/Art. 10; 5 ILCS 430/Art. 50.

Cross-references: Appendix A (Ethics Ordinance); Policy Nos. 3.02 (Conflicts of Interests), 3.03 (Economic Interest Disclosures), 3.04 (Related Party Transactions), 3.05 (Employment of Related Parties), 3.06 (Use of College Resources).

History:

- Adopted 1/21/21





### **Conflicts of Interests**

**Prohibition.** All College Trustees and Employees (collectively, “College Personnel”) have an obligation to act in the best interests of the College and to prevent personal interests from interfering with that obligation. When College resources are used for personal benefit in a manner that is inconsistent with the College’s interests, or when College Personnel allow personal interests to interfere with their ability to make impartial decisions on behalf of the College, an impermissible conflict of interests is created. All College Personnel shall therefore avoid either actual or apparent conflicts of interests.

**Recognizing Conflicts of Interests.** College Personnel should recognize and avoid circumstances that may give rise to an actual or apparent conflict of interest. To that end, the following examples, which are not intended to be comprehensive or exhaustive, are intended to assist College Personnel in recognizing and avoiding common conflicts of interests:

- Business or financial relationships between the College and College Personnel (other than legitimate employment relationships).
- Business or financial relationships between the College and any Related Party and/or Affiliated Entity, unless the relationship has been reviewed and approved in advance by the Board’s Audit Committee and found to be of clear benefit to the College, capable of proper management and oversight, and compliant with all applicable College Policies, Administrative Procedures, and regulations regarding procurement and competitive bidding.
- Direct investments by a Trustee or Administrator, any Related Party of a Trustee or Administrator, or any Affiliated Entity of any of the foregoing, in any Investment Vehicle in which any of the foregoing individuals knows that the College has a Significant Financial Interest.
- Direct investments in an Investment Vehicle in which a Trustee or Administrator, a Related Party of a Trustee or Administrator, or an Affiliated Entity of any of the foregoing has a Significant Financial Interest, unless the investment has been reviewed and approved in advance by the Audit Committee.
- Proposed business or financial transactions between the College and the Foundation, Foundation Personnel, Foundation Related Parties and/or Foundation Affiliated Entities, unless reviewed and approved in advance by the Audit Committee and found to be of clear benefit to the College, capable of proper management and oversight, and compliant with all applicable College

Policies, Administrative Procedures, and regulations regarding procurement and competitive bidding.

- Offers of full-time employment to any Relative of a Trustee or Administrator, unless reviewed and approved in advance by the President and ratified by the Audit Committee.
- Acceptance for personal benefit of any gift, entertainment, or other favor where the provision of such item or service might create the appearance of improper influence (other than items or services of nominal value that are clearly tokens of respect and friendship and are unrelated to any particular transaction).

**Disclosure and Review of Conflicts.** The ability to evaluate whether a potential or actual conflict of interests exists is hampered by non-disclosure of the potential or actual conflict. All College Personnel, therefore, have a duty to report promptly to the College's General Counsel, Internal Auditor or the chair of the Audit Committee any actual or contemplated transactions that may reasonably be viewed as being contrary to this Policy or any other Policy.

#### **Recusal from Consideration.**

Employees. College Employees who have an actual or potential conflict of interests shall refrain from participating in the College's consideration of the proposed relationship or transaction that is the subject of the actual or potential conflict, except: (1) to respond to questions or to provide further information; or (2) as authorized by the Audit Committee.

Trustees. Trustees who have disclosed an actual or potential conflict of interests shall refrain from participating in the College's consideration of the proposed relationship or transaction that is the subject of the actual or potential conflict, except that if any proposed transaction or relationship becomes subject to a vote by the Board, a Trustee who has an actual or potential interest in the proposed transaction or relationship must either: (1) disclose the Trustee's actual or potential interest before the vote; and/or (2) not participate in the vote. If a Trustee discloses an actual or potential interest before the vote on a proposed transaction or relationship, such disclosure shall be recorded in the minutes of the meeting at which the vote was taken.

As set forth in this Policy, the Audit Committee shall consider and approve or reject, as appropriate, relationships and transactions that may involve actual or potential conflicts of interests.

This Policy shall be construed in accordance with other Policies relating to ethics, conflicts of interest, Related Party transactions, and the like.

Authority: 110 ILCS 805/3-48; 5 ILCS 430/70-5; 50 ILCS 105/3.

Cross-references: Appendix A (Ethics Ordinance); Policy Nos. 3.01 (Ethics Policy), 3.03 (Economic Interest Disclosures), 3.04 (Related Party Transactions), 3.05 (Employment of Related Parties), 3.06 (Use of College Resources).

History:

- Adopted 3/19/09
- Amended 3/16/17
- Amended 1/21/21



### **Economic Interests Disclosures**

**Mandatory Filing.** It is the College’s policy to comply with the requirements of the Illinois Governmental Ethics Act, 5 ILCS 420/1-101 *et seq.* On or before May 1 of each year (or such other time as otherwise required by law), all Trustees, Administrators, and other Employees in the designated categories identified in Section 4A-101.5(c) of that Act shall file verified written statements of economic interests with the DuPage County Clerk.

**Internal Disclosures.** In addition, all Trustees and Administrators shall, no later than February 15 of each year, disclose to the College’s Internal Auditor all relationships, including but not limited to Related Parties, Affiliated Entities, and Significant Financial Interests, that constitute an actual conflict of interest, or which may reasonably be construed to constitute an actual or apparent conflict of interest. In the event of a change in circumstances, or if a disclosure is or becomes incomplete or inaccurate, the Trustee or Administrator shall promptly submit an amended disclosure.

This Policy carries a presumption that disclosure is required. If a Trustee, Administrator, or Employee is uncertain whether he/she is required to disclose a particular relationship, he/she should consult the College’s General Counsel.

Failure to make the disclosures and filings required under this Policy shall be a basis for disciplinary action, up to and including termination.

Authority: 5 ILCS 420/4A-101.5; 110 ILCS 805/3-48; 5 ILCS 430/70-5.

Cross-references: Appendix A (Ethics Ordinance); Policy Nos. 3.01 (Ethics Policy), 3.02 (Conflicts of Interests), 3.04 (Related Party Transactions), 3.05 (Employment of Related Parties), 3.06 (Use of College Resources).

History:

- Adopted 1/21/21



### **Related Party and Affiliated Entity Transactions**

All transactions, contracts, and business relationships between the College and Related Parties or Affiliated Entities are to be established and carried out on an arm's-length basis and in compliance with all relevant state and federal laws and regulations, including without limitation section 3 of the Illinois Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 *et seq.*, Policies and corresponding Administrative Procedures, and the College's Ethics Ordinance. Arm's-length transactions are those in which a transaction is transparent, above board, and free from insider manipulation and/or interference.

Authority: 50 ILCS 105/3; 110 ILCS 805/3-48; 5 ILCS 430/70-5.

Cross-references: Appendix A (Ethics Ordinance); Policy Nos. 3.01 (Ethics Policy), 3.02 (Conflicts of Interests), 3.03 (Economic Interest Disclosures), 3.05 (Employment of Related Parties), 3.06 (Use of College Resources).

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Employment of Related Parties**

The Board is committed to ensuring the hiring and retaining of the most qualified persons for all positions and preventing nepotism at the College.

To avoid both the reality and the appearance of nepotism, Trustees and Employees may not participate in the hiring process relating to, supervision of, and/or employment-related decisions for Related Parties, whether as prospective employees or independent contractors, or for promotion or transfer within the College. Without limitation, this prohibition includes serving as references, checking references or qualifications, conducting background screenings, conducting interviews, making hiring decisions, supervising, performing evaluations or reviews, writing letters of recommendation, setting schedules or working hours, determining compensation and/or other benefits, and termination of a Related Party, and otherwise participating in, influencing, or recommending any of the foregoing in relation to a Related Party.

If, after the initial hire, an Employee becomes a Related Party of a subordinate, one or both of the individuals involved may be offered an opportunity for alternate employment, if available. Notwithstanding the foregoing, College reserves the right to exercise all available options, up to and including termination, consistent with federal and state law, the terms of any applicable CBA, Policies, Administrative Procedures, and Employee guidebooks.

Authority: 110 ILCS 805/3-30.

Cross-references: Appendix A (Ethics Ordinance); Policy Nos. 3.01 (Ethics Policy), 3.02 (Conflicts of Interests), 3.03 (Economic Interest Disclosures), 3.04 (Related Party and Affiliated Entity Transactions), 3.06 (Use of College Resources).

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Use of College Resources**

All College Trustees and Employees shall exercise sound judgment, perform their duties in the best interests of the College, adhere to reasonable ethical standards while working, and ensure that College resources are used for the benefit of the College and its constituents. To that end, no Trustee or Employee shall:

- (1) Use or permit to be used College equipment, materials, services, or other property for personal benefit or profit.
- (2) Influence or seek to influence or participate in the purchase of products, services, letting of contracts, or other transactions of the College when such influence or participation may result in personal gain.
- (3) Engage in illegal, dishonest, unethical, or unprofessional behavior in the workplace.
- (4) Fraudulently influence, coerce, manipulate, or mislead an engaged auditor, including an Independent Auditor, in the performance of an audit for the purpose of rendering the financial statements of the College materially misleading.

The foregoing are non-exhaustive examples of prohibited conduct. Nothing in this Policy, any other Policy, or the Ethics Ordinance shall restrict or limit a Trustee or Employee's obligations and duties under state and federal laws and regulations or other Policies with regard to conflicts of interests, ethics violations, malfeasance, misfeasance, non-feasance, or other misconduct.

The College's Internal Auditor is charged with developing and promulgating Administrative Procedures in furtherance of this Policy and shall be responsible for receiving and investigating complaints and allegations of violations of this Policy.

Authority: 110 ILCS 805/3-30; 5 ILCS 430/Art. 5; 5 ILCS 430/70-5; 50 ILCS 105/3.

Cross-references: Appendix A (Ethics Ordinance); Policy Nos. 3.01 (Ethics Policy), 3.02 (Conflicts of Interests), 3.03 (Economic Interest Disclosures), 3.04 (Related Party Transactions), 3.05 (Employment of Related Parties).

History:

- Adopted 1/21/21



### **Employees Engaged in Federally-Funded Programs**

In accordance with applicable state and federal laws and regulations to ensure a reasonable expectation that the design, conduct, and/or reporting of sponsored grants, contracts, or cooperative agreements are unbiased by conflicting interests, the College requires that key personnel and any sub-grantee, contractor, and/or collaborator involved in such programs complete a Financial Disclosure Report Form.

The President and/or his/her designee is responsible for ensuring compliance with this Policy and all relevant state and federal laws and regulations and is authorized to develop and implement Administrative Procedures consistent with same.

This Policy is a supplement to, and does not serve to replace, College Employees' obligations under other Policies regarding ethical obligations, conflicts of interests, related party transactions, and the like.

Authority: 110 ILCS 805/3-30; United States Pub. L. 109-282, as amended by Pub. L. 110-252, § 6202; 2 C.F.R. Part 170.

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Confidential Reporting of Wrongdoing**

The College is committed to the highest ethical standards and conducting its operations in compliance with federal and state laws and regulations.

This Policy encourages College Employees, Students, vendors, and other members of the College community to disclose allegations of wrongdoing concerning the College. Wrongdoing may include, but is not limited to:

- Crimes or violations of the law or state or federal 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 or harassment of Students, Employees, patrons, College guests, or visitors;
- Engaging in activity in violation of Policy, Administrative Procedures or other College rules and regulations;
- Other unethical conduct.

### **Methods Of Reporting.**

**Internal Reporting.** The Board designates the Internal Auditor (or, if such position is vacant, an Administrator so designated by the President) to receive complaints and reports of wrongdoing at the College (the “Responsible Official”).

The College acknowledges that circumstances may warrant the making of a complaint or a report to a College official other than and/or in addition to the Responsible Official:

- If the reporter believes that the Responsible Official and/or his immediate staff may possess a conflict of interest, the reporter may instead submit a report to the President and/or the College’s General Counsel.
- Where the complaint involves the Responsible Official or his/her immediate staff, the reporter may instead submit the complaint to the President and/or the General Counsel.

- Where the complaint involves the President, Treasurer, College Controller, General Counsel, or other Administrator, the reporter may instead submit a report to the Chairman, the President, and/or the General Counsel.
- Where the complaint involves the President, Treasurer, Controller, or General Counsel, the Responsible Official (or President or General Counsel, if such individuals received the report instead of the Responsible Official) shall notify the Chairman immediately upon receipt of the same.
- Where the complaint involves a Trustee, the Responsible Official shall notify the President, the General Counsel, and the Chairman (or, in the event of a complaint regarding the Chairman, the Vice-Chairman) upon receipt of the same.

**Anonymous Reporting.** A mechanism for confidential anonymous reporting of perceived wrongdoing, using an external, independent party, is provided both via telephone and the internet, and via other channels, as appropriate. The President shall ensure the College's website includes a link for College Employees, Students and members of the public, to confidentially report wrongdoing to the Responsible Official, President and the Board.

**Reporting to Government and Law Enforcement Agencies.** Where an Employee or contractor has reasonable cause to believe that conduct violates a state or federal rule, law, or regulation, nothing in this Policy shall be construed as precluding the Employee from directly disclosing such information to a government or law enforcement agency.

**Records of Complaints.** For all complaints submitted to the Responsible Official, the Responsible Official will maintain a record of raised concerns and related outcomes. For all other complaints, the President, Chairman and/or General Counsel (as applicable) shall maintain a record of raised concerns and related outcomes. At a minimum, the Responsible Official will provide the Board with a quarterly update of all such complaints received and actions taken, although the Board may ask for reports at any time.

**Retaliation Prohibited.** The College will not tolerate any harassment of reporters. The College will take all appropriate actions to protect reporters who raise concerns or disclose information regarding wrongdoing in good faith.

**Disclosure of Wrongdoer's Identity.** An alleged wrongdoer's name may be disclosed only upon completion of the investigation and if found guilty. If wrongdoer is found guilty, appropriate legal and/or personnel action will be taken.

The Responsible Official, in consultation with the President and General Counsel, shall have authority to develop and implement Administrative Procedures and reporting mechanisms and processes consistent with this Policy. If substantial changes are made to Administrative Procedures implementing this Policy, the Board will be notified.

Authority: 5 ILCS 430/Art. 15; 740 ILCS 174/.

History:

- Adopted 3/19/09
- Reviewed 4/4/16
- Amended 5/19/16
- Amended 1/21/21

**Prohibition of Discrimination and Harassment**

The College is committed to providing a safe, tolerant, and inclusive educational and employment environment. It is the College's intent to comply with all applicable state and federal laws regarding non-discrimination and non-harassment, including but not limited to: the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*; the Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155/1 *et seq.*; the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*; the federal Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, and related regulations, including 34 C.F.R. Part 100; the federal Education Amendments of 1972, as amended, 20 U.S.C. § 1681, and related regulations, including 34 C.F.R. Part 106; the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and related regulations, including 34 C.F.R. Part 104; and the federal Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*, and related regulations, including 28 C.F.R. Part 35.

The College will not tolerate discrimination or harassment of any kind. No Student, Employee, Trustee, or visitor will discriminate against or harass a Student, Employee or visitor on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity and expression, or any other unlawful basis.

Individuals found to have violated this Policy will be subject to 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 Illinois law or by Board Policy. Individuals who retaliate against any other individual for filing a complaint or participating in an investigation regarding allegations of violations of this Policy shall be subject to disciplinary action.

The President and/or his or her designee is charged with developing and promulgating Administrative Procedures consistent with this Policy to facilitate the College's prohibition of discrimination and harassment.

Authority: 110 ILCS 805/3-30; 110 ILCS 805/3-42; 5 ILCS 430/70-5; 110 ILCS 155/10; 740 ILCS 174/10; 775 ILCS 5/5A-101.1.

History:

- Adopted 4/16/09
- Rescinded 5/4/09
- Adopted 12/10/09
- Reviewed 3/10/14
- Amended 4/17/14
- Amended 2/19/15
- Amended 1/21/21



## **Prohibition of Sex Discrimination, Sexual Harassment, Sexual Violence, and Relationship Violence**

**Statement of Policy.** The College does not discriminate on the basis of sex in the education programs and activities it operates and is committed to maintaining a safe and healthy educational and working environment that is free from discrimination and harassment on the basis of sex, sexual orientation, gender identity, and gender expression (“Sex Discrimination”), and free from Sexual Violence (to include sexual assault) and Relationship Violence (to include domestic violence, dating violence and stalking). The College prohibits Sex Discrimination, Sexual Violence and Relationship Violence (hereinafter collectively referred to as “Prohibited Conduct”), as set forth herein, and is committed to taking action, to the extent possible (i) to stop behavior that violates this policy; (ii) to take remedial action to overcome the effects of said conduct and ensure equal access to its educational programs and activities; (iii) to prevent its recurrence; and (iv) to prevent and respond to retaliation against anyone who, in good faith, reports or is involved in the investigation into or resolution of allegations of Prohibited Conduct. In so doing, the College will administer prompt, fair and impartial investigations and disciplinary proceedings to respond to reports of Prohibited Conduct, provide equal and timely access to information that will be used in any informal and formal proceedings and meetings related to said reports, and offer and implement interim measures to protect and support those directly involved and affected by the alleged behavior, to include the survivors/victims of Prohibited Conduct (“Complainants”) and those accused of said behavior (“Respondents”). In implementing this policy, the College acknowledges that every Complainant has the right to be taken seriously and every Respondent has the right to know that guilt is not presumed.

**Definitions.** For purposes of this Policy, the following terms shall have the meanings set forth below:

- **Prohibited Conduct.** Prohibited Conduct includes the following conduct, as further defined herein: (1) Discrimination On The Basis Of Sex; (2) Sexual Harassment; (3) Dating Violence; (4) Domestic Violence; (5) Sexual Assault; (6) Sexual Violence; and (7) Stalking.
- **Discrimination On The Basis Of Sex.** Discrimination On The Basis Of Sex means an individual’s exclusion from participation in or denial of the benefits of any educational program or activity on the basis of sex.
- **Sexual Harassment.** Sexual harassment includes conduct on the basis of sex that satisfies one or more of the following: (1) an Employee conditioning the provision of an aid, service or benefit of the College on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; and/or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined herein.
- **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant based on the reporting party’s statements, with consideration given to the length of the relationship, type of the relationship, and the frequency of interaction between persons in the relationship. Dating Violence

includes, but is not limited to sexual or physical abuse or threat of such abuse, but does not include acts covered as Domestic Violence (defined below).

- **Domestic Violence.** A felony or misdemeanor crime of violence committed by a: (1) current or former spouse or intimate partner of the victim; (2) person with whom the victim shares a child in common; (3) person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Sexual Assault.** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.
- **Sexual Violence.** Physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.
- **Consent:** Consent means a freely given agreement to sexual activity, and consent may be withdrawn at any time. A lack of verbal or physical resistance, or submission resulting from the use or threat of force does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to sexual activity with one person does not constitute consent to sexual activity with another person. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent under the circumstances, which includes, but is not limited to, situations where: (1) the person is incapacitated due to drug or alcohol use or influence; (2) the person is asleep or unconscious; (3) the person is underage; and/or (4) the person is incapacitated due to a mental disability.
- **Complainant:** The person(s) alleged to have been directly affected by the Prohibited Conduct (i.e., the alleged victim), whether or not that person is the one who reports the conduct or files a Formal Complaint related to the conduct.
- **Confidential Advisor:** A person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of Sexual Violence with the training, duties and responsibilities described in section 20 of the Illinois Preventing Sexual Violence in Higher Education Act. The duties and responsibilities of a Confidential Advisor include, but are not limited to informing Complainants of reporting options, possible outcomes, available resources and services, and their rights and responsibilities regarding orders of protection and similar orders; providing confidential services to the Complainant; and serving as a liaison between the Complainant and others to secure supportive and protective measures and accommodation, or as appropriately requested by a Complainant.

- **Pastoral Counselor:** A Person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the College's community and who is functioning within the scope of the counselor's license or certification.

**Implementation & Oversight.** The Board, or the President at the direction of the Board, shall designate one or more Employees, as Title IX Coordinators, who will be charged with oversight of this Policy for the College. The Title IX Coordinator(s) shall be responsible for:

1. Overall coordination and oversight of reports and complaints alleging Prohibited Conduct to ensure consistent practices and standards in the handling of said reports/complaints;
2. Overall coordination and oversight of investigations into allegations of Prohibited Conduct;
3. Effective implementation of any remedies and interim supportive and protective measures;
4. Coordination of recordkeeping that ensures that the College can and will resolve recurring problems and identify students or employees who have multiple complaints filed against them;
5. Promoting a College environment free from Prohibited Conduct;
6. Ensuring that there are no other policies or publications that state that the College treats applicants, students or employees differently on the basis of sex, except as such treatment is permitted by law; and
7. Developing and implementing Procedures consistent with this Policy and relevant state and federal laws, including without limitation:
  - a. Definitions of Prohibited Conduct described above and of Consent;
  - b. Responsibilities of and contact information for the College's Title IX Coordinator(s) and Department of Human Resources;
  - c. Options for assistance following an incident of Prohibited Conduct;
  - d. Procedures for reporting and confidentially disclosing Prohibited Conduct;
  - e. Complaint investigation, resolution, and appeal procedures;
  - f. Awareness, prevention and education programming provided to College students and employees; and
  - g. Training and education provided to the Title IX Coordinator; Department of Human Resources; College Police; victim advocates; and employees or anyone else involved in responding to, investigating or adjudicating reports of Prohibited Conduct.

**Reporting & Investigating.** The Title IX Coordinator(s), in consultation with the President and the Chief of the College Police Department, shall be responsible for developing, promulgating, and publishing comprehensive Procedures for the reporting and investigation of acts of Prohibited Conduct which shall include, at a minimum:

1. Meeting with the Complainant to take a report, privately and at a local place and time of his/her choice;

2. Identifying and locating witnesses to the alleged acts;
3. Assisting and interviewing the Complainant;
4. Contacting and interviewing the Respondent;
5. Contacting and cooperating with law enforcement, where applicable;
6. Providing information regarding the importance of preserving physical evidence of Sexual Violence; and
7. Providing information regarding the availability of a medical forensic examination at no charge for victims of sexual violence.

Such procedures shall be published on the College's website and made available in hard copy form at the College Police Department, the Student Affairs Office, the Student Counseling and Advising Center, and the office of the Title IX Coordinator(s).

The College encourages anyone who believes they have been a victim of or witness to Prohibited Conduct to talk to someone regarding the incident so that they can receive support and the College can investigate and address the incident appropriately. Written or verbal reports (in person, by phone, via mail, etc..) of Prohibited Conduct can be made by anyone and should be directed to one of the College's Title IX Coordinators(s) utilizing one of the reporting mechanisms described on the College's website. The College offers options for:

**Confidential Reporting:** The ability to report prohibited conduct to an individual who has a duty to protect, to the extent permitted by law, the identity of and information about the persons reporting or directly involved in the incident. Those individuals who can provide confidentiality do not have a duty to disclose personally identifiable information to the Title IX Coordinator or others unless there is an immediate danger to the reporting individual or others.

**Anonymous Reporting:** The ability to make a report without including personally identifiable information such as the name or contact information for the reporter.

**Electronic Reporting:** The ability to submit a report electronically through the College's website.

In addition to making reports to the College, Complainants have a right to file or refuse to file: (i) claims of Sexual Violence and Relationship Violence to campus or local law enforcement; (ii) claims of Sex Discrimination, Sexual Harassment, and Retaliation to the U.S. Department of Education Office for Civil Rights; and (iii) claims of Sex Discrimination, Sexual Harassment, and Retaliation to the Illinois Department of Human Rights.

**Notice of Rights.** Upon receipt of a report of Prohibited Conduct, the College will provide the Complainant, if known, written notification of his/her rights and options to include the following:

1. The procedures the individual should follow if a crime has occurred, including: (a) the importance of preserving evidence that may assist in proving a crime or may be helpful in obtaining a protective order; and (b) how and to whom a report may be made.
2. A statement regarding how the institution may protect the confidentiality of Complainants and other parties including how it will handle requests for confidentiality and the effect confidentiality may have on the school's ability to respond.



3. A list of resources, including all of the following: (a) list of and links to existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the College and surrounding community; (b) the right to request and receive assistance navigating these services; (c) the name, address and telephone number of the medical facility nearest campus where a victim of sexual violence can receive a no cost medical forensic exam; (d) the name, address, telephone number, and website, if available, of community-based, State and/or national sexual assault crisis centers.
4. The Complainant's rights regarding notifying other school officials, law enforcement and College Police Department, including the right to: (a) notify or decline to notify; (b) privacy and methods for confidential reporting; and (c) request and receive assistance when notifying law enforcement.
5. The rights of Complainants and the responsibilities of the College regarding no contact orders, restraining orders, orders of protection or other similar orders issued by the court or the College.
6. The right to request accommodations and supportive and protective measures including: (a) a description of the range of Supportive and Protective measures available; (b) the process for requesting these measures and the right to receive assistance in making these requests; (c) a statement that these measures are available even if the Complainant refuses to report to law enforcement or file a formal complaint through one of the College's complaint resolution procedures; and (d) an explanation of how the privacy of the Complainant and other parties involved can be protected.
7. A summary of the College's complaint resolution procedures following a report of Prohibited Conduct, including the range of sanctions up to and including suspension, expulsion or removal of any student or termination of any employee found to be in violation of this Policy.
8. A statement about the College's policy on Amnesty (as defined herein).
9. A statement prohibiting Retaliation (as defined herein).
10. The contact information for the College's Title IX Coordinator(s), Confidential Advisors, community-based sexual assault crisis centers, campus law enforcement, and local law enforcement.

**Complaint Resolution.** The College shall treat reports of Prohibited Conduct and the parties involved with courtesy, dignity, sensitivity, understanding, respect and professionalism. The Title IX Coordinator(s), in consultation with the President and the Chief of the College Police Department, shall be responsible for developing, promulgating, and publishing Procedures for the investigation and resolution of reports of Prohibited Conduct that takes these principles into consideration and also ensures that the guilt of a Respondent is not presumed. Such procedures shall include, at a minimum, the following provisions:

1. The method by which a Complaint may be made;
2. The party's right to request that the complaint resolution process begin promptly and proceed in a timely manner;

3. A requirement that all individuals whose duties include response to, investigation of, or resolution of complaints of Prohibited Conduct receive training as required by law;
4. Any rights the parties may have to request a substitution of an investigator, decision-maker or facilitator, and the circumstances under which that may be appropriate;
5. The right of Complainant and Respondent to receive notice of the identity of the individual(s) designated to make findings or impose sanctions prior to any meeting or hearing on allegations that may lead to findings, sanctions or remedies;
6. The College's procedures for requesting and receiving Supportive and Protective measures and accommodations before, during or after the complaint resolution process;
7. Any proceeding, meeting, or hearing shall protect, to the extent allowed by law, the privacy of the participating parties and witnesses;
8. The Complainant and Respondent shall have a fair and equal opportunity to provide or present evidence and witnesses on their behalf during the complaint resolution process;
9. The method by which the parties will be allowed to pose questions to other parties or to witnesses and the right of the parties to request that testimony occur in a separate rooms so long participants may simultaneously hear and see each other;
10. The right of both parties to have an advisor of their choice accompany them to any meeting or proceeding relating to a complaint of Prohibited Conduct as well as any rules associated with the advisor's involvement;
11. The parties' appeal rights;
12. The extent to which the College shall protect the identity of the Complainant, the Respondent, and any witnesses

**Sanctions & Remedies.** Individuals found to be responsible for Prohibited Conduct, Retaliation, or to have knowingly made a false report of Prohibited Conduct, may be subject to disciplinary action up to and including termination and/or expulsion from the College, as determined by Board or administrative action consistent with state and federal law, Policy, Administrative Procedures, and/or applicable collective bargaining agreement procedures. Multiple sanctions may be imposed for any single violation. In addition, an individual may be required to participate in educational seminars or activities, restorative justice, and/or encouraged to seek counseling or medical attention, in lieu of or in addition to the imposition of sanctions. In the event of suspension, withdrawal from classes, or expulsion, the sanctioned student is not entitled to a refund of tuition or fees.

Complainants are entitled to remedies that are designed to restore and preserve equal access to the College's educational programs and activities.

### **Resources.**

**Medical Forensic Examination.** The College encourages anyone who believes they have been a victim of Sexual Assault, Sexual Violence, Dating Violence, or Domestic Violence to seek immediate assistance from a medical provider, including the treatment of any injuries, testing for and treating of sexually transmitted infections, and collecting and preserving of physical and other evidence. Under Illinois law, certain medical providers are required to alert police when an individual requesting

treatment appears to have sustained injury as a result of a criminal offense. The victim may choose whether to speak with police and is not required to do so. The College's website has information about the facilities closest to campus where an individual may have a medical forensic exam performed at no cost.

**Supportive & Protective Measures.** The College recognizes the importance of Complainants as well as Respondents to feel safe and secure on Campus. Accordingly, a Complainant or a Respondent is entitled to request, receive assistance in requesting, and receive (to the extent reasonably available) Supportive and Protective Measures regardless of whether or not the Complainant chooses to file a Formal Complaint. These measures include, but are not limited to:

1. Changes to academic, living, dining, financial, transportation, and working situations; and
2. Assistance with obtaining and enforcing Campus no-contact orders, orders of protection, no-contact orders, and/or any other order entered by a State civil or criminal court.

The Title IX Coordinator should be contacted to assist with requests and ensure implementation.

### **Protections.**

**Amnesty.** The College encourages reporting of Prohibited Conduct, and it recognizes that students and employees may be hesitant to report an act of Prohibited Conduct in certain circumstances, such as when the reporter's own conduct may violate other College policies (e.g., underage drinking or drug use). To balance that concern and provide for the safety of the College community, no disciplinary action will be taken against an individual making a good faith report of Prohibited Conduct for the individual's own violation of other College policies that is revealed in the course of making such a report, unless the College determines that the violation was egregious (such as placing the health and safety of others at risk).

**False Reporting or Testimony.** Reports of Prohibited Conduct made pursuant to this Policy (and any corresponding procedures) that are later found to be intentionally false, made maliciously, or made with reckless disregard for the truth, or knowingly providing false or misleading testimony or evidence by a party or witness, shall constitute a violation of this Policy. This section does not apply to reports made or testimony given in good faith, even if the final disposition pursuant to the College's investigation and resolution procedures find that the reported conduct does not constitute Prohibited Conduct.

**Retaliation Prohibited.** Retaliation against an individual who makes a good-faith report alleging Prohibited Conduct, or who participates in the investigation or resolution of such a complaint is strictly prohibited. Retaliation includes, without limitation, threats, coercion, intimidation, or discrimination for the purpose of interfering with any right or privilege secured by law and this policy, and any materially adverse action taken against an individual as a result of the individual's participation in or assistance with the making of a good faith report of Prohibited Conduct, participation in or cooperation with or refusal to participate in or cooperate with the investigation and/or resolution of a report of Prohibited Conduct, and/or providing or refusing to provide testimony in connection with a report of Prohibited Conduct. Retaliation should be promptly reported to the Title IX Coordinator(s). Any acts of retaliation shall be grounds for disciplinary action, independent of any disciplinary action or interim measures imposed in response to the underlying report, and shall include the same potential penalties and disciplinary measures as those listed above. Whistleblower protections may be available to those reporting a violation of this Policy, including those provided under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Department of Human Rights Act. Methods for reporting Retaliation may be found on the College's website.

**Training.** The College will provide annual training to all College employees, students, and contracted service providers who are involved in: (1) the receipt of reports of Prohibited Conduct; (2) the referral or provision of services related to Prohibited Conduct; or (3) the College's investigation and complaint resolution procedures for reports of Prohibited Conduct.

**Sexual Violence Task Force.** The President or his/her designee shall establish a Campus-wide task force for the purpose of improving coordination between the College and the community to prevent Sexual Violence, and shall appoint members to the task force as provided in the Illinois Campus Security Enhancement Act, 110 ILCS 12/10(b).

### **Additional Information.**

The following information shall be made available on the College's Website:

1. Contact information for the College's Title IX Coordinator(s), College Police Department, local law enforcement and community-based sexual assault crisis centers;
2. The various methods of reporting Prohibited Conduct;
3. Individuals to whom reports may be made and the extent of the person's obligation to disclose that report to others (e.g., to the Title IX Coordinator), including the identity of the person who made the report. (Note that different types of employees have different abilities and obligations to maintain reports of Prohibited Conduct in confidence);
4. The name, title and contact information for any College offices or employees that ensure Confidential Reporting, including Professional Counselors, Pastoral Counselors and Confidential Advisors, along with a description of what confidential reporting means;
5. Information about the process for responding to reports;
6. Information about the rights of the Complainant and Respondent following a report;
7. Information about the College's investigation and complaint resolution procedures following a report, including the range of sanctions and remedies; and
8. Information about a range of resources available to those directly affected by the alleged conduct, to include: interim supportive and protective measures; the name, address and phone number for the medical facility closest to campus that can provide a no-cost medical forensic exam; and community-based, State and National sexual assault crisis centers.

Authority: Title IX of the Educational Amendments of 1972 ("Title IX"), 20 U.S.C. §§1681 *et. seq.*; Title IX Implementing Regulations, 34 CFR Part 106; Illinois State Officials and Employees Ethics Act, 5 ILCS 430/5-65, 70-5; Illinois Campus Security Enhancement Act of 2008, 110 ILCS 12/1, *et seq.*; Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155/1, *et seq.*; The Violence Against Women Act, 42 U.S.C. §§ 13701-14040.

### **History:**

- Adopted 3/19/09
- Amended 2/19/15
- Amended 1/21/21



### **Use of College Facilities**

The primary purpose of the College Facilities is to accommodate the College's educational programs. First priority for the use of all Facilities will be given to College classes and scheduled College activities.

The College may make its Facilities available for use by constituencies of the College and the community at large, provided that any such non-College use:

- (1) Does not interfere or conflict with the normal operation or educational programs of the College;
- (2) Is consistent with College mission and vision;
- (3) Complies with all federal, state and local laws and ordinances; and
- (4) Complies with the College's Policies, Administrative Procedures, the terms of any agreement for such use, and all other guidelines or conditions governing the use of College Facilities.

Requests for non-College use of Facilities shall be made to the College's Facilities Department. The President and his/her designee are authorized: (i) to approve or deny requests that seek to use one or more Facilities for a period of less than one month; and (ii) to impose reasonable time, place and manner restrictions on any such use approvals. The President is authorized to establish a usage fee for non-College use of College Facilities. Any requests that seek to use one or more Facilities for a period of one month or more must be approved by the Board.

The Board, the President, and/or any other authorized representative acting at the direction of the Board may revoke the privilege of any patron who uses any of the College Facilities in violation of federal, state or local law; Policies and Administrative Procedures; the terms of any agreement for such use; and/or any other guidelines or conditions governing the use of the Facilities; or where circumstances require the use of the Facilities for College purposes.

The President or his/her designee may restrict access to College Facilities by individuals not enrolled at or employed by the College in the interest of public health, safety, and/or furtherance of the College's educational mission.

Authority: 110 ILCS 805/3-30; 110 ILCS 805/3-43.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Children on Campus**

The College recognizes that minor children often accompany adults on Campus. As an institution of higher education, the College's primary focus is on providing high quality educational and support services principally to adult learners. To facilitate an appropriate learning environment and minimize disruption, minor children are not permitted in any classroom, laboratory, or other student work areas, unless said minor child is doing so as part of a College-sanctioned prospective student visit.

Minor children shall not be present at an Employee's workplace or a Student's classes in lieu of childcare arrangements. The President or his/her designee may grant exceptions to this rule, limited in time, on a case-by-case basis in the event of emergency or other exigent circumstances. No Student, Employee, or visitor shall leave a minor child unattended on Campus at any time, including outside classrooms, laboratories, or student work areas where the accompanying adult is attending a class, activity, or other program; in Campus buildings; on Campus grounds; or in a vehicle parked on Campus.

The College does offer certain activities, classes and programs to minor children. In such circumstances, minor children must be accompanied by a parent or guardian at all times while on Campus, except when the child is attending such College activity, class, program, or other service for children, and parent/guardian attendance is not required (e.g., day camps, music lessons, and childcare services).

The College does not supervise children outside of College-sponsored activities, classes and programs for minor children, and no Employee, contractor, Student, or agent may agree to do so on behalf of the College.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Animals on Campus**

No animals are permitted on Campus or in any College Facility except: (1) service animals, as that term is defined under the federal Americans With Disabilities Act regulations, including 28 C.F.R. § 35.104, and relevant provisions of Illinois law, including the Illinois Service Animal Access Act, 720 ILCS 5/48-8; (2) animals that have received prior approval from the College Police Department or the President or his/her designee; (3) those authorized by a Dean for laboratory use, in accordance with Policies and Administrative Procedures; and (4) as otherwise provided for by state or federal laws or regulations.

Authority: 110 ILCS 805/3-30; 720 ILCS 5/48-8; 775 ILCS 30/3; 28 C.F.R. § 35.136.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Tobacco-Free Campus Policy**

It is the College's policy to comply with the provisions of state and local laws regarding smoking and the use of tobacco and tobacco-related products on Campus, including the Illinois Smoke-Free Campus Act, 110 ILCS 64/1 *et seq.*, and the Smoke Free Illinois Act, 410 ILCS 82/1 *et seq.* Use of tobacco and tobacco-related products (including electronic cigarettes) is strictly prohibited on Campus, all College Facilities, and in all vehicles owned, leased and/or operated by the College.

Tobacco use is permitted inside private vehicles on Campus. The improper disposal of tobacco and tobacco-related products from a vehicle while on Campus is prohibited. Improper disposal includes, but is not limited to, spitting smokeless tobacco product, littering, and any other action that creates fire hazards.

Irrespective of any of the terms of this Policy to the contrary, the possession and/or use of cannabis, including medical cannabis, remains strictly prohibited on College Property. See Policy No. 3.25 (Drug-Free Campus). This prohibition extends to private vehicles while present on College Property.

The President is authorized to develop and implement fines and Administrative Procedures for disciplinary action and appeals process for violations of this Policy. The College Police Department is authorized to issue citations to, and the President and his/her designee are authorized to initiate disciplinary action against any individual who fails to comply with this Policy.

On behalf of the Board, the Vice President, Administrative Affairs shall have administrative responsibility for ensuring the currency of this Policy and for initiating the process of recommending changes to the Board.

Authority: 110 ILCS 64/15, 25; 410 ILCS 82/15, 40.

History:

- Adopted 3/19/09
- Reviewed 2/16/12
- Amended 4/19/12
- Amended 1/21/21





### **Alcohol on Campus**

The College is committed to maintaining an educational and employment environment free from the effects of alcohol use and abuse. To promote this goal, the College generally prohibits the possession, use, distribution, sale, and service of alcoholic beverages on College Property unless otherwise permitted under this Policy and/or the corresponding Administrative Procedures.

**Use.** Students and Employees are required to report for classes, work, and other College-related duties and activities in an appropriate mental and physical condition. Students and Employees are prohibited from being under the influence of alcohol on College Property, in association with College-related duties or activities, and/or during working hours, unless expressly permitted by this Policy or an exception made to this Policy granted by the President. In such an event, Students and Employees, as representatives of the College, are expected to use good judgment when consuming alcohol on College Property, during working hours, and/or in association with College-related duties, activities and/or events.

**Sale and Service of Alcoholic Beverages.** As a general policy, alcohol shall not be sold or served on Campus, unless otherwise specifically authorized by the Board or the President and in accordance with all local and state liquor laws, including the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, and licenses. The President and his/her designee are authorized to promulgate Administrative Procedures for the submission, consideration, and approval of requests for exceptions to the general prohibition of alcohol on Campus, and for the delivery, sale and/or service of alcohol on Campus.

**Violations.** Any Student or Employee who is found to be in violation of any provision of this Policy or the corresponding Administrative Procedures may be subject to disciplinary action, up to and including expulsion or termination, respectively.

The President, and/or his/her designee, shall have authority to develop and promulgate Administrative Procedures consistent with this Policy and applicable local, state and federal laws.

On behalf of the Board, the Vice President, Administrative Affairs, in consultation with the Vice President, Human Resources and the Assistant Provost, Student Affairs, shall have administrative responsibility for ensuring currency of this Policy and for initiating the process of recommending changes to the Board.

Authority: 235 ILCS 5/6-15; 110 ILCS 805/3-30, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Drug-Free Campus**

The College is committed to sustaining an environment that promotes the health, safety, and well-being of all members of the College community. The manufacture, possession, use, sale, distribution, or dispensing of a controlled substance (as that term is defined under Illinois and federal law, as may be amended from time to time), illegal drugs, unauthorized prescription medications, and/or any other substance that may be detrimental to health (collectively, “Drugs”) and drug paraphernalia is strictly prohibited on College Property or in association with any College-related activities or duties. Similarly, Students, Employees, contractors, and agents of the College are required to report for classes and work in an appropriate mental and physical condition and are prohibited from being under the influence of Drugs on College Property, in association with College-related duties or activities, and/or during working hours.

It is not a violation of this Policy to use a Drug if such use is: (1) at the direction of a licensed physician; (2) within the limits of a valid prescription; **and** (3) not in violation of federal or state law.

***While the personal possession and use of cannabis has been legalized under certain circumstances in the State of Illinois, it has not been similarly legalized under federal law. In addition, Illinois employers and colleges are permitted to restrict the possession and use of cannabis, and the impairment of individuals, on their premises. Therefore, the possession and/or use of cannabis, including medical cannabis, is strictly prohibited on College Property.***

Students. The President and/or his/her designee are to develop and promulgate standards of conduct for Students regarding Drug and alcohol use. The College will not tolerate violations of this Policy and/or any related Administrative Procedures, rules, codes of conduct, or other standards. Any Student who violates this Policy, or any standard of conduct promulgated pursuant to this Policy, may be subject to disciplinary action, up to and including expulsion from the College and/or referral for legal prosecution in accordance with local, state and/or federal laws and regulations. The College encourages Students who are dependent upon, addicted to, or struggling with issues relating to Drugs to seek professional assistance through the College’s confidential Student Assistance Program. While participation in such program is strongly encouraged, participation may not preclude disciplinary action for violation of this Policy.

Employees. The President and/or his/her designee are to develop and promulgate Administrative Procedures and standards of conduct for Employees regarding Drug and alcohol use. Compliance with this Policy and all Administrative Procedures and standards of conduct is a condition of continued employment, and the College will not tolerate violations of this Policy and/or any related Administrative Procedures, rules, codes of conduct, or other standards. Any Employee who violates this Policy, or any Administrative Procedure or standard of conduct promulgated pursuant to this Policy, may be subject to disciplinary action, up to and including termination, and/or referral for legal prosecution in accordance with local,

state and/or federal laws and regulations. The College encourages Employees who are dependent upon, addicted to, or struggling with issues relating to Drugs to seek professional assistance through the College's confidential Employee Assistance Program. While participation in such programs is strongly encouraged, participation may not preclude disciplinary action for violation of this Policy.

In addition, as a condition of employment, any Employee directly engaged in work pursuant to a federal contract or grant, or a grant from the State of Illinois, must: (1) comply with this Policy; and (2) notify the College's Vice President of Human Resources within five (5) days of any criminal drug statute conviction where the criminal act upon which the conviction is based occurred on College Property. The Vice President of Human Resources or his/her designee must notify the federal or state grant authority of such conviction within ten (10) days after receiving notice from the Employee or otherwise receiving actual notice of the conviction.

On behalf of the Board, the Vice President, Human Resources, in consultation with the Assistant Provost, Student Affairs and the Office of General Counsel, shall have administrative responsibility for ensuring currency of this Policy and for initiating the process of recommending changes to the Board.

Authority: 41 U.S.C. § 8103; 34 C.F.R. § 86.100; 410 ILCS 130/50; 410 ILCS 705/; 110 ILCS 805/3-30, 3-42.

History:

- Adopted 3/19/09
- Amended 12/19/19
- Adopted 1/21/21



## **Firearms And Weapons On Campus**

The College is committed to providing a safe and secure environment for all Students, Employees, and visitors to Campus. To that end, firearms and weapons are prohibited on College Property, and expressly including sidewalks, parking lots, College vehicles, common areas, and entertainment venues. This Policy applies to all Employees, Students, contractors, and agents of, and visitors to, the College, even if an individual possesses a valid state or federal license to carry a firearm or weapon.

### **Definitions.**

“Firearm” shall have the meaning set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, and includes, without limitation, any loaded or unloaded handgun (as that term is defined in the Illinois Firearm Concealed Carry Act, 430 ILCS 66/5), and/or any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand.

“Weapon” shall mean: (1) any device, whether loaded or unloaded, that shoots a bullet, pellet, flare or any other projectile, including without limitation machine guns, rifles, shotguns, handguns or other firearm, BB guns, pellet guns, spring guns, paint ball guns, flare guns, stun guns, tasers or dart guns and any ammunition for any such device; (2) any explosive device, including without limitation, bombs, grenades, fireworks, and black powder; (3) any device that is designed or traditionally used to inflict harm, including without limitation bows and arrows, hunting knives, fixed blade knives, axes, daggers, knives with blades longer than 3 inches, brass knuckles, clubs, and swords; and (4) noxious and/or toxic chemicals, gases, and substances. Any replica of the foregoing is also prohibited.

“Clear and present danger” shall have the meaning set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, and includes threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

**Penalties.** Any person covered by this Policy is who is found to have violated the Illinois Firearm Concealed Carry Act, this Policy, and/or any Administrative Procedures promulgated pursuant to this Policy is subject to disciplinary action, up to and including arrest, suspension, expulsion, termination, permanent exclusion from Campus and/or College Property, and/or referral to law enforcement authorities for prosecution.

**Exceptions.** This Policy does not apply to the following:

- (1) Weapons or firearms carried by a full-time law enforcement officer who is required to carry such weapon or firearm as a condition of his/her employment.

- (2) Weapons or firearms carried by a law enforcement officer from an external agency who is conducting official business at the College.
- (3) Weapons or firearms used in connection with a weapon or firearm safety course, weapon or firearm education course, military science program, or law enforcement training course offered by and/or authorized and approved by the Board.
- (4) Weapons or firearms used in connection with College classes, athletics, or College-sanctioned recreational sports practices, games, matches, tournaments and/or events on Campus where the activity requires the use of such weapons or firearms (e.g., starter pistols, fencing epees, chef's knives for culinary programs, and archery equipment).
- (5) Replica weapons or firearms used in connection with College-sanctioned theatrical classes and performances.
- (6) Weapons and firearms that are stored and concealed out of view in a locked case, glove compartment, console, or other container in a locked vehicle that is parked in a designated parking area in which weapons and firearms are permitted, and under such circumstances, the weapon or firearm may be removed from the vehicle for the sole purpose of storing or retrieving it from the trunk of a vehicle, and then only if the weapon or firearm is unloaded.
- (7) A person licensed to carry concealed firearms who is traveling along a public right of way that touches or crosses the College's Campus if the concealed firearm is carried in accordance with the provisions of the Illinois Firearm Concealed Carry Act and all other applicable provisions of law.
- (8) Any other exception to this Policy granted by the President, in consultation with the Chief of the College Police Department, that comports with all applicable state and federal laws and regulations.

#### **Administrative Responsibilities.**

- (1) The President and/or his/her designee, in consultation with the Chief of the College Police Department, may develop and promulgate Administrative Procedures to facilitate the implementation and enforcement of this Policy.
- (2) The President and/or his/her designee, in consultation with the Chief of the College Police Department, may establish certain parking areas on Campus as areas where weapons and firearms are permitted.
- (3) The College's Facilities Department, in consultation with the Chief of the College's Police Department, shall determine placement of clearly and conspicuously posted signs stating that concealed firearms are prohibited. Signs shall be in accordance with the design approved by the Illinois Department of State Police and shall be posted in accordance with any other signage regulations as may be

promulgated from time to time by the Illinois Department of State Police or other state or federal laws or regulations.

- (4) The Chief of the College Police Department, in consultation with the President, shall be responsible for the development and promulgation of procedures and protocols for storage and confiscation of weapons and firearms.

**Threats of Violence.** Where a Student, Employee, contractor, agent, or other individual is determined to pose a clear and present danger to himself/herself or to others, the President and/or the Dean of Student Development, in consultation with the Chief of the College Police Department, is required to report same to the Illinois State Police within 24 hours of such a determination.

Authority: 430 ILCS 65/8.1; 430 ILCS 66/65(a-5), 66/105; 405 ILCS 5/6-103.3; 110 ILCS 805/3-42.1.

History:

- Adopted 2/20/14
- Amended 1/21/21



### **Freedom of Expression on Campus**

The College is committed to the principle of free and open inquiry, deliberation and debate. In accordance with its mission and the ideals of academic freedom, the College embraces its role as a promoter and facilitator of the free exchange of ideas by Students, Employees and members of the community at large. In order to fulfill that role, the College will make every effort to provide all members of the College community with the broadest possible latitude to speak, write, listen, challenge, and learn. The College respects and supports the freedom of Students, Employees, and all members of the College community to engage in expressive activities on Campus – including peaceable assembly; distribution, posting, and display of printed materials; solicitation of signatures; and presentation of speeches and outside speakers.

The ideas of different members of the College community will often and quite naturally conflict. However, it is not the proper role of the College to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.

The College is committed to the principle that debate, deliberation, or expression must not be suppressed because the ideas put forth are thought by some, or even by most, members of the College community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the College community, not for the College as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress expression, but by speaking out against and contesting the ideas that they oppose. Indeed, fostering the ability of Students, Employees, and members of the community at large to engage in such debate, deliberation, and expression in an effective and responsible manner is an essential part of the College's educational mission.

As a corollary to its commitment to protect and promote free expression, all Students, Employees and members of the community at large must act with civility and mutual respect in conformity with the principle of free expression. Although members of the College community are free to speak out against the views expressed, and to contradict speakers who are invited to express their views, members of the College community may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. The College has a solemn responsibility not only to promote a lively and fearless freedom of expression, debate and deliberation, but also to protect that freedom when others attempt to restrict it.

However, the freedom to engage in expressive activities does not, and cannot, mean that individuals may do or say whatever they wish, wherever they wish. The College may restrict expression that violates the law; that falsely defames a specific individual; that constitutes a genuine threat or unlawful discrimination or harassment; that unjustifiably invades substantial privacy or confidentiality interests; or that is otherwise directly incompatible with the functioning of the College. The College may also reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of College. However, such restrictions and regulations are narrow exceptions to the general principle of

freedom of expression, and the exceptions must never be used in a manner that is inconsistent with the College's commitment to freedom of expression and a completely free and open discussion of ideas.

The President and his/her designee(s) are authorized to develop and implement Administrative Procedures, rules, regulations, and guidelines regarding expressive activities on Campus—including peaceable assembly; distribution, posting, and display of printed materials; solicitation of signatures; presentation of speeches and outside speakers; and sponsorship of political events—consistent with this Policy; other Policies; the College's CBA obligations; the protections afforded by the First Amendment to the U.S. Constitution; and with all relevant federal and state laws and regulations, such as the Illinois Campus Demonstrations Policy Act, 110 ILCS 10/0.01 *et seq.*, and the Illinois College Campus Press Act, 110 ILCS 13/1 *et seq.*

Authority: 110 ILCS 805/3-30; 110 ILCS 10/1, 2; 110 ILCS 13/25, 30.

Cross-reference: Policy No. 3.31 (Political Events on Campus).

History:

- Adopted 4/16/09
- Rescinded 5/4/09
- Adopted 11/19/09
- Amended 2/24/11
- Amended 1/21/21





### **Political Events on Campus**

Because Illinois law, including the Illinois Election Code, 10 ILCS 5/1-1 *et seq.* (the “Election Code”), prohibits the use of public funds to urge electors to vote for or against any candidate or public question, the College supplements its Policy regarding Freedom of Expression on Campus (“Freedom of Expression Policy”) in accordance with the Election Code as set forth herein.

In addition to the respective requirements under all relevant Administrative Procedures, rules, regulations, and guidelines promulgated pursuant to the College’s Freedom of Expression Policy, any individual or group wishing to sponsor a political event, speaker, program, or other political expressive activity on Campus must advise participating candidates for public office and individuals who support or oppose propositions before the electorate that:

- (1) A speech or appearance on Campus does not constitute an endorsement by the College of a candidate or the advocacy by the College of a position on a public question;
- (2) No direct solicitation of funds or distribution of campaign fundraising literature is permitted on Campus; and
- (3) No distribution of campaign materials which state or imply that the College supports or opposes a candidate or a public proposition is permitted on Campus or elsewhere.

Notwithstanding any other provision of this Policy, nothing in this Policy permits the College to regulate the content of political expressive activity protected by the First Amendment to the U.S. Constitution. Further, this Policy shall be construed consistent with all relevant federal and state laws and regulations, including but not limited to the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, the Freedom of Expression Policy and other Policies.

Authority: 110 ILCS 805/3-30; 10 ILCS 5/9-25.1; 5 ILCS 430/5-15, 70-5.

Cross-references: Board Policy No. 3.30 (Freedom of Expression on Campus); Appendix A (Ethics Ordinance).

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Reporting Emergencies**

The College is committed to providing a safe and secure Campus.

On the Glen Ellyn campus, matters requiring an immediate emergency response should be reported to the College Police Department from the nearest phone by calling (630) 942-2000.

Outside of the Glen Ellyn campus, matters requiring an immediate emergency response should be reported to the local first responders from the nearest phone by calling 911.

Any suspected or actual occurrence of criminal activity that does not require an immediate emergency response should be reported to the College Police Department by calling (630) 942-2000.

Victims are urged to report the occurrence of criminal activity immediately, even if an immediate emergency response is not required, and to preserve any evidence which may be necessary to prove criminal conduct.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Sex Offender and Sexual Predator Registration**

It is the College's policy to comply with the provisions of the Illinois Sex Offender Registration Act, 730 ILCS 150/1 *et seq.* (the "Act"). All sex offenders and sexual predators, as those terms are defined under the Act, enrolled and/or employed at the College are required to register as such with the College Police Department within three (3) days of beginning classes or employment with the College, or within three (3) days of conviction of any offense listed in Section 2(B)-(C-6), (E) and (E-5) of the Act, 730 ILCS 150/2(B)-(C-6), (E), (E-5). The Chief of the College Police Department is charged with promulgating the necessary Administrative Procedures, processes, and forms to ensure compliance with the Act.

The President and his/her designee are authorized to initiate disciplinary proceedings against any Employee or Student who fails to register with the College Police Department as required by Illinois law and this Policy.

The Chief of the College Police Department is further charged with promulgating the necessary Administrative Procedures and processes to ensure the receipt, maintenance, and utility of the information disclosed to the Board in accordance with the Illinois Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.*, and the Illinois Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75 through 105.

Authority: 730 ILCS 150/3; 730 ILCS 152/120; 730 ILCS 154/95; 110 ILCS 805/3-30, 3-42.

History:

- Adopted 10/15/12
- Amended 1/21/21



### **Traffic, Parking Control and Offense Fines**

The Board adopts the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*, including but not limited to the Illinois Rules of the Road set forth therein, 625 ILCS 5/Ch. 11, to govern vehicular traffic on Campus.

To provide for a safe and orderly Campus, the President and/or his/her designee may enact traffic and parking regulations and a schedule of fines and penalties (including but not limited to towing, revocation of parking privileges, and monetary penalties) for violations of traffic and parking regulations on Campus.

The College Police Department is charged with enforcing traffic and parking regulations on Campus and issuing citations for violations of same. A recipient of a traffic or parking citation may appeal that citation in accordance with the College's Administrative Procedures. The President and/or his/her designee is charged with promulgating Administrative Procedures in accordance with this Policy, including appeal procedures.

Fines and penalties collected pursuant to this Policy will be deposited into the College's Operations, Building and Maintenance Fund and used for expenditures legally charged to that Fund.

Authority: 110 ILCS 805/3-42.2; 625 ILCS 5/.

History:

- Adopted 3/19/09
- Amended 8/20/09
- Amended 1/21/21



### **Campus Security and Emergency Response Plan**

It is policy of the College that the College be able to cope effectively with any natural and human-caused disasters and emergencies, so as to be a safe and disaster-resilient place to learn and work. To meet this goal, the President, or his/her designee, and the Chief of the College Police Department, or his/her designee, shall establish, serve on, and appoint other appropriate members to a College “Incident Management Team,” which shall be responsible for the security enhancement of the College in compliance with the Illinois Campus Security Enhancement Act of 2008, 110 ILCS 12/1 *et seq.*, and related regulations, including 29 Ill. Admin. Code Part 305.

The mandate of the Incident Management Team shall include:

- (1) The development of an all-hazards Campus security and emergency response plan that is compliant with the National Incident Management System (“NIMS”) and utilizes the NIMS incident command system (the “Campus Emergency Operations Plan” or “CEOP”);
- (2) The development of an inter-disciplinary and multi-jurisdictional Campus violence prevention plan that includes, but is not limited to, coordination with mental health and first response resources and the development and implementation of a campus violence prevention committee and campus threat assessment team (the “Campus Violence Prevention Plan” or “CVPP”);
- (3) To coordination of the CEOP and the CVPP with DuPage County and other local emergency services and disaster agencies;
- (4) The review of the CEOP and the CVPP and evaluation of the continued effectiveness of each on an annual basis, and the updating of each as appropriate;
- (5) The coordination and facilitating of annual training and exercises for the CEOP and the CVPP; and
- (6) The circulation and dissemination of information regarding the CEOP and the CVPP and of any directives issued pursuant to either to College Employees and Students and, as appropriate, to the College community.

All Employees and Students are expected to abide by the CEOP and the CVPP and any directives issued pursuant to either, and to cooperate fully in the implementation of both the CEOP and the CVPP.

Authority: 110 ILCS 12/20; 29 Ill. Admin. Code Part 305; 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 8/20/09
- Amended 1/21/21



## **Infectious Diseases**

This Policy shall apply to infectious diseases as defined by the Illinois Department of Public Health now or in the future (“Infectious Diseases”). For a list of Infectious Diseases, please consult the Office of the Dean of Students (in the case of Students) or the Human Resources Department (in the case of Employees). It is the responsibility of every member of the College community to report known or suspected cases of Infectious Disease to the Office of the Dean of Students or the Human Resources Department promptly.

The College is committed to safeguarding the wellness of the College community. Accordingly, the College will issue timely notice to Illinois public health officials and take additional steps as it deems necessary to safeguard the wellbeing of the College community when it becomes aware of a known or suspected case of Infectious Disease. The College will balance the need to safeguard the wellness of the College community with the twin goals of respecting the privacy of individuals and permitting access to the College’s Facilities, programs and activities to the greatest extent possible.

The College will treat reports of Infectious Disease as confidential and will limit disclosure of such reports to the extent permitted by law or as required to ensure the safety of the College community.

Except in the case of an emergency as declared the President or his/her designee, the College will not close due to discovery of a known or suspected case of an Infectious Disease. Access to Facilities, programs and activities will be denied to individuals, however, where those individuals are known or suspected to be:

- Carrying a reportable Infectious Disease requiring isolation; or
- Exhibiting acute symptoms of diarrhea or vomiting believed to be infectious in nature.

The College expects any individual with these conditions to refrain from entering or using College Facilities or participating in College activities or programs that could expose other members of the College community to these conditions. Individuals with these conditions may participate in College activities or programs remotely to the extent their health permits and remote participation is reasonably available. Individuals who fail to comply with this Policy will be required to leave the College’s Facilities and/or cease participation in a College program or activity immediately and may be subject to additional corrective action consistent with the College’s Policies, Administrative Procedures, Student Code of Conduct, and Employee guidebooks.

The College intends to comply with all applicable legal requirements relating to the subject of this Policy, including but not limited to the Illinois Communicable Disease Report Act, 745 ILCS 45/0.01 *et seq.*, and related regulations, including 77 Ill. Admin. Code Parts 690 and 696; Illinois Sexually Transmissible Disease Control Act, 410 ILCS 325/1 *et seq.*, and related

regulations, including 77 Ill. Admin. Code Part 693; as they may be amended from time to time.

The President and the President's designee are authorized to develop and promulgate Administrative Procedures consistent with this Policy.

Authority: 110 ILCS 805/3-30; 410 ILCS 325/4; 745 ILCS 45/1; 77 Ill. Admin. Code Parts 690, 693, 696.

History:

- Adopted 3/19/09
- Amended 6/22/10
- Amended 2/24/11
- Amended 1/21/21





**Reporting Child Abuse, Neglect and Exploitation**

The College recognizes and acknowledges that personnel of higher education institutions and law enforcement officers may be mandatory reporters of child abuse, neglect, and exploitation. It is the College's policy to fully comply with all provisions of the Illinois Abused and Neglected Child Reporting Act, 325 ILCS 5/1 *et seq.*, including requiring mandatory reporter training for all Employees whose responsibilities include teaching, counseling, or delivery of College services to minors, or installing, repairing, or otherwise servicing the College's Information Systems or Information Technology Equipment.

Authority: 325 ILCS 5/4, 4.5; 89 Ill. Admin. Code Part 300; 110 ILCS 805/3-30.

History:

- Adopted 1/21/21



### **Access to and Use of College Information Systems and Technology**

The College recognizes that information systems and information technology are crucial tools for excellence in teaching, learning, and cultural experiences and the provision of accessible, affordable, and comprehensive education. Accordingly, the College has made, and continues to make, significant investments in its Information Systems and Information Technology Equipment.

The primary purpose of the College's Information Systems and Information Technology Equipment is to accommodate the College's educational programs and to support the operations and administration of the College for the benefit of the College's Faculty, Administration, Employees, and Students. As such, the integrity, reliable operation, and security of, and fair access to, the College's Information Systems and Information Technology Equipment are a high priority. The Board reserves the right to deny or restrict access to its Information Systems and Information Technology Equipment to insure the integrity, reliable operation, and security thereof.

The Director of Information Technology is authorized to develop and promulgate Administrative Procedures and guidelines for the use of College Information Systems and Information Technology Equipment consistent with this Policy, relevant federal and state laws and regulations, CBAs, the Student Code of Conduct and employee guidebooks. Such Administrative Procedures and guidelines, shall take into consideration the following concerns:

- (1) Virtual, electronic, and physical security of all Information Systems and Information Technology Equipment components.
- (2) Protection and security of all electronically stored personal and private information.
- (3) Record retention and archiving.
- (4) Authorized and unauthorized access to electronically stored information.
- (5) Allowable and impermissible uses of the Information Systems and Information Technology Equipment and electronically stored information therein.
- (6) Unauthorized use and fair use of intellectual property.
- (7) Employee training.
- (8) Enforcement of the Administrative Procedures and guidelines.

This Policy shall be construed consistent with the College's other Policies, including other Policies addressing information technology and privacy, as well as the College's CBA obligations.

Authority: 110 ILCS 805/3-30; 815 ILCS 530/; 820 ILCS 40/; 820 ILCS 55/10.

Cross-references: Policy Nos. 3.01 (Ethics Policy), 3.20 (Facilities Usage), 3.30 (Freedom of Expression), 3.51 (Electronic Communications), 3.52 (Information Security), 3.53 (Identity Protection), 6.12 (Protection of Copyrighted Materials), 6.15 (Academic Freedom); Appendix A (Ethics Ordinance).

History:

- Adopted 2/18/10
- Amended 1/21/21



### **Electronic Communications**

The College has embraced the use of electronic communications as part of its educational programs and to support and facilitate its day-to-day operations and administration. To do so, the College provides tools for interactive and one-way electronic communications including, but not limited to, voice telephone, voice mail, facsimile services, teleconferencing, video conferencing, electronic mail (“e-mail”), electronic bulletin boards, Listservers, newsgroups, Internet access, web pages, social media platforms, traditional print information published electronically, licensed software, licensed computer systems, and electronic broadcasting in radio and television.

The College’s Director of Information Technology Services is authorized to develop and promulgate Administrative Procedures and guidelines regarding the College’s electronic communications tools consistent with this Policy and relevant state and federal laws and regulations. Such Administrative Procedures and guidelines, shall take into consideration the following concerns:

- (1) The importance of free speech and expression and academic freedom.
- (2) Protection and security of the College’s electronic communications tools.
- (3) Privacy and confidentiality.
- (4) Retention and archiving of electronic communications.
- (5) Authorized and unauthorized access to the College’s electronic communications tools.
- (6) Allowable and impermissible uses of the College’s electronic communications tools.
- (7) Use of disclaimers.
- (8) Use of and participation on social media platforms.
- (9) Employee training.
- (10) Enforcement of the Administrative Procedures, rules, regulations, and guidelines.

This Policy shall be construed consistent with the College’s other Policies, including other Policies addressing information technology and privacy, as well as the College’s CBA obligations.

Authority: 110 ILCS 805/3-30; 815 ILCS 530/; 820 ILCS 55/10.

Cross-references: Board Policy Nos. 3.01 (Ethics Policy), 3.20 (Facilities Usage), 3.30 (Freedom of Expression), 3.50 (Access to and Use of College Information Systems and Technology), 3.52 (Information Security), 3.53 (Identity Protection), 6.12 (Protection of Copyrighted Materials), 6.15 (Academic Freedom); Appendix A (Ethics Ordinance).

History:

- Adopted 2/18/10
- Amended 1/21/21



## **Information Security**

The College is committed to ensuring the protection of Confidential Information in compliance with relevant state and federal laws and regulations, industry best practices, and the values and mission of the College.

The President and/or his/her designee, in conjunction with the College's Director of Information Technology Services, is authorized to develop and implement Administrative Procedures and an "Information Security Plan" consistent with this Policy and relevant laws and regulations that: (1) is designed to prevent, deter, detect, respond to, and remedy any compromise or breach to the College's systems or Confidential Information; and (2) details the responsibilities, duties, practices, processes, and procedures for College Employees with respect to the collection, maintenance, handling, and disclosure of Confidential Information.

**Authority:** 110 ILCS 805/3-30; 5 ILCS 179/35; 110 ILCS 805/3-60; 815 ILCS 530/; 820 ILCS 40/; 820 ILCS 55/10; 20 U.S.C. § 1232g; 34 C.F.R. Part 99; United States Pub. L. 104-191; 45 C.F.R. Parts 160, 162, 164; United States Pub. L. 106-102; 16 C.F.R. Part 313.

**Cross-references:** Policy Nos. 3.01 (Ethics Policy), 3.20 (Facilities Usage), 3.50 (Access to and Use of College Information Systems and Technology), 3.51 (Electronic Communications), 3.53 (Identity Protection), 3.54 (HIPAA Compliance Policy); Appendix A (Ethics Ordinance).

### **History:**

- Adopted 1/21/21



**Identity Protection**

It is the College's policy to protect social security numbers from unauthorized disclosure. To further this policy, the Board requires that:

- (1) All Employees who have access to social security numbers in the course of performing their duties be trained to protect the confidentiality of social security numbers. Training shall include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
- (2) Only Employees who are required to use or handle information or documents that contain social security numbers will have access to such information or documents.
- (3) Social security numbers requested from an individual are provided in a manner that makes the social security number easy to redact if included on a record required to be released as part of a public records request.
- (4) When collecting a social security number, or upon request by the individual, a statement of the purpose or purposes for which the social security number is being collected and used is provided.
- (5) Employees comply with all relevant laws regarding the public inspection and copying of information or documents containing all or any portion of an individual's social security number, including FOIA.
- (6) Employees redact social security numbers from information or documents before allowing public inspection or copying pursuant to relevant laws.
- (7) A copy of this Policy (and any amended version thereof) be made available to all Employees and any member of the public upon request.
- (8) The President and/or his/her designee promulgate Administrative Procedures for the use and disclosure of social security numbers consistent with this Policy and all applicable state and federal laws, including without limitation the Illinois Identity Protection Act, 5 ILCS 179/1 *et seq.*

This Policy does not apply to the collection, use, or disclosure of a social security number as required by state or federal law, rule, or regulation.

Authority: 5 ILCS 179/35; 110 ILCS 805/3-60.

Cross-references: Policy Nos. 3.52 (Information Security), 3.54 (HIPAA Compliance Policy).

History:

- Adopted 2/24/11
- Amended 1/21/21





**Health Insurance Portability and Accountability Act (HIPAA) Compliance Policy**

The College is a “hybrid entity” for purposes of the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), Pub. L. 104-191, and the regulations promulgated thereunder (collectively, the “HIPAA Regulations”), 45 C.F.R. Parts 160, 162, and 164. While the College’s primary purpose is education, the College may have departments and components that provide functions covered by HIPAA. As such, it is the College’s policy to comply with all applicable HIPAA provisions and regulations, including but not limited to the HIPAA Privacy Rule, 45 C.F.R. Part 164, Subparts A and E, and the HIPAA Security Rule, 45 C.F.R. Part 164, Subparts A and C.

The President and/or his/her designee, as necessary, is authorized to develop and promulgate Administrative Procedures, rules and regulations, and training programs consistent with this Policy, HIPAA, and any other relevant state and federal laws and regulations. The President is also authorized to designate and/or appoint individual(s), as may be necessary under HIPAA or other relevant laws and regulations, to oversee the College’s compliance with applicable HIPAA requirements.

Authority: 110 ILCS 805/3-30; United States Pub. L. 104-191; 45 C.F.R. Parts 160, 162, 164.

Cross-references: Policy Nos. 3.52 (Information Security), 3.53 (Identity Protection).

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Records Management**

On a biennial basis (every two years) the College will apply for permission to dispose of records from the Illinois Local Records Commission.

The Office of the Vice President of Administrative Affairs shall be responsible for coordinating the biennial review and disposition of College records in accordance with the Records Retention Schedule established by the Illinois Local Records Commission.

Records may be disposed of after the individual retention period is complete, and providing any local, state, and federal audit requirements are met, and they are not needed for any pending litigation, and they are correctly listed on a Records Disposal Certificate submitted to and approved by the Illinois Local Records Commission 60 days prior to disposal.

## **Litigation Hold**

In the event that the College has been notified of, or otherwise determines that, a lawsuit or an administrative agency claim has been filed or is reasonably likely to occur, the College Office of the General Counsel may initiate a Litigation Hold on potentially relevant records.

Records that are subject to a Litigation Hold shall not be destroyed until such Litigation Hold has been released and authorization is received from the Office of the General Counsel or the Board.

**Authority: 110 ILCS 805/3-30**

### **History:**

- Adopted 6/6/19
- Amended 1/21/21
- Amended 11/17/22



### **Requests For Information**

The College operates in a highly regulated environment and is dependent upon maintaining its good reputation to recruit and retain students and qualified employees. Accordingly, the College is committed to providing timely, accurate, complete and truthful information to the public, and to federal and state agencies, accrediting bodies, and other third parties.

Accordingly, the President and/or his/her designee, in conjunction with the Office of the General Counsel, will establish and maintain Administrative Procedures to ensure the centralized receipt, maintenance and processing of requests for information from federal, state, and local law enforcement and public safety agencies, federal and state government agencies and regulators, accrediting bodies, and certain other third parties, including without limitation subpoenas, summonses, civil investigative demands, and complaints.

Authority: 110 ILCS 805/3-30; 5 ILCS 140/; 5 ILCS 430/Art. 15; 740 ILCS 174/.

#### History:

- Adopted 1/21/21



### **Access to Public Records**

The College recognizes the right of members of the public to have access to public records in accordance with the provisions of FOIA and affirms that it is the policy of the College to comply with that Act.

The President shall designate one or more Employees of the College to serve as its Freedom of Information Officer(s), and the President and/or his/her designee is authorized to develop and promulgate Administrative Procedures consistent with this Policy and FOIA.

Authority: 5 ILCS 140/1, *et seq.*

#### History:

- Adopted 3/19/09
- Amended 8/18/10
- Amended 1/21/21



## **SECTION 4: HUMAN RESOURCES**

### **General Policies**

- 4.01 – Equal Employment Opportunity and Commitment to Diversity
- 4.02 – Evaluation of Prospective Employees and Promotees
- 4.03 – Medical Evaluations
- 4.04 – Drug and Alcohol Testing - Driver Employees
- 4.05 – Classified Employees
- 4.06 – Employment Outside of the College
- 4.07 – Employment Verification and References
- 4.08 – Reduction In Force
- 4.09 – Separation of Employment
- 4.10 – Discipline and Termination
- 4.11 – Occupational and Environmental Health and Safety

### **Benefits**

- 4.12 – Leave Policy
- 4.13 – Worker’s Compensation
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### **Administration**

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4.46 – College of DuPage Police Department and Personnel

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4.49 – Externally Funded Grant Employees



### **Equal Employment Opportunity and Commitment to Diversity**

The College is committed to equal opportunity in employment. In accordance with federal and state anti-discrimination laws, the College provides equal employment opportunities to all persons without regard to race, color, religion or creed, sex, national origin, ancestry, age, marital status, sexual orientation, gender identity and expression, arrest record, military status or service, disability status, or any other characteristic protected by law. The College conforms to the spirit, as well as to the letter, of all applicable laws and regulations.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the College and its Employees, including recruitment, hiring, employment, promotion, transfer, training, working conditions, termination, wages and salary administration, benefits and application of policies, and all other privileges, terms, and conditions of employment.

The policy and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working at the College who are employed by temporary agencies, and any other persons or firms doing business for or with the College.

The College will initiate and maintain a diversity plan to further the policy of equal opportunity through positive efforts. The President and/or his/her designee, in consultation with the Vice President of Human Resources, shall develop, promulgate, and implement Administrative Procedures for equal employment opportunities and practices within all College departments and divisions. The College's Human Resources Department is responsible for ensuring compliance and maintaining personnel records in compliance with all relevant laws and regulations.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 8/20/09
- Reviewed 3/10/14
- Amended 4/17/14
- Amended 1/21/21





### **Evaluation of Prospective Employees and Promotees**

The College seeks to ensure that individuals who join the College's workforce or are promoted to positions within the College are qualified for the positions for which they have applied and have accurately presented their qualifications during the hiring process. This Policy also ensures that the College is exercising reasonable care in selecting its employees to promote a safe and productive educational environment and workplace.

**References.** For all positions, the hiring manager or his/her designee is responsible for checking professional references prior to an offer for employment being extended. Any questions regarding whether references are satisfactory must be discussed with the Vice President of Human Resources or his/her designee.

**Background Screenings.** All offers of employment (including internal transfers and promotions) may be contingent upon complete and satisfactory findings of all applicable background checks. Background screenings may include, but are not limited to, the following: social security number search, previous employers, sex offender registry, credit report, criminal records search, verification of academic credentials, driver's license and driving record check, verification of occupational and professional licenses, and/or a drug and alcohol screening.

The results of background screenings should be received and evaluated before an offer of employment is made to an applicant. In urgent situations that require a rapid employment action, an individual may begin to work contingent upon a satisfactory background screening result if: (1) professional references have been checked and are satisfactory; and (2) the appropriate Administrator and Vice President of Human Resources or his/her designee has approved the contingent hire.

**Security Sensitive Positions.** It is the College's policy that the College will comply with the requirements of the Illinois Campus Security Enhancement Act of 2008, 110 ILCS 12/1 *et seq.* (the "Campus Security Enhancement Act"). To that end, the Board requires that the Vice President of Human Resources and/or his/her designee complete criminal background investigations prior to employing individuals in security-sensitive positions. The Vice President of Human Resources or his/her designee shall identify security-sensitive positions in Administrative Procedures, which shall, at a minimum, include the following:

- Positions that are responsible for the safety and well-being of Students, Employees, and visitors to Campus, including without limitation all College Police Department Employees, Administrators, Faculty, and members of the counseling staff.
- Positions that have access to the entire Campus and College Property, including without limitation maintenance staff, groundskeeping staff, and other Employees of the Facilities Department.

- Positions that regularly handle and have access to confidential Student and personnel records, including without limitation Employees in the Human Resources Department, Employees in the Office of the Registrar, Employees in the Student Financial Aid Office, Employees of the Information Technology Department, the Internal Auditor and any Employee under his/her direct supervision, and the General Counsel and any Employee under his/her direct supervision.
- Positions that regularly handle and have access to United States currency and the College's financial information, including without limitation Employees in the Finance Department, Financial Aid Office, and Cashier's Office.

The Vice President of Human Resources shall review the list of security-sensitive positions at least annually.

The President or his/her designee, in consultation with the Vice President of Human Resources or his/her designee, is authorized to develop and promulgate Administrative Procedures consistent with this Policy, the Campus Security Enhancement Act, and state and federal laws and regulations for the screening of prospective employees and promotees.

Authority: 110 ILCS 12/5.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Medical Evaluations**

The College does not discriminate against Employees or applicants for employment on the basis of disability. The College is also committed to employing and advancing in employment qualified individuals with disabilities. However, certain types of employment require particular physical standards and/or public health requirements.

The College may require post-offer and pre-employment health, fitness, and/or medical examinations in circumstances where the nature of the position renders it appropriate or where it is required by law. Such examinations will be conducted by a board-certified medical physician, psychiatrist, or equivalent selected by the College, and will be at the expense of the College. The Department of Human Resources is responsible for notifying applicants of any required examinations.

After the initial hire, an Employee's physical, mental, or emotional ability to continue to perform the essential duties of his/her position may come into question. Either the College or the Employee may seek a medical determination of whether the Employee is capable of performing the essential functions of his/her position. Where the College seeks such medical evaluation, such determination shall be made by the Vice President of Human Resources, and the College shall bear the expense of the medical testing and evaluation (subject to Board approval as necessary). Where the Employee seeks to claim disability, the Employee bears the cost of any necessary medical testing and evaluation. All such testing and evaluation shall be conducted by a board-certified medical physician, psychiatrist, or equivalent selected by the College.

Opportunity for employment or advancement will not be denied if, with reasonable accommodation, the applicant or Employee could perform the essential functions of the position.

The President and his/her designee, in consultation with the Vice President of Human Resources, are authorized to develop and promulgate Administrative Procedures consistent with this Policy and all state and federal laws and regulations, including without limitation the federal Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12131-12134, and regulations promulgated thereunder, including 34 C.F.R. Part 35, and the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and regulations promulgated thereunder, including 34 C.F.R. Part 104.

Authority: 29 U.S.C. § 794; 42 U.S.C. §§ 12131-12134; 34 C.F.R. Part 35; 34 C.F.R. Part 104.

### History:

- Adopted 3/19/09
- Amended 1/21/21



### **Drug and Alcohol Testing – Driver Employees**

The College is committed to the health and safety of its driver Employees. Drug and/or alcohol use may pose a serious threat to the health and safety of those College Employees in driving and/or safety-sensitive functioning positions (hereinafter “Driver Employees”). To that end, the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration has promulgated certain regulations that require the College to enhance its policies with respect to drug and alcohol use for those Driver Employees. Driver Employees shall be subject to pre-employment, reasonable suspicion, random, post-accident, and return to duty drug and alcohol screenings at the College’s expense, in accordance with relevant state and federal laws and regulations.

The President and/or his/her designee shall develop and implement comprehensive Administrative Procedures to provide for drug and alcohol testing for Driver Employees consistent with this Policy, federal, state and local laws and regulations, including U.S. Department of Transportation regulations 49 C.F.R. Parts 40 and 382, and the terms of any applicable CBAs.

Authority: 49 C.F.R. Part 40; 49 C.F.R. Part 382; 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Reviewed 3/19/15
- Amended 5/14/15
- Amended 1/21/21



### **Classified Employees**

With respect to the five categories of Classified Employee at the College, including both Full-Time Employees and Part-Time Employees and both Exempt Employees and Non-Exempt Employees within each category, the President or his/her designee, in consultation with the Vice President of Human Resources and/or his/her designee, shall promulgate, revise, and/or update Administrative Procedures and employee handbooks, guidebooks, and manuals (such as the College's *Classified Employee Information Guidebook*) to cover, at a minimum:

- Classified Position Descriptions;
- Classified salary schedule or schedules;
- Eligibility for employment benefits;
- Engagement in remunerated activities outside the College.

All Administrative Procedures and employee handbooks, guidebooks, and manuals promulgated, revised, and/or updated under this Policy shall be consistent with the provisions of the Policy Manual (including the Definitions section and Ethics Ordinance); the terms of any applicable employment contracts, CBAs and benefit plan documents; and all federal, state, and local laws and regulations.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 6/18/12
- Reviewed 4/8/16
- Amended 5/19/16
- Amended 1/21/21



### **Employment Outside of the College**

Full-Time Employees are expected to devote their professional energies to the mission of the College. If Full-Time Employees engage in remunerated outside activities, these activities should not interfere with their responsibilities and professional duties at the College. For all Employees, any remunerated outside activities must comply with the Policies and corresponding Administrative Procedures; the College's Ethics Ordinance; the terms of any applicable employment contracts and CBAs; and the provisions of applicable employee handbooks, guidebooks, manuals, and benefit plan documents.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 6/22/10
- Amended 2/24/11
- Reviewed 11/19/15
- Amended 2/3/16
- Amended 1/21/21



### **Employment Verification and References**

All requests for employment verification, references, and employment confirmation shall be directed to the Human Resources Department. The President, Vice President of Human Resources, and their designee(s) are authorized to provide verbal and written confirmation of employment on behalf of the College. No other Employees are authorized to provide such verification, confirmation, or references on behalf of the College.

The Vice President of Human Resources and his/her designee are authorized to develop and implement Administrative Procedures for requesting and supplying employment verifications, references, and confirmations of employment consistent with this Policy and the terms of applicable employment contracts and CBAs.

Authority: 110 ILCS 805/3-30, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Reduction in Force**

The President may recommend, and the Board may approve, a reduction in force of Employees in the event the Board determines that such a reduction is necessary based on financial exigency, program reduction, cost savings, or any other permissible reason under relevant state and federal laws, including the Community College Act; and the terms of any applicable employment contracts and CBAs.

The President, and/or his/her designee, in consultation with the Vice President of Human Resources, is authorized to develop and promulgate Administrative Procedures for the implementation of Board decisions described in this Policy, taking into consideration due process concerns as appropriate.

Authority: 110 ILCS 805/3-42; 110 ILCS 805/3B-2, 3B-4.

#### History:

- Adopted 3/19/09
- Amended 2/24/11
- Amended 1/21/21





### **Separation of Employment**

All separated Employees must return all College property, including without limitation all keys, keycards, fobs, identification badges and cards, Information Technology Equipment, paper and electronic files, documents, and records, in his/her possession, custody, or control to his/her supervisor on or before his/her last day of employment. In addition, separated Employees may be requested to participate in an exit interview prior to their last day of employment with the College for a review of the Employee's rights, obligations and benefits as a result of the separation.

The Vice President of Human Resources, and/or his/her designee, is authorized to develop and promulgate Administrative Procedures implementing this Policy, consistent herewith and with applicable state and federal laws and regulations and the terms of any applicable employment agreements and/or CBAs.

Authority: 110 ILCS 805/3-42; 110 ILCS 805/3B-5.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Discipline and Termination**

**Disciplinary Procedures.** In general, the College's disciplinary sequence is as follows:

1. Verbal warning, and a written notation of such action may be placed in the Employee's file with Human Resources;
2. Written reprimand, with a copy to the Employee's file in Human Resources;
3. Final written reprimand and/or up to one-week suspension without pay, with a copy to the Employee's file in Human Resources;
4. Temporary suspension status, with or without compensation and without assigned duties, until an investigation may be completed and final decision is reached as to reinstatement or dismissal. A notice of suspension shall be in writing, with copies provided to the Employee and Human Resources for inclusion in the Employee's file. If the employee is reinstated, compensation and other benefits may be retroactive to the date of suspension, as determined by the Vice President of Human Resources and/or his/her designee.
5. Dismissal.

The severity of an offense determines the disciplinary measure sequence. Final written warning and/or temporary suspension may be the first step in the disciplinary sequence for more serious offenses, as determined by the appropriate Vice President, in consultation with the Vice President of Human Resources or his/her designee, upon the recommendation of the Employee's supervisor. Performance evaluations may serve as a step in the disciplinary sequence.

## **Discipline and Dismissal Circumstances.**

Notwithstanding the foregoing general disciplinary sequence, disciplinary action, up to and including termination of employment, may result immediately from any circumstance that is detrimental to the operation of the College, including without limitation:

- Insubordination
- Refusal to perform assigned tasks or duties
- Unsatisfactory performance of assigned tasks or duties
- Excessive tardiness (defined as three or more instances of tardiness in one month)
- Excessive absence (defined as seven or more absences in a rolling 12-month year)
- Willful damage to College property and/or equipment
- Abusive behavior to co-workers, superiors, or subordinates
- Immoral, indecent, or disorderly conduct
- Unauthorized release of confidential information
- Misuse or abuse of College's Information Systems and/or Information Technology Equipment
- Falsification of a time sheet, employment application, or other employee record
- Theft or dishonesty
- Intoxication while on duty, or consumption of alcoholic beverages on College Premises
- Possession, use, or distribution of illegal drugs, including marijuana, on College Premises, or being under the influence of illegal drugs, including marijuana, while on College Premises
- Conviction of a crime

- Lying or lying by omission
- Physical or sexual abuse
- Other Employee misconduct or violation of College Policy.

### **Other Grounds for Termination.**

In addition to the foregoing, Employees may be discharged as part of a reduction in force, due to physical or mental incapacity, or where an Employee is otherwise unable to perform the essential functions of his/her position, as permitted by relevant state and federal laws and regulations.

The Vice President of Human Resources, and/or his/her designee, is authorized to develop and implement Procedures for disciplinary measure sequencing and the imposition of disciplinary measures, consistent with this Policy, and any applicable state and federal laws and regulation, the terms of applicable CBAs, and the terms of applicable employment contracts.

Authority: Illinois Public Community College Act, 110 ILCS 805/1, *et seq.*

### History:

- Adopted 4/16/09
- Rescinded 5/4/09
- Adopted 10/15/09
- Amended 1/21/21



### **Occupational and Environmental Health and Safety**

The College is committed to protecting the health and safety of the College's Employees. Meeting this commitment is a primary management objective and the individual and collective responsibility of all College Employees. Accordingly, College Employees are entitled to:

- (1) Work under safe conditions.
- (2) Wear and use personal protective clothing and equipment.
- (3) Have basic and, when necessary, specific health and safety training.

The Vice President for Administrative Affairs and his/her designee are authorized to develop and implement Administrative Procedures consistent with this Policy and applicable laws and regulations, including but not limited to the Illinois Occupational Safety and Health Act, 820 ILCS 219/1 *et seq.*, and related regulations, including 56 Ill. Admin. Code Part 350 and 29 C.F.R. Parts 1904, 1908, 1910 and 1926 (as those federal regulations are incorporated into Illinois law by 56 Ill. Admin. Code § 350.700), and the facility requirements under 23 Ill. Admin. Code § 1501.603(g)(2).

Authority: 110 ILCS 805/3-30; 820 ILCS 219/20; 56 Ill. Admin. Code Part 350.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Leave Policy**

The College will provide certain paid and unpaid time off from assigned College duties, including vacation time, personal time, and leaves of absence, to eligible Employees (hereinafter "Leave Days"). An Employee's eligibility for particular types of Leave Days, the number and method of accrual of such Leave Days, the conditions under which such Leave Days may be used, and the procedures for requesting and securing such Leave Days are determined by the Employee's position within the College, applicable Policies and corresponding Administrative Procedures, the terms of any applicable employment contracts or CBAs, and the relevant employee handbooks, guidebooks, and manuals, and/or benefit plan documents.

The number of Leave Days, the method of accrual of Leave Days, and the measure and extent of compensation for Leave Days shall be approved by the Board.

The Vice President of Human Resources and his/her designee shall have authority to develop, promulgate, and implement Leave Days Administrative Procedures and employee handbooks, guidebooks, and manuals consistent with this Policy and the terms of any applicable employment contracts and CBAs.

## **Forms of Leave**

Types of Leave Days offered by the College to eligible Employees may include the following:

Vacation Leave. The College will provide paid vacation leave from assigned College duties to eligible Employees.

Sick Leave. The College will provide all eligible Employees with paid sick leave days for recuperation from sickness or injury of the Employee, or sickness or injury of others, in accordance with the Community College Act, 110 ILCS 805/3-29.1 (Grant Sick Leaves), and the Illinois Employee Sick Leave Act, 820 ILCS 191/1 *et seq.*, or as otherwise required by law.

Personal Leave. The College will provide paid personal leave from assigned College duties to eligible employees.

Disability Leave. Certain eligible Employees may be entitled to disability leave and/or other disability benefits through the State Universities Retirement System ("SURS").

Family and Medical Leave Act ("FMLA") Leave. The College will comply with the federal Family and Medical Leave Act of 1993 ("FMLA"), as amended, 29 U.S.C. § 2601 *et seq.*, and the related FMLA rules and regulations, including 29 C.F.R. Part 825, with regard to all eligible Employees.

Military Leave. The College will comply with the Community College Act, 110 ILCS 805/3-26.1 (Active Military Service); the Illinois Military Leave of Absence Act, 5

ILCS 325/1 *et seq.*; the federal Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 *et seq.*; the Illinois Family Military Leave Act, 820 ILCS 151/1 *et seq.*; the Illinois Civil Air Patrol Act, 820 ILCS 148/1 *et seq.*; and any other applicable federal and state laws and regulations governing the employment rights and obligations with regard to Employees and their eligible family members who serve in designated branches of the U.S. Armed Forces and National Guard.

Bereavement Leave. The College will comply with the Illinois Child Bereavement Act, 820 ILCS 154/1 *et seq.* The College will further provide eligible Employees with paid bereavement leave.

Civic Duty Leave. All Employees are entitled to an unpaid leave of absence for jury duty or subpoenaed witness duty. An Employee summoned for jury duty or subpoenaed as a witness may request a paid leave of absence for same from his/her immediate supervisor. The Vice President of Human Resources, and his/her designee, shall have authority to approve or deny requests for paid leave.

Voting Leave. The College will comply with the Illinois Election Code, 10 ILCS 5/17-15, and allow eligible Employees up to two hours of paid leave for the purpose of voting in general elections, special elections, and elections at which propositions are submitted to popular vote in Illinois.

School Visitation Leave. The College will comply with the Illinois School Visitation Rights Act, 820 ILCS 147/15, and provide eligible Employees with unpaid leave to attend school conferences and/or classroom activities related to the Employee's child.

Personal Leave of Absence. Subject to approval of the President or his/her designee, the College may grant an Employee a leave of absence without compensation for a period of time up to one (1) year, including any time attributable to an unpaid FMLA leave. The College will run an Employee's leave granted under this Policy concurrent with the Employee's leave entitlement under the FMLA, when applicable. Eligible Employees may, at their own expense, continue their benefits during a personal leave of absence subject to the requirements of the College's insurance carriers.

In addition to the foregoing, certain Employees and/or employee groups may be entitled to additional types of Leave Days pursuant to the terms of employment contracts or CBAs. Employees should consult the relevant contracts, CBAs, Administrative Procedures, and employee handbooks, guidebooks and manuals for additional information regarding Leave Days, eligibility, and procedures for same.

Authority: 110 ILCS 805/3-26.1, 3-29.1, 3-42; 5 ILCS 325/; 10 ILCS 5/17-15; 820 ILCS 147/15; 820 ILCS 148/; 820 ILCS 151/; 820 ILCS 154/; 820 ILCS 191/; 29 U.S.C. §§ 2601-2654; 38 U.S.C. §§ 4301-4335; 29 C.F.R Part 825/; 820 ILCS 912.

History:

- Adopted 3/19/09
- Amended 1/21/21
- Amended 4/25/24



### **Workers' Compensation**

The College will provide benefits under the Illinois Workers' Compensation Act, 820 ILCS 305/1 *et seq.*, and the Illinois Workers' Occupational Diseases Act, 820 ILCS 310/1 *et seq.*, for eligible Employees who suffer accidental injury or disabling occupational disease arising out of and in the course of their employment with the College.

The Vice President of Human Resources and the Vice President of Administrative Affairs are authorized to develop and implement Administrative Procedures and processes consistent with this Policy, the Illinois Workers' Compensation Act, the Illinois Workers' Occupational Diseases Act, any other relevant federal or state law or regulation, and the terms of applicable CBAs.

Authority: 110 ILCS 805/3-42; 820 ILCS 305/1, *et seq.*; 820 ILCS 310/1, *et seq.*

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Retirement Benefits**

The College will make a program of retirement benefits available to eligible Employees. Available retirement benefits and an Employee's eligibility for same shall be determined by the Employee's position within the College, applicable Policies and corresponding Administrative Procedures, the terms of any applicable employment contracts or CBAs, and the relevant employee handbooks, guidebooks and manuals, and/or applicable benefit plan documents.

The President and his/her designee are authorized to develop and implement Administrative Procedures, employee handbooks, guidebooks and manuals, and benefit plan documents regarding Employees' eligibility for and the provision of retirement benefits consistent with Policies, relevant state and federal laws and regulations, and the terms of any applicable employment contracts and/or CBAs.

All changes to employee retirement benefits programs must be approved by the Board.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Tax Sheltered and Deferred Income Programs**

All eligible Employees may participate in tax-sheltered annuity and/or deferred compensation programs through payroll deduction in accordance with Section 403(b) (tax-sheltered annuities) and Section 457 (deferred compensation) of the federal Internal Revenue Code, 26 U.S.C. §§ 403(b), 457. The Board assumes no liability for the investment decisions of any 403(b) program or 457(b) program vendors or for financial losses or other declines in the value of investments in such programs.

Every retirement plan agent providing services pursuant to this Policy must provide the Vice President of Administrative Affairs and College Chief Financial Officer with a certification that it complies with all Internal Revenue Service ("IRS") guidelines and U.S. Treasury Regulations for administering 403(b) and 457 programs.

The President and his/her designee are authorized to develop and implement Administrative Procedures, employee handbooks, guidebooks and manuals, and benefit plan documents, consistent with this Policy and the terms of any applicable employment contracts and/or CBAs, for the approval of, provision of, administration of, and participation in tax-sheltered annuity and deferred compensation programs.

The College's Deferred Compensation Plan Committee is authorized to make administrative decisions related to the College's tax-sheltered annuity and/or deferred compensation programs, consistent with this Policy and any corresponding Administrative Procedures.

Authority: 110 ILCS 805/3-31, 3-42.

History:

- Adopted 3/19/09
- Amended 2/24/11
- Amended 1/21/21



### **Tuition Assistance and Waivers**

The College may offer a tuition assistance and/or tuition waiver program to eligible Employees and/or their eligible family members. Eligibility for any such tuition assistance and/or tuition waiver programs is determined by the Employee's position within the College, the terms of any applicable employment contracts and/or CBAs, and the relevant employee handbooks, guidebooks and manuals, and/or benefit plan documents.

The eligibility of employee groups for tuition assistance and waivers and the amounts thereof shall be approved by the Board. The registration of an Employee or an eligible family member in a particular course shall not preclude the cancellation of a course for any reason, including without limitation insufficient enrollment.

The President and his/her designee shall have authority to develop, promulgate, and implement tuition assistance and waiver Administrative Procedures and employee handbooks, guidebooks, and manuals consistent with this Policy and the terms of any applicable employment contracts, CBAs, and other Policies, including without limitation caps on tuition-free enrollment in particular courses.

Authority: 110 ILCS 805/3-30, 3-31, 3-42, 3-45.

History:

- Adopted 3/19/09
- Amended 1-21-21



## **Professional Development**

The Board recognizes the need for, and is committed to providing for, the professional growth of College Employees. As such, the College encourages its Employees to continue their formal education at the College and other institutions of higher education. The College will reimburse eligible Employees for the cost of tuition for the successful completion of course work or equivalent study, in an amount not to exceed that which is budgeted and approved for the Fiscal Year. "Successful completion" is determined on a case-by-case basis, but in general shall mean: (1) receipt of a grade of C or better, in the case of a graded course; (2) receipt of a passing grade, in the case of a pass/fail course; (3) receipt of a certificate, certification, credential, or other accolade, in the case of a certification or credentialing course; or (4) the awarding of a degree or diploma, in the case of a program of study.

An Employee's eligibility for professional development reimbursement is determined by: the Employee's position within the College; applicable federal and state laws and regulations; the terms of any applicable employment contracts and CBAs; and the relevant employee guidebooks, Policies, and Administrative Procedures.

The eligibility of Employee groups for professional development reimbursement and the annual limit of individual reimbursement shall be approved by the Board.

The Vice President of Human Resources and his/her designee, in consultation with the President, shall have authority to develop, promulgate, and implement professional development Administrative Procedures and employee guidebooks, consistent with federal and state laws and regulations, the terms of any applicable employment contracts and CBAs, and Board Policies.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Employee Assistance Program**

The College will offer an Employee Assistance Program (“EAP”) to provide confidential and voluntary assistance to all Employees, and their immediate family members, when faced with challenges relating to personal matters (such as marital, financial, or emotional problems; illness of a family member; or substance or alcohol abuse) that may be adversely affecting their work performance. For the welfare of Employees as well as for effective College operations, the College encourages its Employees to take advantage of the EAP.

The Vice President of Human Resources and his/her designee are authorized to develop and implement Administrative Procedures and employee handbooks and guidebooks for the provision and use of the EAP, consistent with this Policy and the terms of any applicable employment contracts and CBAs.

Authority: 110 ILCS 805/3-30, 3-31.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Insurance Benefits**

The College provides an insurance program for eligible Employees, which may include health insurance, group term life insurance, and/or other insurance coverages. In addition, the College may offer eligible Employees the option to purchase certain supplemental insurance coverage at the Employee's sole expense. An Employee's eligibility for particular insurance coverage and benefits is determined by the Employee's position within the College and the terms of any employment contract or CBA covering that Employee.

The terms and conditions of the insurance programs provided by the College are those currently in effect under the relevant insurance policies and/or benefit plan documents, or as modified in the future. The Vice President of Human Resources and/or his/her designee shall maintain details of all College insurance programs and benefit plans in the Human Resources Office.

The Board shall determine the extent of insurance coverage and the ratio of cost-sharing between the College and Employees, in accordance with the terms of any applicable CBA(s), relevant federal and state laws and regulations, and employee guidebooks. The Board reserves the right to eliminate, modify, or change insurance benefits and/or coverage as necessary or appropriate based on budgetary, cost, or other factors, consistent with any applicable limitations in CBAs or laws.

The College's insurance programs will be administered consistent with all provisions of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. 104-191, and regulations promulgated thereunder, 45 C.F.R. Parts 160, 162, and 164; all other applicable federal and state laws and regulations; Policies; and the terms of applicable employment contracts, employee guidebooks, and CBAs.

The President and his/her designee are authorized to develop, implement and publish Administrative Procedures, employee handbooks, guidebooks, and manuals, and benefit plan documents consistent with this Policy, applicable state and federal laws and regulations, and the terms of applicable CBAs.

Authority: 110 ILCS 805/3-31.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Remote Work Arrangements**

The College may provide remote work arrangements to eligible employees, based on the needs of the College and the best interests of the students. All requests for remote work shall be administered per the applicable Administrative Procedure.

In addition, emergency remote work arrangements may be issued at the directive of the President and/or his/her designee in the occurrence of an emergency, including but not limited to, weather, natural disaster, or public health crises/disaster.

The President, and/or his/her designee, in consultation with the Vice President of Human Resources, is authorized to develop and promulgate Administrative Procedures for the implementation of remote work arrangements described in this Policy.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 10/20/22



### **Duties Of The President**

The President is the chief executive officer of the College. The President derives his authority from, and is directly responsible to, the Board and the public. The primary responsibility of the President is to provide the leadership that enables the College to establish and achieve, to the greatest extent possible, its philosophy, mission and vision, and goals as approved by the Board in accordance with applicable provisions of the Community College Act. The specific duties of the President directly relate to the internal operation of the College and the College community at large. The President shall behave with the highest of ethical standards in carrying out the duties of the office. The President may delegate responsibilities as appropriate.

**Duties and Responsibilities to the Board.** The President is responsible to the Board for preparing, suggesting, ensuring Employee compliance with, and executing Policies and for implementing the Administrative Procedures in support of Policies. The President will:

- (1) Prepare and recommend to the Board the following:
  - (a) The budget and all budgetary ancillary processes;
  - (b) Educational programs;
  - (c) Facilities requirements; and
  - (d) Other matters necessary for the proper operation and control of the College.
- (2) Advise the Board by providing sufficient and timely information to enable all Trustees to make informed decisions, including providing for a budgetary cycle to facilitate Board review and approval; and in ensuring the Strategic Long-Range Plan is crafted consistently with the goals of the Board.
- (3) Inform the Board of the state of affairs, problems, and progress in appropriate aspects of the College's development.
- (4) Inform the Board of statutory duties requiring action in a manner sufficiently timely for the Board to take deliberative, considered action.
- (5) Serve as the Board's liaison with the College's Students, Faculty, Administration, and Personnel.
- (6) Prepare the agendas for Board meetings consistent with direction from the Board Chairman and Vice-Chairman and attend Board meetings, except when the President's own employment is being considered.

- (7) Immediately advise the Board of other administrative matters that arise for which no provision has been made in law or by Policy, to enable the Board to determine the appropriate action or response.
- (8) Follow directives issued by the Board relating to the direction and vision of the College (any four voting Trustees may issue directives to the President, provided that the directive is not in conflict with any other act or directive called for by a majority of the Board).
- (9) Be accessible to Trustees and assist in securing information Trustees require to competently execute their duties, where possible.

**Duties and Responsibilities to the College.** The President, as the chief executive officer, will develop an appropriate administrative organization for the management of the College, consistent with the will and direction of the Board and the public interest, as well as administrative guidelines that are fully consistent with Policy and Administrative Procedures.

The President may delegate responsibility as deemed appropriate. The President will:

- (1) Conduct strategic planning activities, including coordinating the development and execution of the Strategic Long-Range Plan.
- (2) Identify the educational needs of the community and develop programs and curricula to meet those needs.
- (3) Review and evaluate College programs, services and Employee performance on a continuing basis.
- (4) Recommend personnel actions including employment, retention and dismissal of Employees to the Board, unless the Board has conferred the authority to the President.
- (5) Direct the financial and physical operations of the College.
- (6) Maintain accreditation from the HLC and any other accreditation body overseeing any College program offered for academic credit.
- (7) Prepare and submit reports required by local, state and national agencies.
- (8) Direct and coordinate aspects of Student life and development.
- (9) Provide leadership to College Personnel by maintaining a high degree of ethics and professionalism, implementing sound and just policies, and promoting Employee morale.
- (10) Identify lawful opportunities to expand the College's funding sources and scholarship funding for Students.



**Duties and Responsibilities to the College Community.** The President will use best efforts to engage in activities that support the goals and educational mission of the College; to build public trust; and to maintain the good will of the various constituencies in District No. 502. The President will:

- (1) Communicate the role and services of the College to the community and coordinate appropriate efforts to involve the community in the College.
- (2) Participate directly, on behalf of the College, in the affairs of the community to improve the community's perception of the College and encourage Employees to take an active part in the concerns of the College as a whole.
- (3) Work cooperatively with elementary and secondary school districts, community colleges, and four-year colleges and universities to develop educational opportunities for Students.
- (4) Develop a positive working relationship with the business and industrial community.
- (5) Represent the College locally, statewide, nationally and internationally.
- (6) Influence the development of local, state, and national educational policies consistent with the public interest and to assist Students in District No. 502.
- (7) Be a good steward of College funds consistent with the College's educational mission.

**Statements on Behalf of the College.** The President shall not make or issue any statement regarding social or political issues on behalf of the College, unless expressly directed to do so by the Board.

Authority: 110 ILCS 805/3-26, 3-42, 3-75.

History:

- Adopted 3/19/09
- Reviewed 4/8/16
- Amended 5/19/16
- Amended 1/21/21



### **Evaluation Of The President**

The Board will evaluate the President within 120 days of the end of each Fiscal Year. The Board will establish procedures and criteria in consultation with the President to facilitate the evaluation process, which shall include, without limitation, an evaluation of the President's performance of his/her duties as enumerated by Policy. A written copy of the Board's evaluation will be provided to the President and placed in his/her personnel file.

Authority: 110 ILCS 805/3-75.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Advisory Committees**

The President is authorized to form advisory committees consisting of Employees representing the College's constituency groups and Students, as well as representatives of the College community for the purpose of addressing important issues facing the College.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1-21-21



### **Duties And Assignment Of Administrators**

The President may identify and recommend individuals for appointment to positions within the College Administration to the Board for final approval. Administrators will be issued a written employment contract, and a copy of such contract will be maintained in the Administrator's personnel file.

The specific duties and responsibilities of each Administrator shall be directed by the President and defined in the applicable job description, which shall be maintained by the Human Resources Department.

Authority: 110 ILCS 805/3-26.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Administrator Compensation**

**Salary.** The President is authorized to establish criteria for determining the initial salary placement (the “Appointment Salary”) for each newly hired Administrator and to make recommendations to the Board for Administrator Appointment Salaries. The Board will approve all Appointment Salaries and any subsequent changes in salary.

**Benefits.** Administrators will be provided employee and leave benefits as approved by the Board. Administrators may also qualify for retirement benefits.

Authority: 110 ILCS 805/3-26, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Evaluation of Administrators**

The performance of all Administrators shall be evaluated prior to the end of each Fiscal Year.

**Vice Presidents/Direct Reports to the President.** The President shall conduct the evaluations of each of the College's Vice Presidents and each of the Administrators designated as direct reports to the President. The President shall establish criteria and procedures for conducting such evaluations. A copy of each evaluation shall be provided to the subject Vice President or Administrator, and it shall be made available to the Board upon request.

**All Other Administrators.** The President and/or the Administrator's supervisor shall conduct the evaluations of each Administrator who does not directly report to the President. Such evaluations shall be conducted in accordance with criteria and procedures established by the President. A copy of each evaluation shall be provided to the subject Administrator and the Vice President of Human Resources, and it shall be made available to the President and/or the Board upon request.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1-21-21



### **Tenure and Return to Faculty - Administrators**

Administrators are not eligible for tenure. A tenured Faculty member who is subsequently appointed as an Administrator shall retain his/her tenured status in a teaching position only and will retain his/her seniority in his/her respective discipline for a period of two years following his/her appointment to an Administrator position. If such an Administrator does not return to Faculty status within two years of his/her appointment, he/she will not retain tenure.

If such an Administrator returns to Faculty status within two years of his/her appointment to an Administrator position, he/she will be placed at the step and range placement within the Faculty salary schedule as though he/she had not left that status. Credits earned in the Administrative Development Program will not be applied toward range placement in this situation.

An Administrator who did not attain tenured Faculty status prior to his/her appointment as an Administrator ("Non-Tenured Administrator") and who returns to Faculty status will be placed at the highest earned step and range placement within the Faculty salary schedule as though he/she had not left that status. Credits earned in Professional Development will not be considered in range placement in this situation. Time spent as an Administrator shall not count toward tenure.

Authority: 110 ILCS 805/3-32, 3-42; 110 ILCS 805/Art. IIIB.

History:

- Adopted 1/21/21



### **Administrator Appeal Process**

The President, in consultation with the Vice President of Human Resources, is authorized to develop and implement an appeal process for matters of unpaid suspension and/or termination of employment of Administrators. An Administrator may request a review of his/her case by the Board if dissatisfied with the outcome of an appeal.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Full-Time Faculty**

The College is committed to the recruitment and selection of competent and outstanding Full-Time Faculty to carry out the College's mission and maintain its excellence in education. The President, with the assistance of the Administration, will identify and recommend individuals for employment as Full-Time Faculty to the Board for final approval.

**Bargaining Unit.** The College recognizes CODFA as the bargaining representative of College Full-Time Faculty. All matters agreed upon between the Board and CODFA, including without limitation, salary schedules, benefits, grievance processes, employment conditions, evaluation procedures, job responsibilities, duties, rights and obligations, are contained in the CODFA CBA. To the extent that a Policy is inconsistent with the terms of the relevant CBA, the terms and provisions of the CBA control.

**Benefits.** The College will comply with all state and federal anti-discrimination laws and regulations with regard to the provision of benefits to Full-Time Faculty.

**Compensation.** Upon recommendation from the President or his/her designee, the Board will approve the initial salary placement for Faculty members on the appropriate Faculty salary schedule.

**Tenure.** On an annual basis, the President will present the Board with his/her recommendation as to which Full-Time Faculty members should receive tenure for the Board's approval. Such recommendations and approval or denial of tenure shall be made in accordance with the Community College Act and the relevant provisions of the CODFA CBA.

Authority: 110 ILCS 805/3-26, 3-32, 3-42; 110 ILCS 805/Art. IIIB.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Full-Time Faculty Appeal Process**

The College will provide an appeal mechanism for Full-Time Faculty members for those decisions that affect a member's property rights. This Policy will be administered consistent with state and federal law and the terms of any applicable CBAs.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Part-Time Faculty**

The College is committed to the recruitment and selection of highly competent Part-Time Faculty to carry out the College's mission and maintain its excellence in education.

**Limited, Temporary Assignments.** Part-Time Faculty positions are limited, temporary assignments based on the needs of the College and do not have any guarantees of continued employment or assignment. The Provost and his/her designee shall have authority to assign Part-Time Faculty to positions within the College, based on a continual assessment of the needs and interests of Students and the College community.

**Bargaining Unit.** The College recognizes CODAA as the bargaining representative of College Part-Time Faculty. All matters agreed upon between the Board and CODAA, including without limitation, salary schedules, benefits, grievance processes, evaluation procedures, job responsibilities, duties, rights and obligations, are contained in the CODAA CBA. To the extent that a Policy is inconsistent with the terms of the relevant CBA, the terms and provisions of the CBA control.

**Benefits.** The College will comply with all state and federal anti-discrimination laws and regulations with regard to the provision of benefits to Part-Time Faculty.

**Compensation.** Pay rates for Part-Time Faculty will be established by the Board, consistent with state and federal law and the terms of any applicable CBAs.

Authority: 110 ILCS 805/3-26, 3-31, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Part-Time Faculty Appeal Process**

The College will provide an appeal mechanism for matters of unpaid suspension and/or termination of employment of Part-Time Faculty. To the extent not provided for in an applicable CBA, the Vice President of Human Resources and his/her designee are authorized to develop and implement appeal procedures consistent with this Policy, state and federal law, and the terms of any applicable employee guidebooks.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Faculty Employment Information**

The College shall provide Faculty with information, procedures, processes, rules and regulations with respect to their employment with the College. The President and his/her designee, in consultation with the Vice President of Human Resources, shall have authority to develop, promulgate, and implement Administrative Procedures, employee guidebooks, and benefit plan documents consistent with Policies and the terms of any applicable CBAs and employment contracts.

Authority: 110 ILCS 805/3-30, 3-32, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Spoken English Language Proficiency for Faculty**

The ability to use spoken English effectively is an essential skill for Faculty. The College will assess oral English language proficiency of all persons providing classroom instruction to Students to ensure they are orally proficient in the English language or that they attain such proficiency prior to the provision of classroom instruction.

The President and his/her designee are authorized to develop and implement Administrative Procedures for the assessment and evaluation of oral proficiency in the English language consistent with this Policy and the Community College Act.

Authority: 110 ILCS 805/3-29.2.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Substitute Assignments**

With prior approval of the supervising Dean or his/her designee, qualified persons may serve as substitute instructors for Faculty in the event of the absence of a Faculty member.

Compensation shall be paid to substitutes in accordance with the Part-Time Faculty rates. Where a substitute assignment does not exceed one-half the duration of a course, compensation will be paid on an hourly basis for actual hours worked. If the substitute assignment exceeds one-half the duration of the class, compensation will be paid on a pro-rata basis of the total compensation for the class, calculated using the applicable Part-Time Faculty pay schedule.

The Vice President of Human Resources, in consultation with the Provost and/or his/her designee, shall have authority to develop and implement Administrative Procedures, employee guidebooks, employee handbooks, and manuals for the provision, approval, and compensation of substitute instructors consistent with this Policy and the terms of any applicable CBAs.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Faculty Qualifications**

The College assigns faculty whose education, training, and experience meet the requirements and guidelines specified by the Higher Learning Commission (HLC), the Illinois Community College Board (ICCB), and the curriculum. These qualifications must adhere to all governing body standards and requirements, including state laws, relevant specialized accreditations, and other pertinent agencies and laws.

Authority: 110 ILCS 805/3-30, 3-42

Cross-reference: Board Policy No. 4.31 (Full-Time Faculty); Board Policy No. 4.33 (Part-Time Faculty)

History:

- Adopted May 16, 2024





### **Managerial Employees**

**Assignment.** The President, in consultation with and upon recommendation of the appropriate Cabinet Officer, has the authority to assign or reassign Managerial Employees. Such assignment and reassignment shall be based upon a continual assessment of the needs and interests of the College and the College community. The duties and responsibilities of Managerial Employees are determined by the Managerial Position Job Descriptions maintained by the Human Resources Department. The Vice President of Human Resources, or his/her designee, and the appropriate supervisor will be responsible for informing and orienting Managerial Employees regarding their job duties and responsibilities.

**Wages and Salaries.** The President is authorized to establish criteria for determining the initial wage or salary placement for each newly hired Managerial Employees. Each Fiscal Year, the Board will consider, and, where appropriate, approve a compensation increase pool for Managerial Employees.

**Benefits.** Managerial Employees will be provided employee and leave benefits as approved by the Board. Managerial Employees may also qualify for retirement benefits.

The President and/or his/her designee, shall have authority to develop and implement Administrative Procedures, employee guidebooks, and benefit plan documents for the employment and benefiting of Managerial Employees consistent with Policies and applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 5/19/16
- Amended 1/21/21



### **Managerial Employee Appeal Process**

The President, in consultation with the Vice President of Human Resources, is authorized to develop and implement an appeal process for matters of unpaid suspension and/or termination of employment of Managerial Employees. A Managerial Employee may request a review of his/her case by the Board if dissatisfied with the outcome of an appeal.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 1/21/21



## **Classified Employees**

**Assignment.** Assignment or reassignment of Classified Employees is delegated to the Administration and shall be based upon a continual assessment of the needs and interests of the Students and the College community.

Generally, the duties and responsibilities of Classified Employees are determined by the particular requirements of the position. These requirements shall be defined in the Classified Position Descriptions provided by the Human Resources Department on the College's website. The Vice President of Human Resources, or his/her designee, and the appropriate supervisor will be responsible for informing and orienting Classified Employees regarding their job duties and responsibilities.

**Compensation.** Classified Employees will be compensated in accordance with the Classified Employee compensation schedule as set forth on the Human Resources page on the College's website, or, where applicable, the terms of a CBA.

**Eligibility for Benefits.** Regular Employees, Grant Employees, and Probationary Employees may be eligible for retirement or other benefits. The President and his/her designee have the authority to make recommendations for the provision of benefits to Classified Employees to the Board for approval. All changes to Classified Employee benefits must be approved by the Board.

**Vacation and Holidays.** The College will provide vacation, paid holidays, and certain forms of paid and unpaid leave allowances for Classified Employees.

Full-Time Classified Employees and Part-Time Classified Employees who work 30 hours or more a week are eligible for certain forms of paid and unpaid leave and vacation time.

Full-Time Classified Employees and Part-Time Classified Employees who work 20 hours or more a week are eligible for paid holidays. Holidays observed as paid legal holidays will be approved by the Board on an annual basis.

**Transfer and Reclassification.** Administrators may make recommendations to the President regarding reclassification of Classified Employees. The President has authority to approve such reclassifications.

**Evaluation.** No less than once each Fiscal Year, each Classified Employee shall be the subject of a written performance evaluation by his/her supervisor. Upon completion of a written evaluation, a copy will be provided to the Classified Employee. The Vice President of Human Resources, in consultation with responsible Administrators, shall develop and implement criteria and processes for annual and periodic performance evaluations of Classified Employees.

The President and his/her designee shall have authority to develop and implement Administrative Procedures, employee guidebooks, and benefit plan documents for the employment and benefiting of Classified Employees consistent with the Policies, applicable state and federal laws and regulations, and the terms of any applicable CBAs and employment agreements.

Authority: 110 ILCS 805/3-26, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Classified Employee Appeal Process**

The College will provide an appeal process for matters of adverse employment action and/or employment decisions affecting the welfare of certain groups of Classified Employees.

This Policy, and any appeal process promulgated pursuant to this Policy, shall apply to:

- (1) Full-Time and Part-Time Regular Employees; and
- (2) Full-Time and Part-Time Grant Employees during the grant period.

The Vice President of Human Resources is authorized to develop and implement Administrative Procedures, employee handbooks, and employee guidebooks for such appeal process consistent with this Policy, relevant state and federal laws and regulations, and the terms of any applicable CBAs.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Classified Staff Association Bargaining Unit**

The College recognizes CSA as the sole and exclusive bargaining representative of all Full-Time and Part-Time Regular Employees with the titles delineated in the Grounds Maintenance CBA (hereinafter, “Groundskeeper Personnel”). All matters agreed upon between the Board and CSA, including without limitation, salary schedules, benefits, grievance processes, evaluation procedures, job responsibilities, duties, rights and obligations, employment conditions, and disciplinary measures and processes, are contained in the Grounds Maintenance CBA.

To the extent that a Policy is inconsistent with the terms of the relevant CBA, the terms and provisions of the CBA control. The College will comply with all state and federal anti-discrimination laws and regulations with regard to the provision of benefits to Groundskeeper Personnel.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



**College of DuPage Police Department and Personnel**

The College is committed to maintaining a safe and secure Campus and providing for a highly competent College Police Department.

The College recognizes the Illinois Fraternal Order of Police Labor Council (the “Union”) as the sole and exclusive bargaining representative of all College Police. All matters agreed upon between the Board and the Union, including without limitation, salary schedules, benefits, grievance processes, duties, rights and obligations, employment conditions, and disciplinary measures and processes, are contained in the College Police CBA.

To the extent that a Policy is inconsistent with the terms of the relevant CBA, the terms and provisions of the CBA control. The College will comply with all state and federal anti-discrimination laws and regulations with regard to the provision of benefits to College Police.

The Chief of the College Police Department, in consultation with the President and Vice President of Administrative Affairs and/or their designee(s), is authorized to develop and implement Administrative Procedures for the operations of the College Police Department, consistent with the Policies, local, state and federal laws and regulations, and the terms of any applicable CBAs and employee guidebooks.

Authority: 110 ILCS 805/3-42, 3-42.1.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Police Department Employee Drug and Alcohol Testing**

The College will maintain an employee drug and alcohol testing program for College Police.

The following rules shall apply to all College Police, including Probationary and Regular Employees, and applicants for positions within the College Police Department:

- (1) No Employee or applicant shall use, possess, sell, purchase or deliver any illegal drug at any time, whether on or off duty, unless in accordance with duty requirements.
- (2) No Employee shall use or be under the influence of alcohol while on duty.
- (3) No Employee shall possess, sell or deliver alcohol while on duty except in the execution of the responsibilities of his/her position.
- (4) No Employee or applicant shall sell any controlled substance at any time, whether on or off duty, unless in accordance with duty requirements.
- (5) No Employee or applicant shall possess, purchase, deliver or use any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
  - (a) An Employee shall notify his/her immediate supervisor when required to use prescription medicine that he/she have been informed has the potential to impair job performance. The Employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.
  - (b) The supervisor shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file.
  - (c) When appropriate, the Employee may be temporarily reassigned to other duties.
- (6) No Employee shall use any prescribed medication in amounts beyond the recommended dosage that could result in impairments while on duty.
- (7) Any Employee who unintentionally uses, or is made to use, a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the Employee's health and safety.



- (8) An Employee must notify the Vice President of Human Resources or his/her immediate supervisor the workday immediately following conviction arising from a drug or alcohol related offense.
- (9) Any Employee having a reasonable basis to believe that another Employee is illegally using or is in possession of any illegal drug or controlled substance or is illegally in possession of or under the influence of alcohol while on duty, shall immediately report the facts and circumstances to his/her supervisor.
- (10) Discipline of Employees for violation of this Policy shall be in accordance with the Policies and corresponding Administrative Procedures, within the due process rights provided in the Police Department's discipline and grievance procedures, and within the College Police CBA.

Authority: 110 ILCS 805/3-30; 3-42, 3-42.1.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Operating Engineers**

The College recognizes the International Union of Operating Engineers Local No. 399 (the “Union”) as the sole and exclusive bargaining representative of all full-time and part-time operating engineers, maintenance mechanics, and helpers and trainees employed in the College’s Engineering Department (hereinafter, “Engineering Personnel”). All matters agreed upon between the Board and the Union, including without limitation, salary schedules, benefits, grievance processes, duties, rights and obligations, employment conditions, and disciplinary measures and processes, are contained in the Engineers CBA.

To the extent that a Policy is inconsistent with the terms of the relevant CBA, the terms and provisions of the CBA control. The College will comply with all state and federal anti-discrimination laws and regulations with regard to the provision of benefits to Engineering Personnel.

Authority: 110 ILCS 805/3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Externally Funded Grant Employees**

Solicitation of grant applications for external funding that will enable the College to fulfill its mission is encouraged. The intent of all grant projects will be to help achieve institutional goals more quickly and cost effectively than otherwise would be possible.

The President or his/her designee shall approve all Grant Employee positions that are externally funded. The continuation of Grant Employee positions is subject to continued funding from the respective grant. The President or his/her designee shall approve the conversion of any Grant Employee position to a Regular Employee position.

Authority: 110 ILCS 805/3-39, 3-39.1, 3-42.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **SECTION 5: STUDENT AFFAIRS**

- 5.01 – Student Admissions and Enrollment
- 5.02 – Enrollment Opportunities at Cooperative Institutions
- 5.03 – Tuition and Student Fees
- 5.04 – Student Handbook, College Catalog, and Registration Guides
- 5.05 – Student Services: Counseling, Advising, and Transfer Services
- 5.06 – Student Services: Student Financial Assistance
- 5.07 – Scholarships
- 5.08 – Student Services: Health and Wellness
- 5.09 – Student Services: Career Services
- 5.10 – Student Information That is Fair, Accurate, and Complete
- 5.11 – Student Accounts
- 5.12 – Privacy of Student Records – Family Education Rights and Privacy Act (FERPA)
- 5.13 – Sexual Assault Awareness Education
- 5.14 – Campus Media
- 5.15 – Code of Student Conduct
- 5.16 – Code of Academic Conduct
- 5.17 – Student Standards of Assessment and Academic Progress
- 5.18 – Accommodation of Religious Observances
- 5.19 – Academic Grievances
- 5.20 – Intercollegiate Athletics

## 5.21 – Student Clubs and Organizations



### **Student Admissions and Enrollment**

The College will maintain standards for admission of qualified Students, including, where appropriate, program-specific admission requirements. The College will publish its admission standards annually in the Student Handbook, College Catalog, Registration Guides, and elsewhere. Admission to the College does not guarantee entrance into a particular course or program of study.

The College's standards for admission will reflect its commitment to providing accessible education to the multicultural community it serves and to its high ethical standards. Where space constraints prohibit admission of otherwise qualified applicants, the College will accept those best qualified using rank in class and aptitude tests as guides. The College will give preference to in-district residents and students of other community colleges with which the College has a contractual arrangement for the mutual exchange of students.

With respect to enrollments, preference shall be given to all "service members" and "veterans," as those terms are defined in section 3-29.10(a) of the Community College Act, so that they receive priority enrollment as prescribed by law. Currently enrolled Students returning from active military service shall be given priority over all other Students in reenrolling in any unfinished course or courses from which they needed to withdraw upon being called to active military service.

The College will not admit applicants who are unlikely to benefit from college-level courses. Where appropriate, the College may recommend remedial education to prepare an applicant for college-level coursework and, upon satisfactory completion of such remedial coursework, reconsider admission. To recruit and retain more women and minorities in fields where they are underrepresented, the College will arrange special courses to help them overcome any prior educational deficiencies.

Otherwise qualified applicants who have a demonstrated history of academic dishonesty, criminal behavior or other serious misconduct may be denied admission at the College's discretion.

The College's admissions application shall contain a statement indicating agreement to be bound by the College's rules, including its Code of Student Conduct. By enrolling in College classes, Students agree to be bound by the College's Code of Student Conduct, Policies, Administrative Procedures, and other rules, guidelines, standards, and other criteria as may be issued from time to time.

The College will not unlawfully discriminate against any individual in its recruiting and/or admissions policies or decisions. The College's admission standards and decisions will reflect the College's diversity and anti-discrimination goals as supported by the College's Mission and Vision.

Authority: 110 ILCS 805/3-17, 3-26.5, 3-28, 3-29.10; 23 Ill. Admin. Code §§ 1070.402, 1501.402.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Enrollment Opportunities at Cooperative Institutions**

In order to increase the accessibility and breadth of its offerings, the College may enter into agreements with other institutions that enable Students to attend other institutions' programs and/or courses. A list of available opportunities will be published in the Student Handbook and College Catalog. Where the tuition and student fees of such programs and/or courses differ from programs and/or courses offered directly by the College, the College will disclose such tuition and student fees to Students and the public.

The Provost and his/her designee are authorized to develop and implement Administrative Procedures consistent with this Policy, the Community College Act, any other relevant federal or state law or regulation, and the College's CBA obligations.

Authority: 110 ILCS 805/3-40; 23 Ill. Admin. Code § 1501.307.

#### History:

- Adopted 3/19/09
- Amended 4/15/10
- Amended 1/21/21





### **Tuition and Student Fees**

The College will evaluate tuition rates and student fees on an annual basis and will publish the rates and fees taking effect for the Fall Semester to the public by March 31 of each year. Notice of intended or possible rate or fee increases is not required prior to publication.

Publication of the tuition rates and student fees, including the College's refund policy, will be fair, accurate and complete. Where tuition rates do not include additional student fees or expenses, the College will make appropriate disclosures to that effect.

The College may consider a variety of factors in setting tuition rates, including its mission, values, total cost of attendance, long-term planning goals, budgetary needs and the public good. The College may set variable tuition rates depending on the following factors:

- Residency. The College may set different rates depending on whether a Student resides within District No. 502 (an "in-district resident"); resides in Illinois outside of District No. 502 (an "out-of-district resident"); resides in the United States outside the State of Illinois (an "out-of-state resident"); or resides outside the United States (an "out-of-country resident"). The College will follow all statutes and regulations requiring that Students having certain characteristics, such as veteran status, receive the tuition rate set for in-district residents regardless of their actual residency status. In its discretion, the College also may classify other categories of Students who do not reside within District No. 502 as "in-district residents" for purposes of applying tuition rates consistent with Illinois law.
- Senior Citizens. The College may permit in-district residents who are "Senior Citizens," as that term is defined under section 1501.501, title 23, of the Administrative Code, 23 Ill. Admin. Code § 1501.501, to enroll in regularly scheduled credit courses, except those specifically designed for Senior Citizens, without payment of tuition, so long as classroom space exists and a minimum number of tuition-paying students are enrolled in the course.
- Additional Factors. The College may set variable tuition rates in its discretion based on a number of other factors, such as program type, term, time of enrollment, courses, and delivery method. Variation based on these other factors must be justified, such as where the cost of offering a particular program is higher than average.

The College may adopt program-, course- or activity-specific student fees as it deems appropriate.

The Board delegates to and authorizes the President to grant tuition waivers when such waivers will aid in achieving the mission and objectives of the College.

The President and his/her designee are authorized to develop and implement Administrative Procedures consistent with this Policy and relevant state and federal laws and regulations, including but not necessarily limited to the Community College Act, and corresponding provisions of the Administrative Code, and the federal Higher Education Opportunity Act of 2008, 20 U.S.C. § 1015a.

Authority: 110 ILCS 805/3-45, 6-4, 6-4a; 23 Ill. Admin. Code § 1501.505; 20 U.S.C. § 1015a.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Student Handbook, College Catalog and Registration Guides**

For every School Year, the College will publish, on-line or otherwise, three reference guides to communicate important information to prospective and enrolled Students:

- Student Handbook
- College Catalog
- Registration Guides

Administrative Procedures will be developed to ensure the permanent archival of the Student Handbook and College Catalog.

In general, the Student Handbook will contain important College policies regarding Student rights and responsibilities, including the most recent version of the College's Code of Student Conduct and Code of Academic Conduct, Campus safety and security policies, Title IX services, and the Student complaint procedure; Campus information and Student resources; and Student life and co-curricular opportunities.

In general, the College Catalog will provide important consumer information notices and disclosures; general information regarding the College's current Facilities, Faculty, and Administration; admissions policies and procedures; academic program descriptions; degree and graduation requirements; planned course offerings during the School Year; the Academic Calendar for the School Year; academic policies and procedures; payment and refund policies for tuition and fees; and general information for Students.

In general, each Semester Registration Guide will provide information specifically applicable to that Semester, including tuition rates and fees and admissions and course registration policies and procedures.

The College strives to provide Student Handbooks, College Catalogs, and Registration Guides that are fair, accurate, and complete; that reflect the most current information possible; and that comply with applicable legal and accreditation requirements. Questions concerning compliance with legal and accreditation requirements should be addressed promptly with the Office of the General Counsel.

The Provost, and/or his designee, in consultation with the President and, as necessary, the Office of the General Counsel, shall be responsible for drafting and publishing the Student Handbook, College Catalog, and Registration Guides for each Academic Year and ensuring their compliance with all federal and state laws and regulations and applicable accreditation standards and benchmarks.

Authority: 110 ILCS 805/3-30; 23 Ill. Admin. Code § 1501.404.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Student Services: Counseling, Advising, and Transfer Services**

The College will maintain a comprehensive and organized program of educational planning and career counseling. Counseling services will be made available at a time and in a manner convenient to the College's diverse student body. Counseling services will include personal assistance by qualified personnel to Students and prospective students according to their interests and abilities. Generally, the program should include orientation, individualized assessment, testing, advising, educational planning, guidance on ethical use of information resources, College Policies regarding academic honesty and integrity, and career counseling.

Primary emphasis will be placed on facilitating and supporting student success in learning through regular communications with Students and monitoring of their progress towards their educational objectives.

The College will notify Students of the availability of such counseling services clearly and conspicuously, in a form and manner that meets any applicable legal requirements.

The Assistant Provost of Student Affairs and his/her designee shall have authority to develop and implement Administrative Procedures for the provision of such academic and career counseling services, consistent with this Policy and applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-17; 23 Ill. Admin. Code § 1070.402; 23 Ill. Admin. Code §§ 1501.302, 1501.403.

History:

- Adopted 3/19/09
- Amended 2/24/11
- Amended 1/21/21



**Student Services: Student Financial Assistance**

The College will provide financial aid advising to prospective and enrolled Students regarding need-based and non-need-based federal, state, local, private and institutional aid. Generally, such services will include information regarding: (i) the types and availability of financial aid, (ii) the terms and conditions of loans and the importance of repaying debt, (iii) the criteria for obtaining and maintaining aid eligibility, (iv) the procedures for applying for aid, (v) the cost of attendance and (vi) any other information required by law, including entrance and exit counseling for first-time borrowers. Financial aid advising services will be made available at a time and in a manner convenient to the College's diverse student body.

The Assistant Provost of Student Affairs, and/or his/her designee, is authorized to develop and implement Administrative Procedures for the provision of such services consistent with this Policy and all applicable state and federal laws and regulations.

Authority: *Higher Education Act of 1965*, 20 U.S.C. § 485; *Higher Education Opportunity Act of 2008*, 20 U.S.C. §§ 1019-1019d; 20 U.S.C. §§ 1092(b)(1)(A), 1094(a); 34 C.F.R. Part 601; 34 C.F.R. §§ 668.41-668.43; *Truth In Lending Act*, 15 U.S.C. § 1638(e); 23 Ill. Admin. Code §§ 1070.402, 1501.403.

History:

- Adopted 3/19/09
- Amended 2/24/11
- Amended 1/21/21



### **Scholarships**

The College, with the assistance of the Vice President for Institutional Advancement and the Foundation and other charitable or philanthropic organizations or programs, will develop and administer a program of privately funded scholarships to provide financial support for eligible Students. Such privately funded scholarships provided by the College and/or Foundation are generally merit-based, need-based and/or College program-specific.

The Assistant Provost Student Affairs, and/or his/her designee, with the approval of the President, is authorized to develop and implement Administrative Procedures to effectuate the administration of the College's privately funded scholarship program in accordance with the provisions of this Policy and other Board Policies and with all applicable federal and state laws and regulations.

Authority: 110 ILCS 805/3-30; 23 Ill. Admin. Code § 1501.403.

#### History:

- Adopted 3/19/09
- Amended 1/21/21



**Student Services: Health and Wellness**

The health and wellness of the College community is of great importance. The College will provide health and wellness programs and services to Students where necessary or required by state or federal law, including mental health services. The College will notify Students of the availability of such services clearly and conspicuously, in a form and manner that meets any applicable legal requirements.

The Assistant Provost of Student Affairs and his/her designee are authorized to develop and implement Administrative Procedures for the provision of any health and wellness programs and services, consistent with this Policy, other Board Policies, and applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Student Services: Career Services**

The College will provide a program of robust career services to enrolled and former Students, including graduates and community members. Career services will be made available at a time and in a manner convenient to the College's diverse student body. Career services will include personal assistance by qualified personnel suited to the needs of the individual seeking guidance. Generally, the program will include assessments of each individual's interests and abilities, particularly as they relate to the job market, job search skills, introductions to local employers, and job market trends. The College will notify Students of the availability of its career services in such forms and manners that are practical and meet any applicable legal requirements.

The College will evaluate the success of graduates by tracking information regarding employment data and admissions to other gainful post-graduate activities, such as admission to an advanced degree program or participation in fellowships, internships or special programs such as the U.S. Peace Corps. The College will establish and maintain effective data collection, reporting and disclosure procedures meeting all applicable legal requirements regarding its career services and graduate outcomes, including, but not limited to, the requirements in section 485(a)(1) of the federal Higher Education Act of 1965, as amended, including by the Higher Education Opportunity Act, U.S. Pub. L. 110-315, § 488(a)(1), currently codified at 20 U.S.C. § 1092(a)(1); and related regulations, including 34 C.F.R. § 668.45.

The Assistant Provost of Student Affairs and his/her designee shall have authority to develop and implement Administrative Procedures for the provision of such career services and job placement assistance and Administrative Procedures for career services and graduate outcomes data collection, reporting, and disclosure. All such Administrative Procedures shall be consistent with this Policy, other Policies, all applicable state and federal laws and regulations (including, but not limited to 23 Ill. Admin. Code §§ 1070.402 and 1501.403), and the College's CBA obligations.

Authority: 20 U.S.C. § 1092(a)(1); 34 C.F.R. § 668.45; 23 Ill. Admin. Code §§ 1070.402, 1501.403.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Student Information that is Fair, Accurate and Complete**

The College is committed to presenting its offerings in a fair and complete way to Students and the public. Accordingly, the College will not knowingly provide false information or omit material information from its Student- or public-facing statements, whether written or oral. The College will adopt and maintain procedures sufficient to reasonably assure the accuracy and completeness of its offerings, information, material, and Student- and public-facing statements.

The College will comply with all applicable federal, state, local and accreditation requirements to provide material information to Students and the public, including, at a minimum, information about the College's Academic Calendar, grading, admissions, academic program requirements, tuition and student fees, refund policies, and student achievement expectations.

The College will adopt and maintain Administrative Procedures sufficient to: (i) assure accurate reporting and disclosure of information; (ii) maintain compliance with all federal, state, local and accreditation requirements as they may be amended or supplemented; and (iii) periodically update its processes in light of changing regulatory requirements; and (iv) ensure that its Student- and public-facing mandatory notices and disclosures are conspicuous and easily accessible.

The President and his/her designee are authorized to develop and implement the Administrative Procedures described herein and other Administrative Procedures that may be appropriate in accordance with this Policy and consistent with all applicable state and federal laws and regulations and any regulations or requirements promulgated by relevant accrediting bodies.

Authority: Federal *Family Educational Rights and Privacy Act*, 20 U.S.C. § 1232g, *et seq.*; 20 U.S.C. §§ 1011i, 1015a, 1015b, 1022d-1022g, 1092, 1094(a)(23); 105 ILCS 302/30; 23 Ill. Admin. Code §§ 1501.204, .302(a)(7).

History:

- Adopted 1/21/21



### **Student Accounts**

The College will establish and maintain Administrative Procedures regarding a student accounts system through which all student charges, fines, payments, and refunds will be recorded and processed. In general, the College's Administrative Procedures will address the confidentiality and accuracy of student account information and payment and refund processes and procedures. The College may adopt Administrative Procedures designed to ensure prompt payment of accounts payable, including payment plans, account holds, withholding of records and/or transcripts, and enrollment restrictions.

The President and his/her designee are authorized to develop and implement the Administrative Procedures described herein and other Administrative Procedures that may be appropriate consistent with this Policy and all applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-30; 3-45.

History:

- Adopted 3/19/09
- Amended 4/15/10
- Amended 1/21/21



**Privacy of Student Records–Family Educational Rights and Privacy Act (FERPA)**

The College strives to maintain complete and accurate student education records and to respect the rights and protections afforded Students by federal and state law regarding education records.

The Registrar, in conjunction with the Assistant Provost of Student Affairs (or his/her designee) and the Office of Student Records, is authorized develop and implement Administrative Procedures consistent with this Policy, other Board Policies, and applicable federal and state laws and regulations, including: the federal Family Educational Rights and Privacy Act of 1974 (also known as “FERPA”), U.S. Pub. L. 93-380, § 513, currently codified at 20 U.S.C. § 1232g, as amended, and related regulations, including 34 C.F.R. Part 99; section 3-60 of the Community College Act, 110 ILCS 805/3-60, and related regulations, including 23 Ill. Admin. Code § 1501.404.

Authority: 20 U.S.C. § 1232g; 34 C.F.R. Part 99; 110 ILCS 805/3-60; 23 Ill. Admin. Code § 1501.404.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Sexual Assault Awareness Education**

The College is committed to providing a safe and welcoming environment for all members of the College community. Accordingly, the College will adopt and maintain an educational program to instill awareness of sexual assault. The educational program shall be designed with the intention to prevent sexual assault and identify services for victims of sexual assault. The educational program shall be distributed to all incoming Students and those Students who are currently enrolled but did not previously receive the educational program.

This Policy is intended to be construed consistent with the Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155/1 *et seq.*, and section 3-29.3 of the Community College Act.

The Assistant Provost of Student Affairs and his/her designee are authorized to develop and implement Administrative Procedures to ensure the effectuation of this Policy, including the development and provision of a sexual assault awareness education program, and Administrative Procedures for requiring and ensuring attendance.

Authority: 110 ILCS 155/30; 110 ILCS 805/3-29.3.

History:

- Adopted 1/21/21



## **Campus Media**

The College is committed to the principle of free and open inquiry, deliberation and debate in all matters. Accordingly, the College does not engage in the unlawful restraint of “Campus Media,” as that term is defined in the section 5, 110 ILCS 13/5 of the Illinois College Campus Press Act, 110 ILCS 13/1 *et seq.* (the “Act”). Accordingly, as with all forms of expressive activity on Campus, the College is committed to the principle that Student expression through Campus Media must not be suppressed because the ideas put forth are thought by some, or even by most, members of the College community to be offensive, unwise, immoral, or wrong-headed; and the content of Campus Media, both College-sponsored and not College-sponsored, shall not be subject to prior review by public officials of the College.

Further, in order to foster Campus Media, the College may designate Facilities and/or other resources for use by Campus Media outlets, as detailed in the relevant Administrative Procedures. Such Administrative Procedures shall address content-neutral rules and requirements for obtaining access to such resources. The College may also appoint one or more “Collegiate Media Advisors,” as that term is defined in section 5 of the Act, to facilitate, supervise and/or provide instruction relating to Campus Media. The College’s provision of such resources is not intended to be, and should not be, construed as the College’s endorsement of the form or content of any Campus Media. Campus Media is not speech made on behalf of the College nor does it necessarily reflect the College’s views or policies.

This Policy is intended to be construed consistent with the Act and with federal statutory protections of student speech rights at institutions of higher education found at 20 U.S.C. § 1101a, as added by the Higher Education Amendments of 1998, U.S. Pub. L. 105-244, § 101(a), and amended by the Higher Education Opportunity Act, U.S. Pub. L. 110-315, § 104.

Nothing in this Policy should be construed as prohibiting the College from adopting objective and fair Administrative Procedures, rules, regulations, and guidelines to ensure the safe and orderly operation of the College. Notwithstanding any other provision of this Policy, nothing in this Policy permits the College to regulate the content of expressive activity in violation of the protections afforded by the First Amendment to the U.S. Constitution.

The President and his/her designee are authorized to appoint Collegiate Media Advisors and to develop and implement Administrative Procedures, rules, regulations, and guidelines governing Campus Media at the College, consistent with this Policy, all applicable state and federal laws and regulations, other Policies, and the College’s CBA obligations. Violations of those Administrative Procedures, rules, regulations, and guidelines may subject an individual to disciplinary action.

Authority: 20 U.S.C. § 1011a; 110 ILCS 13/.

Cross-reference: Board Policy No. 3.30 (Freedom of Expression on Campus).

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Code of Student Conduct**

The College is committed to its values of honesty, integrity, respect, responsibility, and equity. In keeping with these values, and subject to Board approval, the College maintains a Code of Student Conduct (sometimes hereinafter, the “Code”) to govern the behavior of Students as members of the College community. In general, the objectives of the Code of Student Conduct are to provide notice of the College’s expectations regarding Students’ behavior; to educate Students as to their rights and responsibilities vis-à-vis the College and other members of the College community; and to facilitate Students’ understanding of the balance between individual and College rights. In order to accomplish those objectives, the Code of Student Conduct shall include provisions that: (i) give notice of acts or omissions that are inconsistent with the College’s expectations; (ii) explain Student due process rights; (iii) set forth procedures for addressing alleged violations of the Code; and (iv) identify possible sanctions that may result from violating the Code.

The Dean of Students, and/or his/her designee, in conjunction with the President and, as necessary, the Office of the General Counsel, is responsible for developing, updating, maintaining, implementing, and publishing the Code of Student Conduct consistent with this Policy and for ensuring the Code’s compliance with all applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-30; 23 Ill. Admin. Code § 1501.404.

#### History:

- Adopted 3/19/09
- Reviewed 5/07/12
- Amended 7/19/12
- Amended 2/19/15
- Amended 1/21/21





### **Code of Academic Conduct**

The College is committed to the promotion of absolute integrity and high ethical standards of individual honesty in academic work. Accordingly, the College maintains a Code of Academic Conduct (sometimes hereinafter, the “Code”) with the objective of sustaining an environment in which Students recognize and demonstrate the importance of being accountable for their academic behavior. In general, the purpose of the Code of Academic Conduct is to inform Students of the College’s expectations regarding academic integrity. In order to accomplish that objective and purpose, the Code of Academic Conduct shall include provisions that: (i) provide a non-exhaustive list of forms of academic dishonesty from which Students are expected to refrain; (ii) explain Students’ due process rights; (iii) set forth procedures for addressing alleged violations of the Code; and (iv) identify possible sanctions that may result from violating the Code.

The Assistant Provost of Student Affairs, in conjunction with the Provost and the President and, as necessary, the Office of the General Counsel, is responsible for developing, updating, maintaining, implementing, and publishing the Code of Academic Conduct consistent with this Policy and for ensuring the Code’s compliance with all applicable state and federal laws and regulations.

Authority: 110 ILCS 805/3-30; 23 Ill. Admin. Code § 1501.404.

History:

- Adopted 7/19/12
- Amended 1/21/21



### **Student Standards of Assessment and Academic Progress**

The College is committed to objectively and consistently assessing learning outcomes and academic progress towards program completion. Accordingly, the College will adopt and maintain Administrative Procedures designed and intended to assist students with understanding the impact of their academic performance on their educational goals and progress towards completion.

The Provost and his/her designee, in conjunction with the President, are authorized to develop and implement Administrative Procedures consistent with this Policy and all applicable federal and state laws and regulations. In general, the Administrative Procedures will address the following: grading; impact of course withdrawal, course failure, and unsatisfactory academic achievement on progression of degree or certificate completion; financial aid, including loss of eligibility; the progression of standards of academic progress and associated enrollment restrictions; and the appeal processes available.

Authority: 20 U.S.C. § 1092(a)(1); 34 C.F.R. § 668.42; 110 ILCS 805/3-25; 23 Ill. Adm. Code §§ 1501.204, 1501.404, 1501.405.

History:

- Adopted 3/19/09
- Amended 4/15/10
- Amended 1/21/21



### **Accommodation of Religious Observances**

The College will reasonably accommodate the religious observances of individual Students with respect to admissions, class attendance, and the scheduling of examinations and work requirements. The College will adopt and maintain Administrative Procedures implementing this Policy, including reasonable notice requirements for Students to make a request for accommodation and grievance procedures for Students who believe they have been denied a reasonable accommodation. Those Administrative Procedures will be published by the College in the Student Handbook and College Catalog and provided to the Faculty. Along with those Administrative Procedures, the College will publish a copy of section 1.5, 110 ILCS 110/1.5, of the Illinois University Religious Observances Act, 110 ILCS 110/0.01 *et seq.* (the “Act”).

The Assistant Provost of Student Affairs, in conjunction with the Provost and with the approval of the President, is authorized to develop and implement Administrative Procedures consistent with this Policy and all applicable federal and state laws and regulations, and shall be responsible for ensuring proper publication of those Administrative Procedures and section 1.5 of the Act.

Authority: 110 ILCS 110/.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Academic Grievances**

Students have the right to appeal an adverse academic decision or action that directly affects a Student's status through a formal complaint procedure ("Academic Grievance Process") that is fair, reasonable, timely and provides requisite levels of due process. The Academic Grievance Procedure shall be published in the Student Handbook and/or such other location(s) so as to make it readily accessible to Students.

The Assistant Provost of Student Affairs, in consultation with the Provost and with the approval of the President, shall develop Administrative Procedures, rules and regulations necessary to prescribe and implement such Academic Grievance Process, which Administrative Procedures shall include a description of the necessary grounds and process for an academic appeal, consistent with this Policy, applicable state and federal laws and regulations, and the College's CBA obligations.

Authority: 110 ILCS 805/3-25.

History:

- Adopted 1/21/21



### **Intercollegiate Athletics**

Student athletics and intercollegiate athletic competition can be of great benefit to the College, including as a means for creating a greater sense of community and pride among Students, Faculty, Employees, alumni, and other citizens. A well-administered intercollegiate athletic program should bolster, but not detract from, the College's educational programs. Accordingly, the College may establish and maintain an intercollegiate athletic program ("Athletic Program"), consistent with the College's mission and values as determined by the Board, to enhance Campus and Student life.

In its Athletic Program, the College shall provide equitable opportunities for members of both sexes to participate in and enjoy the benefits of intercollegiate athletics as envisioned by the applicable provisions of Title IX of the federal Education Amendments of 1972, U.S. Pub. L. 92-318, §§ 901 *et seq.*, currently codified at 20 U.S.C. §§ 1681 *et seq.*, as amended, and related regulations, including 34 C.F.R. Part 106; and will develop Administrative Procedures and other rules and guidelines for ensuring equitable intercollegiate athletics opportunities for members of both sexes.

The College may affiliate with the National Junior College Athletic Association ("NJCAA") or other intercollegiate athletic association approved by the Board. The College intends to comply with the applicable rules and regulations of the NJCAA, or such other association it joins, to the extent they are consistent with the Illinois Collegiate Athletic Association Compliance Enforcement Procedures Act, 110 ILCS 25/1 *et seq.*, and other applicable federal, state and local laws and regulations. If the College receives notice of an alleged or possible violation of NJCAA (or other intercollegiate athletic association) rules, the Office of the General Counsel will be notified and will advise the College in its response to such notice in a manner set forth in applicable Administrative Procedures.

The College recognizes it is required by law to collect and report on a variety of data regarding its Athletic Program and to make certain disclosures to government agencies, Students, and consumers. The College will establish and maintain effective data collection, reporting and disclosure Administrative Procedures, rules, and guidelines for meeting all such legal requirements for its Athletic Program, including those requirements imposed by: the federal Equity in Athletics Disclosure Act (section 360B of the Improving America's Schools Act of 1994), U.S. Pub. L. 103-382, § 360B, currently codified at 20 U.S.C. § 1092(g), as amended; section 104 of the federal Student Right-To-Know Act and Campus Security Act, U.S. Pub. L. 101-542, § 104, currently codified at 20 U.S.C. § 1092(e), as amended; and related regulations, including 34 C.F.R. Part 668.

The Assistant Provost of Student Affairs and his/her designee are authorized to develop and implement Administrative Procedures for the development, administration, compliance, oversight, and operations of the College's Athletic Program, consistent with this Policy and all applicable state and federal laws and regulations.

**Authority:** 20 U.S.C. §§ 1092, 1681; 34 C.F.R. Parts 106, 668; 110 ILCS 25/.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Student Clubs and Organizations**

The College recognizes that participation in collegiate co-curricular and extracurricular activities enhances and enriches the educational experience. Thus, in accordance with its mission to serve as a center of excellence for teaching, learning and cultural experiences, the College will establish and maintain a process by which Student clubs and organizations (collectively, “Student Organizations”) may obtain official College recognition. Official recognition status makes a Student Organization eligible for College-sponsored benefits, such as financial support, access to certain communication channels, Facilities usage, and advisors, as detailed in the relevant Administrative Procedures.

The College’s official recognition of a Student Organization is not intended to be, and should not be, construed as an endorsement of the viewpoints expressed by the Student Organization. Student Organizations will be afforded official recognition status without regard to the content of the viewpoints they express so long as they comply with all rules and meet all requirements forest by the College for obtaining and maintaining official recognition status.

Nothing in this Policy is intended to preclude the College from adopting and enforcing reasonable rules and restrictions to ensure the orderly operations of the College and the safety of the College community. Notwithstanding any other provision of this Policy, nothing in this Policy permits the College to regulate the content of expressive activity in violation of the protections afforded by the First Amendment to the U.S. Constitution.

The Assistant Provost of Student Affairs and his/her designee are authorized to develop and implement Administrative Procedures, rules and restrictions for Student Organizations at the College, consistent with this Policy, all relevant federal and state laws and regulations, other Policies, and the College’s CBA obligations. Violations of those Administrative Procedures, rules and restrictions may subject a Student Organization and/or its members to disciplinary action pursuant to the Code of Student Conduct.

Authority: 20 U.S.C. § 1011a; 110 ILCS 805/3-27(c).

History:

- Adopted 3/19/09
- Amended 1/21/21



## **SECTION 6: ACADEMIC AFFAIRS**

6.01 – Academic Calendar

6.02 – College Programs, Resources, and Objectives

6.04 – Degrees and Certificates

6.04 – Graduation Requirements

6.05 – Honorary Degrees

6.06 – Program Review and Improvement

6.07 – Cooperative Agreements With Other Agencies or Institutions

6.08 – Institutional Exchanges

6.09 – Protection of Copyrighted Materials

6.10 – Intellectual Property Rights

6.11 – Instructional Materials

6.12 – Academic Freedom





### **Academic Calendar**

The College will establish and publish an Academic Calendar for each School Year, subject to Board approval.

The Provost and/or his/her designee, in consultation with the President, is authorized to develop and implement Administrative Procedures for the development and publication of each School Year's Academic Calendar, consistent with this Policy, applicable state and federal laws and regulations, and the terms of any applicable CBAs and employment contracts.

Authority: 110 ILCS 805/3-16, 3-25; 23 Ill. Admin. Code § 1501.303(e).

History:

- Adopted 3/19/09
- Amended 1/21/21



### **College Programs, Resources and Objectives**

**Programs and Objectives.** As a center for teaching and learning excellence, the College will establish and maintain quality programs appropriate for an institution of higher education that meet federal, state and accreditation requirements. Subject to approval by the ICCB, the College will offer comprehensive programs, including pre-baccalaureate, occupational, general studies curricula, and public service programs.

The College may award program degrees and program certificates with articulated program objectives. The College will establish and maintain learning goals and learner performance requirements that are appropriate to the degree or certificate awarded.

The College will equate its learning experiences with semester credit hours commensurate with common practices in higher education for similar programs and consistent with the definition of “Credit Hour” under the relevant federal regulations. The College will establish and maintain articulated program lengths for each program it offers as measured by Credit Hour. In no event will the College set requirements inconsistent with the definitions of “Associate Degree” and “Certificate” set by the ICCB.

The College’s program costs, including tuition and fees, length and objectives will be commensurate with common practices in higher education unless otherwise justified. It is the College’s policy to reasonably assure that information regarding its program costs, length, and objectives is fair, accurate, complete and readily available to Students and consumers.

**Resources.** The College will establish and maintain instructional, Student, and academic support services sufficient to support high-quality programs, including, but not limited to: qualified Faculty and staff; academic advising; infrastructure such as Information Technology Equipment and Information Systems, laboratories, libraries, etc.; and, where appropriate, internship and clinical education opportunities.

The Provost and his/her designee, in consultation with the President, are authorized to develop and implement Administrative Procedures ensuring that program quality, resources and support are equivalent across delivery methods, and consistent with Board Policies; applicable federal and state laws and regulations; and accreditation standards, requirements and guidelines.

Authority: 110 ILCS 805/3-25.1; 23 Ill. Admin. Code §§ 1501.302, .303, .309.

History:

- Adopted 3/19/09
- Amended 4/15/10
- Amended 1/21/21



### **Degrees and Certificates**

The College will maintain programs of study as approved by the Board and, where required by law, by the ICCB, including but not limited to programs resulting in an associate degree or certificate.

The College will award associate degrees in recognition of successful completion of any degree program offered by the College.

The College will award certificates for Students not pursuing an associate degree who successfully complete all requirements of the certificate program.

Some courses taken in a certificate program may be applied to an associate degree in the same field of study. Students meeting specific qualifications as listed in the College Catalog and/or on file in the Office of Admissions, Registration, and Records may be awarded more than one degree or certificate from the College.

Requirements for obtaining degrees and certificates awarded by the College will be published in the current College Catalog along with other material program information, such as a description of the program, its objectives, its length, associated tuition and fees, cancellation and refund policies, and residency requirements, if any. The College reserves the right to make changes at any time to the academic regulations and requirements pertaining to the awarding of degrees and certificates.

The Provost and his/her designee, in consultation with the President, are authorized to develop and implement Administrative Procedures in furtherance of this Policy, including but not limited to processes regarding communications with the ICCB, publication of requirements for each degree and certificate and the regular review and evaluation of programs offered by the College. Such Administrative Procedures shall be consistent with Board Policies, applicable federal and state laws and regulations, and relevant accreditation standards, requirements, and guidelines.

Authority: 110 ILCS 805/3-25, 3-25.1; 23 Ill. Admin. Code §§ 1501.302, .303, .309.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Graduation Requirements**

The College will establish and maintain standards for the successful completion of each degree and certificate program the College offers. Students successfully completing all program requirements, including any College graduation requirements, will be awarded the degree or certificate appropriate for such program. The College will publish all such requirements in its College Catalog and otherwise make them readily available to Students and the public.

Upon application to the President, a graduation requirement may be waived in the President's discretion.

The Provost and his/her designee, in consultation with the President, are authorized to establish standards and requirements for graduation and/or degree and certificate conferral in accordance with the ICCB's required procedures, and to develop and implement Administrative Procedures consistent with this Policy, applicable federal and state laws and regulations, and relevant accreditation standards and requirements.

Authority: 110 ILCS 805/3-25, 3-25.1; 23 Ill. Admin. Code § 1501.302.

History:

- Adopted 3/19/09
- Amended 4/15/10
- Amended 1/21/21



### **Honorary Degrees**

The College, upon Board approval, may confer honorary associate degrees upon individuals who have demonstrated outstanding contributions in scholarly or creative areas, or who have acquired national or international reputation for excellence in a specific field or endeavor.

Authority: 110 ILCS 805/3-25; 23 Ill. Admin. Code § 1501.303.

History:

- Adopted 3/19/09
- Amended 1/21/21



**Program Review And Improvement,**

The College is committed to educational achievement and continuous improvement. Accordingly, the Provost, in consultation with the President, will develop and implement Administrative Procedures designed and intended to establish a program of systematic review of all College instructional programs, student services, and academic services at least once in every five-year cycle. The College's Administrative Procedures will entail processes for implementing improvements based on the results of each such review.

Authority: 23 Ill. Admin. Code § 1501.303.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Cooperative Agreement With Other Agencies or Institutions**

The College may enter into cooperative educational agreements with other entities. These may include, but are not be limited to, intergovernmental agreements, articulation agreements, agreements with high schools, other community colleges, baccalaureate degree-granting institutions, educational agencies, and clinical education agreements with hospitals, clinics, and nursing homes, as contemplated by the Community College Act, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and the federal Higher Education Opportunity Act, 20 U.S.C. § 1092, and regulations promulgated pursuant thereto. The purpose of these agreements is to enhance services to the College community and resources available to the College and Students. The College will ensure that such opportunities are publicly disclosed in a clear and comprehensive manner.

Authority: 110 ILCS 805/3-31.1, 3-40, 3-40.1, 3-40.2, 3-42.4; 23 Ill. Admin. Code § 1501.303; 5 ILCS 220/3; 20 U.S.C. § 1092; 34 C.F.R. § 668.43.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Institutional Exchanges**

The President is authorized to approve Faculty and Administrator exchanges with a contemporary counterpart at a similar institution of higher education for the purpose of furthering the educational mission of the College. Such exchanges shall be limited in duration and shall not interfere with the operations and mission of the College.

Service credit, seniority, and benefits will continue to accrue during participation in an approved exchange. Reasonable expenses incurred by the Employee may be reimbursed by the College, subject to the following: limitations set forth in Board Policies and related Administrative Procedures governing Employee expense reimbursements; any other relevant Policy or state or federal law or regulation; and/or the terms of any applicable CBA. In addition, all expenses must be approved by the President prior to reimbursement.

The President and his/her designee have authority to develop and implement criteria and Administrative Procedures for institutional exchanges consistent with this Policy and the terms of any applicable CBAs.

Authority: 110 ILCS 805/3-30.

History:

- Adopted 3/19/09
- Amended 1/21/21





### **Protection of Copyrighted Materials**

It is the policy of the Board to comply with the federal Copyright Act of 1976 (the “Copyright Act”), 17 U.S.C. § 101 *et seq.*, as amended, including by the Digital Millennium Copyright Act, United States Pub. L. 105-304, and the Technology, Education and Copyright Harmonization Act of 2002 (the “TEACH Act”), United States Pub. L. 107-273, § 13301. All reproduction and use of copyrighted materials, including without limitation written works, musical works, dramatic works, pictorial and graphic works, sculptural works, motion picture, television and other audiovisual works, sound recordings, multimedia works, digital and computer works and programs, must comply with all applicable federal and state laws.

The College strictly prohibits Faculty, Students, and other Employees from duplicating, distributing, or using copyrighted material in any way not covered by: (1) the exceptions to and exemptions from the exclusive rights of copyright owners under the Copyright Act, such as for “fair use” under section 107 or for certain performances and displays done in the course of face-to-face teaching activities under section 110; (2) other specific exemptions in the relevant copyright laws; (3) user licenses or agreements; or (4) other form of express written consent from copyright owners.

All members of the College community, including Faculty, Students, Employees and Administrators, are expected to adhere to the permissible limits for copying and use of materials. Failure to do so may result in disciplinary action, up to and including termination and/or expulsion.

Authority: 17 U.S.C. §§ 101-122.

History:

- Adopted 3/19/09
- Amended 1/21/21



## **Intellectual Property Rights**

The College encourages creativity and increased productivity among its personnel, as well as the use of improved communication techniques in their instructional activities. A number of College-supported services and programs assist College Employees in the development and improvement of the College's methods of operation and instruction.

### **Rights to Intellectual Property – Ownership**

Materials and/or inventions (hereinafter, "intellectual property") developed through a contractual "work-for-hire" agreement are solely owned by the College and are not available for use without the College's prior express written permission.

Intellectual property produced with "substantial support" provided by the College will be jointly owned by the creator and the College. A prior written agreement must be reached by the creator and the College specifying the sharing of ownership, distribution of materials, and fair use of the intellectual property within the College.

Intellectual property developed or produced without "substantial support" or without a contractual "work-for-hire" agreement is solely owned by the creator and are not available for use without the written permission of the creator.

"Substantial support" that is not a contractual "work-for-hire" will include at least one of the following:

1. Use of College personnel, equipment, supplies, or Facilities through contractual agreement with the College.
2. Technical support for course specific materials in excess of 20 hours. Should a new or revised project require in excess of 20 hours of technical support, ownership will be determined through an agreement with the College and the author/inventor prior to the start of the project.
3. Release time or remuneration secured by the College through external grants or other awards.

"Substantial support" specifically excludes assistance normally provided by the College in areas of electronic storage, technical training, accessing materials from College instructional systems, resolution of technical problems, coding or programming required to access a course, and other support not in place at the time when the prior agreement is signed. When a "work-for-hire" or "substantial support" prior agreement is not in effect, the College has the right at its sole discretion to provide or withdraw support.

## **Rights of Creators to Intellectual Property Produced With “Substantial Support” or “Work-For-Hire”.**

When intellectual property is marketed, the creator and the College each are guaranteed a minimum of 10% of the equity gained from the intellectual property. Division of the remaining 80% of the equity will be determined by negotiation. Equity will be shared as it is realized. College costs will be recovered out of the College's share.

If the College discontinues use of the intellectual property for more than 24 consecutive months, the creator may ask the College to relinquish all rights to the creator, provided that the creator pays all costs of transfer. The College may refuse to relinquish rights to the intellectual property.

When intellectual property is owned by the College, either the creator or the College may initiate requests for revision. The College and the creator will initially discuss the necessary revisions and, where appropriate, may agree on the creator's commitment to prepare the necessary revisions. The creator shall prepare any revision initiated by either the creator or the College. Should the creator decline to prepare revisions, fail to supply revisions as agreed, or should the College deem it inappropriate for the creator to work on the revisions, the College may contract with another party to have the revisions prepared.

Revision procedures for jointly owned materials will be addressed on a case-by-case basis and will be considered non-precedent setting.

## **Intellectual Property Developed in Consulting Work.**

The creator will retain all rights and title in any intellectual property made by the creator in the course of consulting, unless the intellectual property is produced with “substantial support” by the College or produced as a “work-for-hire”.

## **Intellectual Property Developed Specifically for Use by the College.**

When intellectual property is prepared by a College creator specifically for use in classes at the College and is sold to Students through the College bookstore, no royalties or equity will be paid to the College or to the creator.

This Policy shall be administered consistent with the College's CBA obligations, all employment agreements, and applicable federal and state law. The General Counsel, or his/her designee, in consultation with the President, shall be responsible for promulgating Administrative Procedures, rules, and/or guidelines consistent with this Policy.

Authority: 110 ILCS 805/3-30.

### History:

- Adopted 3/19/09
- Amended 1/21/21



### **Instructional Materials**

Instructional packages and materials developed by College Employees will be designed and produced according to the following general criteria:

- (1) All actions taken in relation to the marketing of instructional packages or materials will conform with Board Policies governing copyrighted materials and intellectual property and related Administrative Procedures.
- (2) All instructional packages and materials will be designed and produced for the primary purpose of meeting identified instructional needs of the College. External marketing will be considered a secondary purpose of the production of such materials.
- (3) All instructional packages and materials will be designed and produced to meet a standard of the highest possible instructional quality under the constraints of budget, staff and equipment available at the College and subject to the constraints of any outside funding agency.
- (4) Where possible, unconditional releases regarding rights in the materials and/or of ownership, authorship, and the like, will be obtained from all participants and/or outside funding agencies in development of an instructional package. If such releases cannot be obtained, alternate participants will be sought.
- (5) Marketing decisions involving instructional packages and materials for which unconditional releases have been obtained will be made by the President or his/her designee.

The President and his/her designee shall have the authority to develop and implement Administrative Procedures consistent with this Policy, applicable federal and state laws and regulations, the terms of applicable CBAs and employment contracts, and other relevant Board Policies.

Authority: 110 ILCS 805/3-29.7; 110 ILCS 78/20, 25; 17 U.S.C. §§ 101-122.

History:

- Adopted 3/19/09
- Amended 1/21/21



### **Academic Freedom**

Institutions of higher education are conducted for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good is served by the unencumbered search for truth and free exposition. The College affirms its commitment as a place of free and open inquiry, and it recognizes that academic freedom is essential to those purposes.

Academic freedom shall be guaranteed to all Faculty, and no arbitrary limitations shall be placed on study, investigation, presentation, and interpretation of facts or ideas. Faculty members will be free to present instructional materials that are pertinent to the subject and level taught.

In the execution of a Faculty member's duties and responsibilities, and in matters related to the College, each Faculty member shall make every effort to be accurate, exercise appropriate restraint, present controversial subjects in a non-biased manner, and demonstrate respect for the opinions of others.

Authority: 110 ILCS 805/3-30, 3-42; Ill. Const. art. I, § 4; U.S. Const. amend. I.

History:

- Adopted 4/16/09
- Rescinded 5/4/09
- Adopted 10/15/09
- Amended 1/21/21



**COLLEGE OF DUPAGE ETHICS ORDINANCE**

**PREAMBLE**

**WHEREAS**, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), 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, within six months after the effective date of Public Act 93-615, 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 school 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 ordinance violations; and

**WHEREAS**, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

**WHEREAS**, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF COLLEGE OF DU PAGE, AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances of College of DuPage is hereby amended by the addition of the following provisions:

**ARTICLE 1  
DEFINITIONS**

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

“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 (5 ILCS 315/3).

"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 College of DuPage, 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 College of DuPage.

"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 ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“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), 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 nonperformance of the official duties of the officer or employee.

## **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 College of DuPage 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’s 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 trustee or employee and no spouse of, or immediate family member living with, any trustee or employee (collectively 6 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 or ordinance. 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 trustee 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, aunt, uncle, 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 trustees or employees or their spouses or immediate family members.

(8) Food or refreshments 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 trustee or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to a trustee or employee from another trustee or employee, and "inter-governmental gift" means any gift given to a trustee or employee by a trustee 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 trustee or employee, his or her spouse, or an immediate family member living with the trustee or employee does not violate this Ordinance 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 College of DuPage by filing in the circuit court an information, or a 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 College of DuPage 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 passage, approval and publication, if required, as provided by law.

Authority: 5 ILCS 430/70-5; 5 ILCS 430/5-15; 5 ILCS 430/Art. 10; 5 ILCS 430/Art. 50.

Cross-references: Board Policy Nos. 3.01 (Ethics Policy), 3.02 (Conflicts of Interests), 3.03 (Economic Interest Disclosures), 3.04 (Related Party Transactions), 3.05 (Employment of Related Parties), 3.06 (Use of College Resources).

History:

- Adopted 7/16/09