

**CHAPTER 95-10
NORTHERN MARIANAS COLLEGE BOARD OF REGENTS
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Chapter Authority: 3 CMC § 1316.

Chapter History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: Executive Order No. 25 (effective March 12, 1981) revoked an earlier Executive Proclamation dated August 23, 1976, entitled “Proclamation Establishing the Northern Marianas Community College,” and established the Northern Marianas Community College within the Department of Education under the control and supervision of the Board of Education, acting as a Board of Regents for the college. See Executive Order 25 § 1, reprinted at 3 Com. Reg. 1218 (Mar. 30, 1981). Executive Order 25 § 4(a) authorized the Board to establish rules, regulations, and policies for the operation of the college.

PL 3-43, a comprehensive revision of the CNMI education laws, took effect January 19, 1983. PL 3-43 § 105 repealed PL 1-8, tit. 1, ch. 14 and re-established the Northern Mariana College Board of Regents as a part of the Board of Education. See PL 1-8, tit. 1, ch. 14 (effective August 10, 1978) as repealed and reenacted by PL 3-43 (effective Jan. 19, 1983) (formerly codified at 1 CMC §§ 2281-2286); see also the commission comment to 3 CMC § 1101. PL 3-43 § 106 also repealed Executive Order 25.

PL 4-34 (effective March 28, 1985), the “Postsecondary Education Act of 1984,” codified as amended at 3 CMC §§ 1301-1331, created the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See 3 CMC § 1304; see also 3 CMC § 1311. PL 4-34 § 20 repealed former 1 CMC §§ 2281-2286. PL 4-34 § 19 provided for the transition of duties and policies from the Board of Education to the Board of Regents. 3 CMC § 1316 defines the duties of the Board of Regents and provides the Board the authority to adopt rules and regulations for the implementation of the act and its duties thereunder.

On November 26, 1982, the Board of Education issued emergency and proposed regulations pursuant to the authority of Executive Order No. 25. The regulations changed the title of the head of the Northern Marianas Community College from Dean to President. See 4 Com. Reg. 1750 (Dec. 10, 1982).

Part 001 - General Provisions

§ 95-10-001 Role of the Board and Members (Powers, Purposes)

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(a) The Board of Regents is the governing board of the Northern Marianas College. It derives its powers from and exists under the Constitution and laws of the Commonwealth of the Northern Mariana Islands.

(b) The Board has the power and responsibility to discharge any duty imposed by law upon it or upon the College, and may execute any powers delegated by law to it or to the College.

(c) The Board shall concern itself primarily with broad questions of policy, rather than with administrative details. The application of policies is an administrative task to be performed by the President and staff, who shall be held responsible for the effective administration and supervision of the College's programs.

(d) The act of a majority of the Regents voting on an issue at a meeting at which a quorum is present shall be an act of the Board of Regents.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 95-10-005 Duties of the Board

(a) Functions

(1) The Board of Regents of Northern Marianas College, established under the CNMI Post-secondary Education Act of 1984, is comprised of seven CNMI residents appointed by the Governor with the advice and consent of the Senate. It represents the interests of the public within the Commonwealth on matters concerning post-secondary education.

(2) The members of the Board serve as a unit to set the goals and general direction of the College, and to approve policies in pursuit thereof.

(b) Duties and Powers

(1) Statutory limits of the duties and powers of the Board of Regents are contained in the Post-secondary Act of 1984, as amended, 3 CMC §§ 1311, et seq. and in article XV, section 2 of the Constitution.

(2) The Board will:

(i) Appoint the President of the College who shall be the Chief Executive Officer of the College and of the Board;

(ii) Approve all contracts \$25,000 and above issued by the College;

(iii) Approve annual budgets and expenditures of the College;

(iv) Delegate to the President all powers necessary for the development and implementation of procedures required to carry out Board policies, and judiciously review and act upon such matters as shall be recommended by the President;

(v) Periodically evaluate the president's overall and specific performance;

(vi) Periodically evaluate its performance as a Board;

(vii) Periodically review the organizational structure of the College, its financial

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management, and its overall operation;

(viii) Review and approve proposals submitted by the President for the Board's approval of new programs or termination of existing programs;

(ix) Fulfill all duties stipulated by the Post-secondary Education Act of 1984, as amended, 3 CMC §§ 1311, et seq.;

(x) Exercise, as an exclusive right, all other powers provided for non-profit corporations that are necessary and proper for the efficient and effective direction and maintenance of the College consistent with article XV, section 2, of the CNMI Constitution and with the CNMI Post-secondary Education Act of 1984, as amended.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-010 Limits of Authority

(a) The Board of Regents is the unit of authority, and no Board member has individual authority in regards to the College except as part of that unit. Individually the Board member may not commit the College or Regents to any policy, act or expenditure. The Board member cannot do business with the College, nor should the Board member have an interest in any contract with the College. The Board member does not represent any factional segment of the community, but is rather a part of the body, which represents and acts for the community as a whole.

(b) No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the College, nor as an individual command the services of any college employee.

(c) No member of the Board shall be asked to perform any routine or clerical duties that may be assigned to an employee, nor shall any Board member become an employee of the College while serving on the Board except as specifically provided for by law.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 95-10-015 Honorary Student Member

(a) The Board shall, in accordance with adopted Board procedures for the election of a student member, include an honorary student member of the Board.

(b) The honorary student member shall serve for one year commencing May 1. The student member shall be seated with the members of the Board, shall be recognized with the members of the Board at the meetings, shall have a non-binding advisory vote, shall receive all materials presented to the Board members and participate in the questioning of

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witnesses and the discussion of issues. The honorary Student Regent shall not make or second motions.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-020 Honorary Faculty Member

(a) The Board shall, in accordance with adopted Board procedures for the election of a faculty member, include an honorary faculty member of the Board.

(b) The faculty member shall serve for one year commencing May 1. The faculty member shall be seated with the members of the Board, shall be recognized with the members of the Board at the meetings, shall have a non-binding advisory vote, shall receive all materials presented to the Board members and participate in the questioning of witnesses and the discussion of issues. The honorary Faculty Regent shall not make or second motions.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-025 Officers

(a) At the organizational meetings in even-numbered years the Board will elect a Chair and a Treasurer from among its members, and will appoint the President as Secretary to the Board. At the organizational meetings in odd-numbered years the Board will elect a Vice Chair.

(b) Officers shall serve for two years and may serve as an officer for more than one term. In case of vacancy in an office, the Board shall fill the vacancy for the unexpired term.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-030 Duties of the Chair

The Chair of the Board shall preside at all meetings of the Board, maintain order, enforce the rules of the Board at all meetings, and appoint all standing committees and all special committees, unless otherwise ordered by the Board. The Chair of the Board shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on any and all questions before the Board.

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(a) Selection and Removal of the Chair

(1) The Chair of the Board shall be elected by the Board from among its members. The election of the Chair shall occur at the organizational meeting of the Board on the last Thursday of June every even-numbered year.

(2) Following the resignation, removal, or death of the chair, election of a new chair shall occur at the next regularly scheduled Board meeting. The individual so elected shall serve the remainder of the two-year term of office.

(b) Duties of the Chair

(1) The duties and powers of the Chair shall be consistent with the duties and powers of the Board of Regents set forth in the Post-secondary Education Act of 1984, as amended, and in article XV, section 2 of the Constitution. Duties and powers of the Chair, authorized by the Board, can be altered by the Board.

(2) The Chair shall:

(i) Serve as presiding officer at Board meetings;

(ii) Establish agenda of Board meetings in concert with the President;

(iii) Appoint and disband committees of the Board;

(iv) Be recognized and act as the Chief coordinator between the Board and the President, keeping both fully informed of all pending activities;

(v) Prepare the annual Board budget for inclusion in the total college budget and conduct Board business within the budget;

(vi) Act as the duly elected representative and official spokesperson for the Board of Regents, including:

(A) Acting as the Board's liaison with the Legislature, and acting as the College's liaison with other college boards at the regional and national levels;

(vii) Perform such other duties as may be authorized by law or by action of the Board.

(c) In case of the absence, or disability of the Chair, the Vice-chair shall perform the duties of the Chair. If both the Chair and the Vice-chair are absent, the Treasurer shall serve as Chair Pro Tem. If all three officers are absent, the remaining members, if a quorum, shall select one member to serve as Chair Pro Tem.

(d) The President shall act as Secretary of the Board. As Secretary, the President shall:

(1) Prepare the Board agenda.

(2) Prepare the Board minutes.

(3) Care for all College and Board records and documents.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: In subsection (b)(1), the Commission inserted the final period.

§ 95-10-035 Compensation of Board Members

(a) Voting members of the Board may receive as compensation for meetings actually

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attended no more than \$60 for a full-day meeting and no more than \$30 for a meeting of a half day or less. A member who is employed by the government or its agency will be given administrative leave status in lieu of compensation for meetings held during working hours.

(b) Any Board member traveling on official business shall receive travel and per diem compensation at the rates and guidelines established for executive branch employees.

(c) Any Board member may receive reimbursement for extraordinary expenses actually incurred in the performance of his/her duties upon the submission to the office of the President of receipts or other proof of extraordinary expenses of the Board and the specific approval of the Board to reimburse the member for his/her extraordinary expenses.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Part 100 - Committees of the Board

§ 95-10-101 Standing Committees

While the Board will act as a committee of the whole in making decisions, it will often be convenient in some matters for individual board members or committees to review complicated matters before making recommendations to the full Board for action. The Board shall form three standing committees: Fiscal & Legislative Committee, Personnel Committees, and Program Committee.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The Commission created the section title.

§ 95-10-105 Fiscal and Legislative Committee Responsibilities

The Fiscal and Legislative Committee shall have the following responsibilities:

(a) To review and to make recommendations to the Board on the annual budget for the College.

(b) To review and to make comments to the Board on the current financial statement of the College.

(c) To make recommendations to the Board on any matters related to the land or facilities of the College.

(d) To oversee for the Board the operations of the Northern Marianas College

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Foundation and to make recommendations to the Board on the same.

(e) To review and to make recommendations to the Board on matters concerned with tuitions, fees, and other charges for College services.

(f) To review and to make recommendations to the Board on matters related to student financial aid.

(g) To act for the Board in approving amounts of supplemental educational grant (SEG) awards.

(h) The Chairperson will be a member of the Northern Marianas College Foundation and Auxiliary Services Board.

(i) To review and work with the President on proposed legislation and public policy initiated by the College, to provide guidance to the President, and to make appropriate recommendations to the Board.

(j) To take the lead in working with the Commonwealth Legislature to ensure that appropriate legislation is enacted for the College.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-110 Personnel Committee Responsibilities

The Personnel Committee shall have the following responsibilities:

(a) To review periodically the College's classification plan and work with the President on an appropriate plan for faculty and staff.

(b) To monitor the implementation of equal employment opportunity and affirmative action by the College.

(c) To ensure that personnel policies are reviewed and updated periodically.

(d) To sit on the interviewing committee for Vice Presidents and Provost.

(e) To review and make recommendations to the Board on matters concerning College personnel.

(f) To sit on the employee grievance/appeals committee.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-115 Program Committee Responsibilities

The Program Committee shall have the following responsibilities:

- (a) To review and to make recommendations to the Board on matters concerned with the issuing of diplomas, certificates, and other documents indicating successful completion of study established with the College.
- (b) To review and to make recommendations on proposals submitted by the President for the Board's approval of new programs leading to the award by the College of a new certificate or degree.
- (c) To review and to make recommendations on matters presented to the Board by the President concerning requirements for degree and certificate programs.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-120 Temporary Committees of the Board

- (a) The Chair of the Board shall appoint such temporary and special committees, as may be deemed necessary or advisable by the Board and may be a member of any such committee.
- (b) The duties of each such committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when the duties assigned have been discharged.
- (c) At his/her request the President or designee shall be a member of any temporary committee, which includes staff and/or lay persons.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 95-10-125 Other Advisory Committees

The Board may appoint any of its members to serve on advisory committees or as representatives to other public agencies or organizations when the Board deems such appointments desirable, contingent on acceptance of the appointment by the member.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Part 200 - Duties of the President and Legal Counsel

§ 95-10-201 Duties of the President

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(a) The President is the chief executive officer of the Northern Marianas College, and in this capacity is charged with full administrative responsibility for the College. The Board of Regents judiciously recognizes and supports the President as the major line of communication between the Board and the internal and external College community. In this capacity as the Board's liaison, the President informs the Board of such communications, and is guided by the policies, general directions, and financial guidelines established by the Board.

(b) The President's fundamental responsibility is to develop and maintain an institution that fulfills the mission and achieves the goals of the Northern Marianas College in accordance with the mission statement set forth in article XV, section 2 of the CNMI Constitution and in accordance with the Post-secondary Education Act of 1984, as amended. This implies a commitment to the philosophy of a comprehensive community college and an understanding that the President's energies must be directed towards the realization of such.

(c) The President is an educational leader of the Commonwealth, and as such represents the College in the community. The President recommends policies to the Board, and is authorized by the Board to exercise broad discretionary powers according to the policies, goals, and general directions established by the Board for the College.

(d) The President's specific duties and responsibilities include the following:

(1) Being responsible for the organization and administration of the College and for the coordination of its entire instructional program;

(2) Providing direction and leadership in the development and implementation of a research, planning, and evaluation system to assure institutional effectiveness and that the results of such activity will be used for institutional improvement and the establishment of priorities;

(3) Ensuring that various entities of the College have a substantive and clearly-defined role in institutional governance;

(4) Overseeing institutional adherence to the standards of the Accrediting Commission so as to assure continuing accreditation of the College;

(5) Recommending to the Board new and revised policies and establishing administrative procedures for

(i) Board operations

(ii) Finance and procurement

(iii) Educational programs

(iv) Human resources

(v) Student services

(vi) Administrative services.

(6) Developing an effective program of staff evaluation and improvement;

(7) Preparing a budget in line with the needs of the College, and approving expenditure of funds appropriated to the College by the federal or Commonwealth government or donated to the College by any other entity;

(8) Guiding capital improvement activities and ensuring safe and adequate facilities and grounds in order to maintain a quality learning environment;

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- (9) Representing the College to the community and maintaining an adequate public information service;
- (10) Maintaining open and adequate channels of communication with the internal and external College community;
- (11) Entering into contracts, cooperative agreements, and such other transactions as may be helpful to conduct the business of the College;
- (12) Appointing, reassigning and terminating staff and faculty consistent with applicable human resources rules and regulations;
- (13) Accepting gifts, grants, donations, bequests, or other contributions on behalf of the Board and depositing the same in a College Trust Fund for the exclusive use and expenditure of the College, as approved by the Board;
- (14) Formulating reports required by local and federal agencies;
- (15) Approving regulations and activities of groups and organizations functioning within the College; and
- (16) Subject to prior review and approval of the Board, establishing departments and other divisions of the College, approving their programs and courses of studies, and disestablishing the same as the President may deem most appropriate to carry out the policies, goals, and general directions established by the Board for the College.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: In subsection (d)(5)(vi), the Commission inserted the final period. In subsection (d)(15), the Commission changed “organization” to “organizations” to correct a manifest error.

§ 95-10-205 Duties of the Legal Counsel

- (a) Scope of Work. The Legal Counsel shall serve as the legal interpreter of Post-secondary Education Acts, and shall provide legal services to the College as follows:
 - (1) Render legal opinions and consultation to the Board of Regents, the President, or other officials of the College designated by the President.
 - (2) Draft legal document or interpret existing legal documents requested by the Board or officials of the College designated by the President.
 - (3) Advise and represent the College in any legal dispute or litigation in which it is or could be involved.
 - (4) Serve as a legal counsel in the development, interpretation, and implementation of policy and procedures.
 - (5) Serve as a legal counsel on all contractual relationships involving the College or its personnel.
 - (6) Provide legal advice on personnel matters to ensure compliance with all applicable CNMI and federal laws.
 - (7) Attend the Board of Regents meetings and other meetings involving the College in which his/her presence is requested by the President.
 - (8) Serve as a legal counsel and advisor to the Board of Regents and President regarding court cases or any other legal proceedings or actions which could or might have an impact on College personnel or College operation.

(b) Qualification and Experience. The attorney shall be admitted to practice law in the CNMI courts and is: a member and is in good standing with the CNMI Bar; of an active status with the CNMI Bar; has an office in Saipan, and has some experience and familiarity with higher education laws and practices.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Part 300 - Charter of Northern Marianas College Foundation

§ 95-10-301 Charter of Northern Marianas College Foundation

The Northern Marianas College shall establish a nonprofit charter of incorporation in accordance with the provisions of 4 CMC § 4103 of the corporate laws and oversee its activities. The name of the corporation shall be the Northern Marianas College Foundation. The purposes of the corporation shall be as stated in 3 CMC § 1316(i).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Part 400 - Policies, Bylaws and Administrative Procedures

§ 95-10-401 Formulation, Adoption, Amendment of Policies and Bylaws

(a) Policy proposals and suggested amendments to or revisions of existing policies shall normally be submitted to all members of the Board by the President in writing prior to a regularly scheduled Board meeting in which such proposed policies, amendments, or revisions thereof shall be read and discussed.

(b) The formal adoption of policies shall be by majority vote of all members present at which a quorum is present of the Board and the action shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official policy.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-405 Formulation, Approval, Amendment of Administrative Procedures

(a) The Board does not adopt administrative procedures unless specifically required to do so by law, or unless requested to do so by the President. Adoption and amendment of such Board adopted procedures shall be by the same procedure as that specified for policies.

(b) The Board reserves the right to review and direct revisions of administrative procedures should they, in the Board's judgment, be inconsistent with the policies

adopted by the Board.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-410 Suspension of Policies, By-laws and Procedures

(a) By a majority vote of all members present at which a quorum is present, the Board may suspend policies, by-laws and Board-adopted procedures for a specified purpose and for a limited time, provided that such proposed suspensions have been described in writing in the announcement for the Board meeting when such action is to be taken. The Board may not suspend policies mandated by law.

(b) The President is authorized to suspend any policy, by-law or Board-adopted procedure when advised by competent legal authority that such policy, by-law or procedure is wholly or in part in conflict with laws or procedures of a superior governing body. The President may choose to suspend only that part of a policy, procedure or by-law that is in conflict. Any such suspension shall be valid only until the Board's next regular or special meeting, when the President shall report the suspension, present the justification for the suspension, and request that the Board act to suspend the policy, by-law or procedure for a specified purpose and for a limited time.

(c) The President is directed to present to the Board, for first consideration, a revised policy, procedure or by-law which is in accordance with the laws and regulations of the Commonwealth and federal government, except that the President may recommend instead that the Board rescind the policy, procedure or by-law. The revision or recommendation for elimination shall be presented at the time the suspension is requested whenever possible.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

Part 500 - Meetings

§ 95-10-501 Regular Meetings

The Board shall hold one regular meeting each quarter. Date, time, and place of these meetings shall be established at the annual organizational meeting. A public notification of all regular meetings of the Board shall be made 72 hours in advance of the meetings and shall be published in a newspaper of general circulation where possible in accordance with the provisions of 1 CMC § 9910 of the Commonwealth's Open Government Act.

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History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The Commission inserted a comma after the word “time” pursuant to 1 CMC § 3806 (g).

§ 95-10-505 Special Meetings (Non-emergency)

(a) The presiding officer or a majority of the members of the Board may call special meetings of the Board.

(b) All members of the Board and the President shall be notified of the special meeting and the purpose or purposes for which it is called by written notice delivered to them at least 24 hours in advance of the meeting. A public notification of all special meetings of the Board shall be made 24 hours in advance of the meeting.

(c) Newspapers of general circulation in the Commonwealth, radio stations and television stations, who have requested notice of special meetings shall be notified by mail, fax, email, or personally at least 24 hours before the time of the meeting specified in the notice.

(d) An agenda shall be prepared as specified for regular Board meetings and shall be delivered with the notice of the special meeting to Board members, together with supporting documents, if any. The agenda shall be posted according to law. The agenda for the special meeting may be mailed with the notice to news media and the business to be transacted shall be stated in the notice.

(e) Only those items of business listed in the call for the special meeting shall be considered at that special meeting.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

§ 95-10-510 Special Meetings (Emergency)

(a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold a special meeting without complying with the 24-hour notice requirement. An emergency situation means any of the following:

(1) A work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

(2) A crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

(3) Each local newspaper of general circulation and radio or television station which has requested notice of meetings shall be notified by the Chair of the Board or the Chair’s designee, one hour prior to the special meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board or its

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designee shall notify such newspapers, radio stations, or television stations of the fact of the holding of the meeting, and of any action taken by the Board, as soon after the meeting as possible.

(b) No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the 24-hour notice. The minutes of the meeting, a list of persons the President or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). In subsection (a)(3), the Commission changed “as” to “has” to correct a manifest error.

§ 95-10-515 Adjourned Meetings

A majority vote by the Board may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no members are present at any regular or adjourned regular meeting, the Secretary or Secretary’s designee may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of the adjournment to be given in the same manner as was the notice of the calling of the meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-520 Annual Organizational Meeting

The Board will hold an annual organizational meeting on the last Thursday in the month of June.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-525 Time, Place, Notification for Meetings

At the annual organizational meeting or as shortly thereafter as possible the Board will adopt a calendar of regular meetings which shall, in accordance with law, specify the time, place, and date of each regular meeting scheduled before the next organizational meeting.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

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Commission Comment: The Commission inserted a comma after the word “place” pursuant to 1 CMC § 3806(g).

§ 95-10-530 Public and Closed Sessions

(a) Public Meetings

All meetings of the Board of Regents, both open and closed, shall meet in conformance with the applicable provisions of the Commonwealth’s Open Government Act, 1 CMC §§ 9901, et seq.

(b) Closed Sessions

All closed session meetings of the Board of Regents must comply with all applicable open meeting laws.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-535 Construction of Agenda

(a) The President, as Secretary to the Board and in cooperation with the Chair of the Board, shall prepare an agenda for each meeting of the Board. Any Board member may call the Secretary and request an item to be placed on the agenda.

(b) Any member of the public may request that a matter directly related to College business be placed on the agenda of a regularly scheduled meeting of the Board, subject to the following conditions:

(1) The request must be in writing and be submitted to the President together with supporting documents and information, if any, at least seven school days prior to the legally required public posting of the agenda.

(2) The President shall be the sole judge of whether the request is or is not a “matter directly related to college business.”

(3) No subject which is legally a proper subject for consideration in closed session will be accepted under this provision.

(4) The Board may place limitations on the total time to be devoted to the matter at any meeting, and may limit the time allowed for any one person to speak on the matter at the meeting.

(c) This provision does not prevent the Board from taking testimony at regular meetings on matters which are not on the agenda which a member of the public may wish to bring before the Board, but the Board may not take action on such matters at that meeting.

(d) Posting of Agenda

At least 72 hours prior to the time of all regular meetings, an agenda, which includes but

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is not limited to all matters on which action may be taken, shall be posted. The agenda for a special meeting shall be posted at least 24 hours before the meeting and published in a newspaper of general circulation where possible in accordance with the applicable provisions of 1 CMC § 9910.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 95-10-540 Advance Delivery of Meeting Materials

(a) A copy of the agenda for any regular meeting of the Board shall be forwarded to each Board member not less than 72 hours prior to the meeting, along with minutes to be approved, copies of communications, reports from committees, staff, citizens and others, and such other documents and exhibits which are available and pertinent to the meeting.

(b) Board members shall become familiar with the agenda and support materials prior to the meeting, and shall obtain any additional information that may be necessary to make well-informed decisions.

(c) The President and the Chair of the Board are directed to make every effort to get support materials and the agendas for special meetings to the Board members at the earliest possible time after the meetings are called, and except in emergency situations as permitted by law or as defined herein, at least 24 hours prior to the time the meetings are called.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 95-10-545 Meeting Conduct

(a) Meetings of the Board of Regents shall be conducted by the Board Chair in a manner consistent with the adopted bylaws of the Board and the latest edition of Robert's Rules of Order.

(b) All Board meetings shall commence as close to the stated time as practical and shall be guided by an agenda that has been prepared and delivered in advance to all Board members and other designated persons.

(c) The conduct of meetings shall, to the fullest possible extent, enable members of the Board to:

(1) Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems, and

(2) Receive, consider and take any needed action with respect to reports of accomplishment both as to students and as to the College's operations.

(d) Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board, and shall be as follows:

(1) Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

(2) No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the chair, of that person's privilege of address.

(3) No oral presentation shall include charges or complaints against any employee of the College, regardless of whether or not the employee is identified in the presentation by name or by another reference that tends to identify. All charges or complaints against employees shall be submitted to the Board under provisions of Board policy.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 95-10-550 Quorum

The presence of four members at a duly called meeting shall constitute a quorum for the purpose of conducting official business of the Board in accordance with the provisions of 3 CMC § 1315(b).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-555 Minutes and Recording Devices

(a) Minutes

The Secretary of the Board shall keep minutes of all regular and special meetings of the Board. The minutes shall constitute a record of official Board actions. Copies of the minutes shall be made for distribution to the Board members with the agenda for the next regular meeting. The Secretary may also keep a minute book for each closed session of the Board apart from the minutes of the regular and special meetings, and the minute book is declared to be not a public record. The official minutes of the regular and special meetings, the minute book for closed sessions if any, and the master copy of the policy manual shall be kept in a secure manner.

(b) Recording Devices

A video or audio recording of public meetings of the Board, including closed sessions, may be made at the request of the Secretary or any member of the Board when such request is approved by a majority of the whole Board at which a quorum is present. The recording device shall be placed in plain view of the persons present, so far as possible. Recordings made during regular or special meetings of the Board are deemed public records. Recordings will be kept for a minimum of one year.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-560 Recording of Votes

Motions shall be recorded as having passed or failed and individual votes will not be recorded when the action is unanimous. Resolutions shall be recorded by roll call vote and be so recorded. All resolutions shall be numbered for each fiscal year beginning October 1.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Part 600 - Review and Evaluation

§ 95-10-601 Periodic Review and Evaluation

The Board believes that in order for it to know how well the College is progressing toward its goals and objectives it needs regular and comprehensive information. The President is directed to develop procedures for gathering and presenting data needed by the Board. The Board's appraisal and evaluation activities shall include but are not limited to the following:

- (a) Evaluation
 - (1) Periodic review of the Board's operation and performance.
 - (2) Review of continuing financial operations through receipt and study of periodic financial and audit reports.
 - (3) Study of regular reports and presentations on College operations with particular emphasis on aspects of the instructional program.
 - (4) Assessment of the effectiveness of the College's instructional programs in relation to the College's instructional goals.
 - (5) Appraisal of performance of personnel in relation to established performance criteria.
 - (6) Annual appraisal of the performance of the President.

- (b) Continuing review of the College's policies, regulations and bylaws to ensure accurate reflection of the concerns of the community for the educational system, and to encourage soundly based improvement in the College programs and services.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

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§ 95-10-605 Periodic Review and Evaluation of the President

(a) The Board of Regents will appraise the performance of the President of the College annually. While the responsibility for this annual appraisal lies solely with the Board, they will, on occasion, choose to invite input by the leadership of the major constituent groups of the College. Input from the general College community may also be invited on a periodic basis. The following shall serve as an outline of the basic framework and time line for the annual appraisal process.

(1) Goals for the ensuing year are developed by the President in consultation with the Board and are a direct result of Board and President suggestions.

(2) By July 15 of each year the President's goals are finalized by the Board.

(3) In April/May of years in which broad input is requested the Board will arrange individual meetings with constituent group leadership (faculty, staff, students, and community) to invite written input as to the completion of that year's goals and objectives, as well as to receive suggestions for subsequent year's goals and objectives.

(4) In May/June of each year the President shall prepare a written self-evaluation on the status of that year's goals and objectives. Included with this report are suggested future goals.

(b) In June of each year the Board and the President will meet in closed session to review the self-evaluation and to share a synopsis of the information gathered from the College community. The Board will prepare a written "Statement of Evaluation for the year 20__ -20__" for inclusion in the President's personnel file as soon after this closed session as practical. At the June closed session the Board will also finalize the next year's goals and objectives, and take action on any modifications to the President's contract. Action by the Board will follow all appropriate Commonwealth's Open Government Act.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

Part 700 - Board Action on Issues Not Directly Affecting the College

§ 95-10-701 Board Action on Issues Not Directly Affecting the College

(a) Except in those cases resulting from specific action by the Board to consider a matter, positions shall be taken only on matters directly affecting the operation of the College.

(b) A vote of the Board shall be taken and recorded in the minutes.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

Part 800 - Code of Ethics of the Board

§ 95-10-801 Introduction

Members of the Northern Marianas College Board of Regents will perform duties in accordance with their oath of office. Board members shall commit to serving the educational needs of the citizens of the Commonwealth. Their primary responsibility is to provide learning opportunities to each student regardless of sex, race, color, religion, ancestry, age, marital status, national origin, or handicap.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The Commission created the section title.

§ 95-10-805 Responsibilities

It is the responsibility of each Board member to:

(a) Be part of a team which seeks to meet student needs, extend their opportunities and enhance the quality of education they are offered; foster faculty and staff excellence; support the principles of academic freedom; and, serve as a steward of the resources and facilities available to the Northern Marianas College.

(b) Work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debates of points at issue.

(c) Base personal decisions upon all available facts in each situation, vote with honest conviction in every case unswayed by partisan bias, and abide by and uphold the final majority decision of the Board.

(d) Remember at all times that as an individual a Board member has no legal authority outside the meetings of the Board, and shall conduct relationships with college staff, students, the local citizenry, and the media on that basis.

(e) Be aware that Board members are responsible to all citizens of the Commonwealth, and not solely to those from their area of residence. The authority delegated to Board members must be exercised with as much care and concern for the least influential as the most influential member of the community.

(f) Resist every temptation and outside pressure to use their position as a community college board member to benefit either themselves or any other individual or agency apart from the total welfare of the Northern Marianas College.

(g) Recognize that it is as important for the Board to understand and evaluate the educational program of Northern Marianas College as it is to plan for the business of college operation. Bear in mind under all circumstances that the Board is legally

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responsible for the effective operation of the College. Its primary function is to establish the policies by which the Northern Marianas College is to be administered. The Board shall hold the President and his/her staff accountable for the administration of the educational program and the conduct of College business.

(h) Welcome and encourage the active involvement of students, faculty, staff, and citizens of the College with respect to establishing policy on current college operation and proposed future developments. Board members shall consider the viewpoints of these groups in their deliberations and decision, and recognize that deliberations of the Board in closed session are not to be released or discussed in public without the prior approval of the Board by majority vote, at which a quorum is present.

(i) Be ready to maintain and enhance individual professional effectiveness and confidence through continuing education to improve skills and acquire new knowledge related to professional trusteeship.

(j) Be informed and aware of local and national issues that impact community colleges.

(k) Strive to provide the most effective community college board service of which they are capable and to sustain a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

(l) Disclose to fellow Regents any and all relationships that may be perceived by constituent groups as influencing judgment pertaining to any issue before the Board. Reportable relationships shall include but not limited to blood relationships, current or former professional associations, and personal friendships.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-810 Censure

All Board members are expected to maintain the highest standards of conduct and ethical behavior. To give guidance to individual members in conforming their conduct to minimum standards, the Board has adopted this policy. In order to maintain public confidence in the Board, and in governance, the Board will be prepared to investigate the factual basis behind any charge or complaint of Regent misconduct. In the instance a member of the Board of Regents fails to maintain the highest standards of ethical and professional conduct, he/she may be censured by the full Board.

(a) Censure is an official expression of disapproval passed by the Board of Regents. A Board member may be subject to a resolution of censure by the Board of Regents should it be determined that Regent misconduct has occurred.

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(b) A complaint of regent misconduct will be referred to the Board Chair. He/she will appoint an ad hoc committee composed of three Regents not associated with the complaint to conduct an investigation and review of the matter. In the event the complaint involves the Board chair, another officer of the Board shall form the ad hoc committee. A thorough fact finding process, formulated in a manner deemed appropriate by the committee shall be initiated. The committee shall be guided in its inquiry by the standards set forth in this policy and in adopted procedures and shall complete their inquiries within a reasonable period of time. The Regent subject to the charge of misconduct shall not be precluded from presenting information to the committee.

(c) The committee shall, within a reasonable period of time, make a report of its findings to the Board of Regents for action.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The final paragraph was not designated. The Commission designated subsection (c).

Part 900 - Other Board of Regents Requirements

§ 95-10-901 Attendance at Meetings, Institutions, Conventions

(a) Attendance at meetings directly or indirectly related to education or school matters shall be encouraged for the values they have to the College and the professional growth of Board members.

(b) The President shall be notified of all such meetings to be attended by the Board.

(c) Members of the Board may be reimbursed for all legal expenses incurred in attending any meetings or in making any trips on official business of the College when so authorized in advance by the Board.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 95-10-905 Board Member Liability Protection

The Board of Regents shall provide liability insurance necessary to protect its corporate body, its members, its officers, and its employees from any judgment as a result of suits alleging their liability while performing their duties within the scope of their employment and/or under the direction of the Board.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-910 Conflict of Interest Code

(a) The Northern Marianas College shall adopt a conflict of interest code which shall apply to all governing Board members and designated employees of the Northern Marianas College.

(b) Disclosure Statement - Filing

The Board of Regents shall file annual* statement of financial interest in accordance with the applicable provisions of the Commonwealth Government Ethics Code Act of 1992, as amended.

* So in original.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 95-10-915 Removal from Office

A member of the Board may be removed before expiration of his or her term by a vote of three-fourths of the Board members serving.

(a) Incompetence, Neglect of Duty, or Malfeasance

A member of the Board may be removed before expiration of his or her term for incompetence, neglect of duty, or malfeasance.

(b) Physical or Mental Incapability

If an adjudication pursuant to a quo warranto proceeding declares the incumbent is incapacitated due to disease, illness or accident and that there is reasonable cause to believe that he/she will not be able to perform the duties of his/her office for the remainder of his/her term, he/she shall be removed from office.

(c) Loss of Residency

An incumbent shall be removed from his/her office if he/she ceases to be an inhabitant of the Commonwealth and area that he/she represents.

(d) Failure to Attend Meetings

An incumbent is automatically removed from his/her office when he/she fails to discharge the duties of his/her office, by accumulating, three consecutive absences except when excused by the members present because of sickness, death in the immediate family, or on official off-island College business.

(e) Conviction of a Felony, Etc.

An incumbent shall be removed from office when convicted of a felony or any offense involving a violation of his/her official duties.

(f) Commitment to a Hospital or Sanitarium

An incumbent shall be removed from office if ordered for commitment as a drug addict, dipsomaniac, or inebriate, when such order of commitment by a court of competent jurisdiction becomes final.

(g) Failure to Perform Oath of Office

An incumbent shall be removed from office when he/she fails to perform his/her duties and responsibilities in accordance with the Code of Ethics of the Board.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (g).

Part 1000 - Evaluation

§ 95-10-1001 Board of Regents Self Evaluation

The Board of Regents is the legal owner and final authority for Northern Marianas College, whose assets and operations it holds in trust. The Board of Regents shall ensure that the College is well oriented and managed. As such, the Board shall assess its own performance regularly. This self assessment will assist the Board in identifying which of its functions are being addressed satisfactorily and which may need improvement.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1005 Administrative Procedure

(a) The Board of Regents will annually devote time for self-evaluation. The self-evaluation will help in identifying specific issues, such as the Board's rules and responsibilities, which can help build better communication and understanding among Board members. It will also help in appreciating each others' values and strengths that will lead to a stronger, more cohesive working team.

(b) Evaluation Participants. All Board members will complete evaluation instruments and be involved in the evaluation discussions. Board members may consider comments from College officials who sit at the Board table or who attend meetings regularly as part of their leadership or management roles.

(c) Evaluation Session. The Board shall decide whether the evaluation session will take place at a regular business meeting, workshop, or retreat.

(d) Evaluation Outcomes. A comprehensive statement summarizing the discussion and incorporating proposals for the future will be very helpful in guiding the Board's future performance and planning.

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- (e) Board Self Appraisal. (The response to each category is 1 to 5, lowest to highest, with required substantive comment for each item.)
 - (1) Relationship with the President
 - (i) Establishes written policies for the guidance of the President in the operation of the College.
 - (ii) Provides the President with a clear statement of the expectation of performance and personal qualities against which she or he will be periodically measured.
 - (iii) Reaches decisions only on the basis of study of all available background data and consideration of the recommendation of the President.
 - (iv) Provides a climate of mutual respect and trust offering commendation whenever earned, and constructive criticism when necessary.
 - (v) Takes the initiative in maintaining a professional salary for the President comparable with salaries paid for similar responsibility in and out of the profession.
 - (2) Relationship to the Instructional Program
 - (i) Weighs all decisions in terms of what is best for the students.
 - (ii) Understands the instructional program and the general restrictions imposed on it by law and other agencies.
 - (iii) Realistically faces the ability of the state and community to support quality education for its citizens.
 - (iv) Resists the efforts of special-interest groups to influence the instructional program if the effect would be detrimental to the students.
 - (v) Encourages the participation of the professional staff, and in certain instances the public, in the development of curricula.
 - (vi) Provides a policy outlining the College's educational objectives against which the instructional program can be evaluated.
 - (vii) Keeps abreast of new developments in course content and teaching techniques through attendance and participation in board association conferences and meetings of other educational groups and by reading of selected books and periodicals.
 - (3) Staff and Personnel Relationships
 - (i) Develops sound personnel policies, involving the faculty and staff when appropriate.
 - (ii) Authorizes the employment or dismissal of staff members only upon the recommendation of the President.
 - (iii) Makes provision for the complaints of employees to be heard, and after full study, if staff dissatisfaction is found to exist, takes action to correct the situation through appropriate administrative channels.
 - (iv) Is receptive to suggestions for improvement of the College originating with the staff and approved by the President.
 - (v) Encourages professional growth and increased competency through:
 - (A) Attendance at educational meetings
 - (B) Training on the job
 - (C) Salary increments which recognize training and experience beyond minimum qualifications for a given position.
 - (vi) Makes the staff aware of the esteem in which it is held.
 - (vii) Provides a written policy protecting the academic freedom of faculty.

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- (4) Relationship to the Financial Management of the School
- (i) Balances the income and expenditures of the College with the quality of education that should be provided and the ability of the community to support such a program.
 - (ii) Takes the leadership in suggesting and securing community support for additional financing when necessary.
 - (iii) Establishes written policies which will ensure efficient administration of purchasing, accounting, and other applicable procedures.
 - (iv) Authorizes individual budgetary allotments and special non-budgeted expenditures only after considering the total needs of the College.
 - (v) Makes provision for long-range planning for acquisition of sites, facilities, and maintenance.
- (5) Community Relationships
- (i) Encourages the public's attendance at Board meetings.
 - (ii) Actively fosters cooperation with various news media for the dissemination of information regarding the College.
 - (iii) Ensures a continuous planned program of public information regarding the College.
 - (iv) Participates actively in community affairs.
 - (v) Channels all concerns, complaints, and criticisms of the College through the President for study and reports back to the Board if action is required.
 - (vi) Protects the President from unjust criticism and the efforts of vocal special-interest groups.
 - (vii) Reflects Board policy in individual answers to public questions and in public statements.
 - (viii) Encourages citizen participation in an advisory capacity in the solution of specific problems.
 - (ix) Is aware of community attitudes and special interest groups which seek to influence the College's program.
- (f) See also Board Operations Administrative Procedure - appendix A (Board of Regent self appraisal), appendix B (EEO evaluation checklist), & appendix E (EEO evaluation).

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Commission Comment: The final paragraph was not designated. The Commission designated subsection (f). In subsection (f), the Commission inserted the final period. The Commission inserted commas after the words "accounting" in subsection (e)(4)(iii) and "complaints" in subsection (e)(5)(v) pursuant to 1 CMC § 3806(g).

Part 1100 - Institutional Effectiveness and Governance

§ 95-10-1101 Policy

Northern Marianas College shall establish and maintain a system to ensure institutional effectiveness and a high standard of quality in academic programming. To enable such effectiveness and quality, institutional research, planning, evaluation, and other activities

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shall be conducted in a collaborative manner with input from all appropriate sectors of the College and the community it serves on the islands of Saipan, Rota, and Tinian.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1105 Institutional Research

Institutional research activities shall be conducted to support the College's institutional planning and assessment processes. The collection, processing, and reporting of pertinent information are the primary functions, of institutional research. Research efforts shall focus not only on internal information such as student and program data, but also on external matters such as trends in the community and other institutions of higher learning.

(a) Institutional Planning

The College is committed to a planning system that addresses the current and long-range needs and challenges of the College community and the CNMI. The purpose of institutional planning at NME is to:

- (1) Define the mission, goals, and objectives for the College as a body and for the various units and activities of the institution;
- (2) Establish priorities for programs, services, and activities;
- (3) Identify the need for human, physical, and financial resources; and
- (4) Allow for activities to be carried out in a planned and organized manner.

(b) The planning process shall encompass all aspects of the institution including instructional programs, student services, learning resources, and facilities.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1110 Institutional Evaluation

Evaluation is a means to assess institutional and program quality and effectiveness. Accordingly, the primary purpose of institutional assessment is to evaluate the functions and outcomes of institutional programs and services to determine if they meet established goals and objectives. Evaluation efforts at the College shall focus on instructional programs, student services, learning resources, and other areas deemed necessary to meet the needs of the institution and community.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1115 Administrative Procedure

The President shall ensure that an appropriate system is established to evaluate the effectiveness of the College in meeting the needs of its stakeholders. The system shall include a plan that specifies intended institutional outcomes, identifies the activities and processes for assessment, and manner of communication of assessment results to the College and CNMI community.

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History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1120 Institutional Governance

(a) The Northern Marianas College Board of Regents recognizes the major constituencies of the College, namely the administration, the faculty, the support staff, and the students, as participants in the governance of the institution. Each of these constituencies is to have a role in the formulation of the mission and goals of the institution and in the development of policies governing it.

(b) Appropriate policy and accompanying administrative procedures shall be developed specifying the governance role of each of these four components of the College community in terms of policy formulation; decision-making and planning at multiple levels; and problem identification, analysis, and resolution.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

Part 1200 - Miscellaneous Provisions

§ 95-10-1201 Citizen Participation in Board Meetings

(a) Northern Marianas College was created by the citizens of the Commonwealth of the Northern Mariana Islands (CNMI) and receives advice and support from them. As their appointed representatives, it is desirable that the Board of Regents, as it deliberates and forms policy, be continually aware of the needs, interests, and concerns of the people of the CNMI and that all possible channels of communication be kept open for that purpose.

(b) It is also essential, however, that the Board meetings be conducted in an orderly, efficient and business-like manner and in a way that is conducive to carrying on the business of the College.

(c) To this end, it is the policy of this Board that the citizens of the CNMI may have the opportunity to be heard during, or at the close of, each regular Board meeting or to request a topic to be placed on a future agenda under the following plan:

(1) A tentative agenda of topics to be discussed at each regular Board meeting shall be prepared one week in advance of said meeting and shall be available to the press and to other interested persons upon request through the President's office.

(2) If a CNMI citizen desires to have a specific topic placed on the agenda which he/she wishes to discuss before the Board, a written request should be filed with the President's office at least ten days prior to the meeting date stating the reason for the request and the subject to be discussed. Its inclusion on the Board agenda shall be determined by the Chair of the Board.

(3) Immediately prior to each Board meeting, any resident of the CNMI who desires to speak to an agenda item may submit his/her request to the Board Chair. At the discretion of the Chair, such presentation may be placed on the agenda and given a specified time limit.

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(4) The order of business of the regular meeting held each quarter will include an opportunity, up to 20 minutes, for the public to address the Board on any topic not included on the agenda.

(i) Those who do desire to speak shall submit their requests to the President's office immediately prior to the opening of the Board meeting. Such requests shall indicate the subject of the topic to be discussed and the presenter's name and address.

(ii) The Board of Regents reserves the right to fix such time limits on presentations as it deems appropriate to the occasion and may limit the number of spokespersons who appear before it; in opposition to or in support of a given issue.

(5) An appropriate Board committee and/or the President shall be given an opportunity to examine and to evaluate all concerns presented and to recommend action before the Board makes a decision.

(6) Unless invited or having prior authorization to speak, citizens are requested to refrain from such participation until the close of the meeting.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1205 Protection from Civil Suit

The Board of Regents shall defend, indemnify and hold harmless members of the Board of Regents, administrators, employees and agents against any and all suits, claims and demands for damages or requests for other relief arising from a deprivation of a constitutional right, civil rights, statutory right, negligent or wrongful acts resulting in death, bodily injury, or property damage while performing such duties for an on behalf of the Northern Marianas College and as defined by law or as authorized by the Board of Regents and its agents.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).

§ 95-10-1210 Legal Counsel

The Board of Regents may, at its discretion, provide legal counsel for any Board member, administrator, employee, or student who may be requested to testify before any executive, legislative or judicial body when such testimony concerns activities of the Northern Marianas College.

History: Adopted 26 Com. Reg. 22350 (Apr. 23, 2004); Proposed 25 Com. Reg. 21369 (Sept. 18, 2003).