

POLICY MANUAL



COLBY
COMMUNITY COLLEGE

Governance and Organization

Contents

ACADEMIC COUNCIL 4

ADMINISTRATIVE ORGANIZATION 4

AUTHORIZED SIGNERS..... 5

BOARD DISCRETION..... 5

BOARD OF TRUSTEES..... 6

Authority of Members 6

Authorization..... 6

Characteristics..... 6

Conflict of Interest 6

Duties..... 6

Election 7

Handling of Complaints 7

Legal Counsel 7

Oath or Affirmation of Officer or Employee..... 7

Officers..... 8

Remuneration..... 8

Vacancies 8

BOARD OF TRUSTEES MEETINGS 9

CATEGORIES OF PERSONNEL 12

DEBT MANAGEMENT 13

FACILITIES AND NAMING GUIDELINES..... 21

FINANCIAL COMPLIANCE 22

MERGER OR CONSOLIDATION 24

ORGANIZATIONAL STRUCTURE 25

PRESIDENT..... 26

RECORDS RETENTION 28

RESERVE FUNDS 35

SELECTION OF ADMINISTRATORS..... 37

STOP PAYMENT 37

UNCOLLECTABLE DEBT WRITE-OFF 38

UNDOCUMENTED IMMGRANTS 39

APPENDIX..... 40





ACADEMIC COUNCIL

The Academic Council is a coordinated body composed of the division chairpersons, Registrar, Director of Advising, Coordinator of Outreach and Continuing Education, and the Vice President of Academic Affairs. The Director of Assessment and one Student Services representative are included as non-voting members. Its primary purpose is to coordinate course schedules, catalog revisions, and general changes in curriculum. The Council also participates in the coordination of other institutional activities such as budget and in-service programs. *[Updated March 2019]*

Although the Council does not speak for the faculty as a whole regarding changes in procedures, this group acts as a sounding board for the initiation of change. The Council makes recommendations to the administration or faculty regarding changes in procedures.

ADMINISTRATIVE ORGANIZATION

The functions of the College are currently organized into the following units for administrative purposes:

- Office of the President
- Academic Affairs
- Student Affairs
- Business Affairs

The Board of Trustees may, at its discretion, amalgamate, reorganize, or abolish one or more of these functional units and the positions therein, in keeping with emergent needs and fiscal conditions of the college.



AUTHORIZED SIGNERS

Colby Community College has the following individuals as designated signers for the institution. These designated signers are the President, the Vice President of Academics, and the Vice President of Student Affairs. The Vice-President of Business Affairs is not an authorized signer due to the separation of duties of their position.

The Board of Trustees has authorized the President to execute contracts, financial documents, and other official documents necessary for the conduct of the College's business in accordance with the defined perimeters stipulated in the "Business, Management, and Financial" section of the Colby Community College Policy Manual. The Board gives the President the authority to sign any and all documents approved by the board including but not limited to contracts, leases, and any other documents to follow through on board action.

The Board of Trustees has three authorized signers for Colby Community College. These individuals are designated by elected position, the Board Chair, the Vice-Chair, and the Treasurer. All of these individuals are eligible to sign checks for the institution. The individuals will change on an annual basis by the result of the annual election of officers.

[Added August 2016]

[Updated March 2019]

BOARD DISCRETION

The policies enumerated herein are meant to guide all members of the college community. The Board of Trustees and the President of the college reserve the right to change part or all of these provisions at any time with due notice being given to all concerned.



BOARD OF TRUSTEES

Authority of Members

No board member, as an individual, has any authority in matters dealing with the college. All members of the board should use discretion in voicing personal convictions concerning issues affecting the college. A decision once made by the majority present at any duly called meeting of the Board of Trustees shall be respected by all members of the board.

Authorization

The powers of the Board of Trustees are generally set forth in K.S.A. 71-201.

Characteristics

The Board of Trustees will continue to:

1. Be informed and knowledgeable regarding the college and its operation;
2. Lend support, wisdom, and perspective to the administration of the institution;
3. Maintain positive public relations with the people it serves;
4. Be instrumental in the long-range planning efforts of the college.

Conflict of Interest

Ethically, board members are expected to address collectively their duties and responsibilities in the best interest of Colby Community College and the Board of Trustees. They should not act as an agent of their own, personal interests or those of another individual or organization. A conflict of interest is present when actions or decisions may provide to the individual board member, or another person, group or organization, benefit or gain - monetary or otherwise. When an issue arises which is, or could be perceived as, a conflict of interest, a board member should disclose the circumstances and abstain from discussion, deliberation or decision in the matter. An individual who declares a conflict of interest may leave the meeting until the matter is concluded. The minutes shall reflect that a particular board member has declared a conflict of interest and left.

Duties

Within those powers specifically authorized by statute, the duties of the Board of Trustees shall include the following:

1. Select and appoint the executive head or President of the college and fix his/her term of office and compensation;
2. Determine the broad general policies which will govern the operation of the college, and review them periodically;
3. Consider and take appropriate action concerning recommendations of the President in all matters of policy relating to the welfare of the school, including rates of employees' compensation, site utilization and physical plant development, matters of capital outlay, and curricular offerings;
4. After receiving administrative recommendations, assume responsibility for making decisions concerning appointment, retention, or dismissal of faculty and other staff members;
5. Approve the annual budget;
6. Approve and authorize an accurate record to be kept of the expenditure of all funds;



7. Provide ways and means of adequate financial support;
8. Function as the legislative and policy-making body charged with the oversight and control of the college, leaving the executive function to the President;
9. Establish citizen advisory committees for the purpose of strategic planning;
10. Exercise the power to purchase, lease, condemn, or in any other legal manner acquire real and personal property deemed necessary for the operation of the college;
11. Serve as a court of final appeal for students and employees on matters of policy formulated at the board level;
12. Gifts made to Colby Community College or any department thereof may be transferred to the Colby Community College Endowment Foundation including cash, pledges, securities, trusts, insurance policies, real estate and other gifts in kind. The Vice President of Business Affairs will prepare a listing of gifts to the college for the board to review and act upon at a regular board meeting. In cases where the Vice President of Business Affairs is unsure of the intent of the donor, the donor will be contacted for permission to make such a transfer to the Endowment Foundation. After the Board of Trustees has approved contributions, they may be transferred to the Endowment Foundation. This applies only to gifts made directly to the college as opposed to the Colby Community College Endowment Foundation.

Election

(K.S.A. 71-1403, et. seq.)

The governing board of the college shall be a Board of Trustees composed of six (6) members who shall be elected at large from a territory of the community college district. Members shall serve for a term of four (4) years. Elections will be held on the first Tuesday in April in each odd-numbered year. Terms of all elected members shall commence on July 1 after election.

Handling of Complaints

When approached by any student, staff member, or citizen who wishes to criticize or voice a complaint concerning any part of the operation of the college, the Trustees must refer the person to the President or other administrative officer of the college. The complaint can then either be corrected at the administrative level or properly placed upon the agenda for consideration by the Board of Trustees at their next meeting. Attempts to answer or handle the complaint as an individual trustee often lead to misunderstandings and tend to destroy board unity. Staff members who discuss problems and complaints with individual trustees are guilty of unethical practice.

Legal Counsel

The President of the College is authorized by the Board of Trustees to hire legal counsel for any purposes essential for the efficient operation of the college, within the limitations of the annual budget appropriation for such services. The President shall, however, keep the Board informed about the nature of all legal services contracted and/or used.

Oath or Affirmation of Officer or Employee

(K.S.A. 75-4308; 75-4309; 75-4312; and 75-4314)

Each member of the Board of Trustees is required by law to sign an oath or affirmation that he/she will support the Constitution of the United States and the Constitution of the State of Kansas. The signed oath or affirmation is kept on file at the office of the Thomas County Clerk.



Officers

(K.S.A. 71-201)

The Board shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer at the July meeting each year. Those officers so selected will assume the duties of their offices until their successors are named. The Chairperson, Vice Chairperson, and Treasurer will be elected from the membership of the Board. The Secretary may be the chief administrative officer of the community college. The Board, in its discretion, may remove and re-elect officers at any time. *[Revised May, 2008]*

A. Chairperson's Duties

1. Preside at all meetings of the Board of Trustees;
2. Call special meetings as required;
3. Become informed and practice the proper conduct of meetings;
4. Perform such other duties as may be prescribed by law or by action of the Board of Trustees.

B. Vice Chairperson's Duties

1. Preside at all meetings of the Board of Trustees in the absence of the Chairperson;
2. Become informed and practice the proper conduct of meetings;
3. Perform such other duties as may be prescribed by law or by action of the Board.

C. Secretary's Duties

1. Notify all members of the Board of all regular, special, and adjourned meetings;
2. Attend all board meetings unless excused by the Chairperson;
3. Record the minutes of each meeting of the Board of Trustees and transmit a copy of such minutes to each member of the Board before ensuing meetings;
4. Maintain custody of all records, proceedings, and documents of the Board;
5. Keep such records, minutes of board meetings, and accounts open to public inspection;
6. Perform such other duties as may be prescribed by law or by action of the Board of Trustees.

D. Treasurer's Duties

Receive, hold in custody, and expend all funds as directed by the Board of Trustees.

Remuneration

No member of the Board of Trustees, may receive any compensation for any services rendered the community college.

Vacancies

(K.S.A. 71-201 (15))

The Board of Trustees will appoint a member to fill any vacancy on the Board for the balance of the unexpired term.



BOARD OF TRUSTEES MEETINGS

All of the following policies deal directly with meetings of the Board of Trustees:

Administrative Reports. As a general practice, brief reports may be presented by the administrative staff during each meeting.

Agenda. The President shall prepare the agenda in cooperation with the Chairperson. Other board members may request items to be placed on the agenda prior to the meeting except at special meetings of the Board. The President shall prepare and distribute appropriate background material concerning items on the agenda to each board member prior to each meeting, which then shall be referred to as the annotated agenda. The annotated agenda shall be sent to all board members at least three (3) calendar days prior to any regular board meeting. Once the agenda is prepared and sent to the board members, additional items will not be added except for special circumstances.

The agenda format shall include call to order; introduction of guests; a consent agenda to approve routine matters by a single motion and vote such as approval of minutes, payment of claims, employment contracts and affiliation agreements; new business; old business; discussion items; reports; and adjournment.

Executive Session Recess. As required by the Kansas Open Meetings Act (K.S.A. 75-4318), the Board will, as it recesses into executive session, include in its motion a statement of: 1) the justification for closing the meeting; 2) the subjects to be discussed during the executive session; and, 3) the time and place at which the open meeting will resume. The motion to recess, including the required statement, will be recorded in the minutes of the meeting and be maintained as part of the permanent records.

The Board of Trustees understands that no subject can be discussed at any closed or executive session except as permitted by the Kansas Open Meetings Act and Kansas Law.

Minutes. Accurate minutes of each board meeting shall be taken and transcribed. The minutes shall clearly reflect all motions voted on by the Board, including action taken by the Board on motions which did not pass. The Board shall review the minutes of each meeting as soon thereafter as practicable, shall make any corrections or changes required to make the minutes accurately reflect the action taken by the Board and then approve such minutes as presented or changed. The Board shall keep records necessary to document board actions. The minutes will be kept by the President as a permanent official record of board action and will be open to the inspection of the public at all times.

Notification. All meetings of the Board of Trustees shall comply with the Kansas Open Meetings Act. Appropriate notice will be provided for both regular or special meetings of the date, time, and place of these meetings to any person requesting the information.

Order of Business. In general, all meetings will follow this format: 1) Call to order; 2) Introduction of guests; 3) Approval of consent agenda; 4) Reports; 5) Business; 6) Reports and discussion; and 7) Adjournment. *[Revised March, 2006]*

Quorum. A simple majority (4) of the Board of Trustees is a quorum. No board action is valid unless a quorum is present and voting, and a proper record is made of the action taken.



Rules of Order. The board meetings shall be governed by rules of procedure as adopted by the Board and in accordance with law.

The Chairperson (or Vice Chairperson in the absence of the Chairperson) will preside at all meetings. In the absence of both the Chairperson and Vice Chairperson, the members present will elect a Chairperson *pro tempore* who will serve only for that meeting or for that part of the meeting in which the Chairperson and Vice Chairperson are absent.

Any Board member who wishes to make a motion, second a motion, or discuss pending business will first secure recognition of the Chairperson.

The Chairperson will present each agenda item for discussion or designate the President or staff member who will present the agenda item.

All formal actions of the Board will be taken by ordinary motions unless a formal resolution is required by law. It will not be necessary for a motion to be before the Board in order to discuss an agenda item which has been presented by the Chairperson for consideration. In the ordinary course of events, the Board will discuss all matters other than routine procedural questions prior to the making of a motion in order that reaching a consensus may be facilitated.

The following motions will be in order:

- To recess;
- To take action;
- To amend a motion to take action, but such amending motion will be disposed of before any other motion to amend the main motion will be in order;
- To defer action, either finally or to a specific time, date, and place; To go into executive session; and
- To adjourn, either finally or to a specific time, date, and place.

Types

1. Regular Meetings—Meetings of the Board of Trustees will be held on the third Monday of each month at a time and a place to be designated by the Board, unless conditions require additional meetings. The President of the College shall properly notify each member of all meetings.
2. Special Meetings—Special meetings of the Board of Trustees may be called by the Chairperson of the Board, by the President of the college, or any three (3) members of the Board, should conditions warrant. The President of the College shall notify each trustee of any special meeting giving the time, date, place, and purpose prior to the meeting.

Visitor Participation. Visitors are welcome at meetings of the Board and may address the Board subject to time limitations deemed appropriate for the occasion by the Board Chair. Once the meeting is officially opened by the Chairperson, no one other than members of the Board or the President of the college will be allowed to enter into the discussion except by direct request of the Chairperson of the Board, the President of the college, or a member of the Board of Trustees. All visitors will be accorded the common courtesies of an introduction to the Board and provision of certain material



deemed appropriate for their information. Requests or proposals to be placed on the agenda must be submitted to the President, at least forty-eight (48) hours before the meeting, excluding Saturdays, Sundays, and holidays. The Board reserves the right to limit debate and does not obligate itself to act upon any request or proposal until it is in possession of sufficient pertinent material to permit the exercise of sound judgment.

Voting Method. The Board shall take action by way of motions. No motion may be acted upon until it has been duly seconded by a member of the board. The vote on all motions shall be by “yes” and “no.” Following each vote, the Chairperson shall announce that the motion carried or failed by a vote of (number of) affirmative votes to ___negative votes. The minutes shall indicate whether a motion passed or failed. Each board member shall have the privilege of explaining for the record any vote, be it affirmative, negative or abstaining. Any abstaining vote shall be counted as a “no” vote.

Any Board member may declare a conflict of interest on a particular issue and shall leave the meeting until the matter is concluded. The minutes shall reflect the fact that a particular Board member has declared a conflict of interest and left.



CATEGORIES OF PERSONNEL

The college has the following categories of personnel:

- A. Administrators, i.e. President, Vice President of Academic Affairs, Vice President of Student Affairs, and Vice President of Business Affairs.
- B. Professional Employees as defined by K.S.A. 72-5413, *et seq.*
- C. Non-certified staff shall consist of classified employees and administrative support employees.
 - 1. Administrative support employee is a salaried employee who is paid on a contractual basis not dependent upon hours worked and who is not an administrator or professional employee.
 - 2. Classified employee is an employee who is paid upon the basis of hours worked.

A full-time employee is an employee who is regularly assigned to work at least thirty (30) hours per week. A part-time employee is an employee who works less than thirty (30) hours per week.



DEBT MANAGEMENT

Adherence to its debt management policy signals to rating agencies and the capital markets that the College and its Board of Trustees is well-managed and should meet its obligations in a timely manner. Debt levels and their related annual costs are important financial considerations that impact the use of current resources. An effective debt management policy provides guidelines for the College to manage its debt programs in line with those resources.

I. Introduction

- A. The Board of Trustees (“BOT”) adopts the following policies concerning debt management.
- B. Whenever the College takes action to borrow money for any purpose, the College must first seek the approval of the Board of Trustees (BOT). The BOT is instrumental to Colby Community College whose purpose is to finance revenue generating capital projects for the College located in Thomas County, Kansas by issuing its bonds and notes.
- C. The College reserves the right to utilize other borrowing methods should special circumstances arise, pending BOT approval.
- D. The BOT has financed a variety revenue generating of higher education projects including, but not limited to, residential housing and the Honeywell Energy Conservation project. These projects stand in contrast to non-revenue generating capital projects for basic academic needs such as classrooms and libraries that are funded from the proceeds of the tuition and fees issued for which the College is not obligated to pay the debt service.

II. Goals and Objective

- A. The College is establishing this debt policy as a tool to ensure that financial resources are adequate to meet the College’s long-term debt program and financial planning.
- B. In addition, this Debt Management Policy (the “Policy”) helps to ensure that financing undertaken by the College satisfy certain clear objective standards designed to protect the College’s financial resources and to meet its long-term capital needs.
- C. This Policy coordinates with other policies and guidelines of the College.
 1. The goals of this Policy are:
 - a. To document responsibility for the oversight and management of debt related transactions;
 - b. To define the criteria for the issuance of debt;
 - c. To define the appropriate uses of debt; and
 - d. To minimize the cost of issuing and servicing debt.
 2. The objectives of this Policy are:
 - a. To establish clear criteria and promote prudent financial management for the issuance of all debt obligations;
 - b. To identify legal and administrative limitations on the issuance of debt;



- c. To ensure the legal use of the College’s direct debt issuance authority;
- d. To maintain appropriate resources and funding capacity for present and future capital needs;
- e. To evaluate debt issuance options;
- f. To promote cooperation and coordination with other stakeholders in the financing and delivery of services;
- g. To manage interest rate exposure and other risks; and
- h. To comply with Federal Regulations and generally accepted accounting principles (“GAAP”).

III. Debt Management

A. Purpose and Use of Debt Issuance

1. Debt may be used to finance projects identified by Colby Community College. Ordinarily, projects are identified and included within the College’s approved capital plan that is submitted annually to the BOT. After consideration by the BOT, these projects are incorporated into the College’s annual budget (as “disclosed projects”). From time to time, mission critical projects not considered as part of the annual process will be brought to the BOT for intra-year financing.
2. Debt may be used to finance project costs which include all direct capital costs and indirect capital costs of projects, including but not limited to costs of construction and acquisition, costs of issuance of debt, funded interest on debt, and amounts to fund or replenish reserves, if and to the extent approved by the Authority. Furthermore, no budgeted operational expenditures (including internal employee labor) shall be reimbursed with debt proceeds unless such debt is retired/repaid within the fiscal year of issuance.
3. Prior to the issuance of bonds, bond anticipation notes may be issued for the payment of costs as authorized by the BOT.
4. Bonds may be issued to refinance outstanding debt.

B. Debt Capacity Assessment

The debt capacity of the College is partially reliant on the assessment of the debt capacity on a project by project basis as each project is considered. Debt capacity of each project is based on debt service coverage, which measures the actual margin of protection for annual debt service payments from the annual pledged revenue. The pledged revenue plus the pledge of legislative appropriations must meet a two times coverage test for a project to be approved for debt funding.

C. Federal Tax Status

Tax-Exempt Debt – The College will use its best efforts to have projects eligible for financing with tax-exempt debt based on the assumptions that tax-exempt interest rates are lower than



taxable rates and that the interest savings outweigh the administrative costs, restrictions on use of financed projects, and investment constraints.

Taxable Debt – The College will agree to financing of projects with taxable debt when projects are not eligible to be financed with tax-exempt debt or when the administrative costs, restrictions on use of financed projects, and investment constraints outweigh the benefit of tax-exempt rates.

D. Legal Limitations on the Use of Debt

1. Limitations on the purpose to which the proceeds of sale of bonds or notes may be applied are contained in the resolution or resolutions authorizing the bonds or notes.
2. No debt may be issued for a period longer than the useful life of the capital project it is funding.

IV. Types of Debt

A. The BOT is authorized from time to time to issue its negotiable bonds and notes. These include:

1. Bonds

The BOT may issue bonds, where repayment of the debt service obligations of the bonds will be made through revenues generated from specifically designated sources. The bonds will be special obligations of the College. These bonds may include, but not limited to:

- a. Fixed Interest Rate Bonds - Bonds that have an interest rate that remains constant throughout the life of the bond.
 1. Serial Bonds
 2. Term Bonds
- b. Variable Interest Rate Bonds - Bonds which bear a variable interest rate but do not include any bond which, during the remainder of the term thereof to maturity, bears interest at a fixed rate.
- c. Capital Appreciation Bonds - Bonds as to which interest is payable only at maturity or prior redemption of such Bonds or which bear a stated interest rate of zero. The corresponding Supplemental Resolution for the bonds will define the manner in which the period during which principal and interest shall be deemed to accrue, and the valuation dates for the bonds and the accreted value on the valuation date.
- d. Refunding Bonds - Bonds refunding the whole or a part of a Series of Bonds delivered on original issuance.

2. Short-term Debt:

- a. The BOT may issue short-term debt, from time to time as needed to fund projects for Colby Community College during their construction phase. Such debt shall be authorized by resolution of the BOT. Short-term debt may be used for the following reasons:



- i. To fund projects with an average useful life of ten years or less; and
 - ii. To fund projects during their construction phase.
- b. These notes may be structured as Bond Anticipation Notes (“BANs”) or short-term obligations that will be repaid by proceeds of a subsequent long-term bond issue or fees and charges from the borrowers. Typically these notes are issued during the construction period to take advantage of lower short-term interest rates. These notes may include:
- a. Commercial Paper (“CP”) – CP is a form of bond anticipation note that has a maturity up to 270 days, may be rolled to a subsequent maturity date and is commonly used to finance a capital project during construction. It can be issued incrementally as funds are needed.
 - b. Fixed Rate Notes – Notes issued for a period of time less than three years at a fixed interest rate.
 - c. Variable Rate Notes – Notes issued for a period of time less than three years which bear variable interest rates until redeemed. Provision as to the calculation or change of variable interest rates shall be included in the authorizing resolution.
 - d. Revolving Credit Facility – A form of bond anticipation note involving the extension of a line of credit from a bank. The bank agrees that the revolving credit facility can be drawn upon incrementally as funds are needed. The draws upon the line of credit may bear variable interest rates until redeemed. Provision as to the calculation or change of variable interest rates shall be included in the authorizing credit agreement.

V. Debt Management Structure

- A. The College, when requesting financing for a project, shall request the BOT to structure the funding:
- 1. Term
All capital projects financed through the issuance of debt will be financed for a period not to exceed the useful life of the projects, but in no event will the term exceed thirty (30) years.
 - 2. Financed (Capitalized) Interest
 - a. From time to time certain projects may require the use of capitalized interest from the issuance date until the College has beneficial use or occupancy of the financed project.



- b. Interest may be financed (capitalized) through a period permitted by federal law and the Authority's Second Program General Bond Resolution if it is determined that doing so is beneficial.

3. Debt Service

- a. Debt issuance shall be planned to achieve relatively net level debt service. The College shall not use bullet or balloon maturities, absent sinking fund requirements, except in those instances where these maturities serve to make existing overall debt service level or to match a specific income stream.
- b. No request shall be made to the Authority for debt to be structured with deferred repayment of principal unless such structure is specifically approved by affirmative vote of the members of the College.

4. Call Provisions

In general, the BOT's securities will include a call feature no later than ten (10) years from the date of delivery of the bonds. Call Features should be structured to provide the maximum flexibility relative to cost. The BOT will avoid the sale of long-term non-callable bonds absent careful evaluation by the Authority with respect to the value of the call option.

5. Original Issuance Discount/Premium

Bonds sold with original issuance discount/premium will be permitted with the approval of the BOT.

VI. Refunding Outstanding Debt

- A. At least annually, College staff with assistance from the BOT's Financial Advisor analyzes outstanding bond issues for refunding opportunities, whether for economic, tax-status, or project reasons.
- B. Consideration is to be given to anticipated costs and administrative implementation and management.
- C. The College shall report to the BOT a need for refunding when:
 - 1. The refunding of the debt is necessary due to a change in the use of a project that would require a change to the tax status of the debt.
 - 2. The project is to be sold or no longer in service while still in its amortization period.
 - 3. Restrictive Covenants prevent the issuance of other debt or create other restrictions on the financial management of the project and revenue producing activities.
- D. The College will request the refunding term to be no longer than the term of the originally issued debt.

VII. Reserve Funds

- A. Debt Service Reserve Fund
 - 1. The BOT provides that a Debt Service Reserve Fund shall be established up for each bond that is issued.



2. If future BOT bond resolutions do not require such a reserve fund, this provision is not required.

B. Liquidity Facility

In the event the BOT shall utilize CP, the BOT may set up a liquidity facility to provide liquidity to securities that have been tendered. The liquidity facility may be in the form of a letter of credit, advance agreement or other arrangement that may provide liquidity.

C. Interest Rate Reserve Fund:

1. The BOT establishes an interest reserve fund for the bond anticipation notes issued for each project. The interest reserve fund provides security for interest due on the bond anticipation notes as such interest matures between billings.
2. The College will pay on a monthly basis based on the amount borrowed.
3. When the short-term debt for a project is either repaid or converted to bonds, the amount invested in the reserve fund will be credited back to the College.

VIII. Risk Assessment

- A. The Vice President of Business Affairs, subject to approval of the President of CCC, will evaluate each transaction to assess the types and amounts of risk associated with that transaction, considering all available means to mitigate those risks.
- B. The Vice President of Business Affairs, subject to approval of the President of CCC, will evaluate all proposed transactions for consistency with the objectives and constraints defined in this Policy.
- C. The following risks should be assessed before issuing debt:
 1. Change in Public/Private Use

The change in the public/private use of a project that is funded by tax-exempt funds could potentially cause a bond issue to become taxable.
 2. Default Risk

The risk that revenues for debt service payments are not all received by the due date.
 3. Liquidity Risk

For variable rate debt, the risk of having to pay a higher rate to the Authority for the liquidity provider in the event of a failed re-marketing.
 4. Interest Rate Risk

For variable rate debt, the risk that interest rates will rise, on a sustained basis, above levels that would have been set if the issue had been fixed.
 5. Rollover Risk



For variable rate debt, the risk of the inability to obtain a suitable liquidity facility at an acceptable price to replace a facility upon termination or expiration of the contract period.

IX. Transparency

- A. As a public body, the College shall comply with the Kansas Open Meetings Act.
- B. Additionally, the College will assist the BOT in complying with U.S. Securities and Exchange Commission Rule 15c2-12, by providing certain financial information and operating data by specified dates, and to provide notice of certain enumerated events with respect to the bonds, if material. Such material events include:
 - 1. Issuer's Counsel - The Authority will enter into an engagement letter agreement with each lawyer or law firm representing the Authority in a debt transaction. No engagement letter is required for any lawyer who is an employee of the Office of Attorney General and Reporter for the State of Kansas which serves as counsel to the Authority.
 - 2. Bond Counsel - Bond Counsel shall be engaged through the Office of State and Local Finance and serves and assists the Authority on all its debt issues under a written agreement.
 - 3. Financial Advisor - The financial advisor shall be engaged through the Office of State and Local Finance and serves and assists the Authority on financial matters under a written agreement. However, the financial advisor shall not be permitted to bid on or underwrite an issue for which it is or has been providing advisory services.

X. Professional Services:

From time to time the College uses its General Counsel for advice on aspects of a debt transaction.

XI. Potential Conflicts of Interest:

- A. If the College were to hire professionals to assist the College in a debt transaction, the professionals shall be required to disclose to the College existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor), as well as the BOT.
- B. This disclosure shall include such information that is reasonably sufficient to allow the College to appreciate the significance of the relationships.

XII. Debt Administration

A. Planning for Sale

The College (through the Vice President of Business Affairs, subject to approval of the President of CCC) will provide all requisite information to the BOT to facilitate the compilation of data necessary for the Official Statement related to the bond issuance and bond underwriting.

B. Post-Sale



1. The College will ascertain that fees and charges are established at levels sufficient to meet the two times debt service coverage when combined with legislative appropriations.
2. The College will (through the Vice President of Business Affairs, subject to approval of the President of CCC) provide for timely transmission of requisite debt service payments as billed by the Authority.

C. Continuing Administration

1. The College (through institutional administration) will ascertain that facilities financed with tax exempt debt will be used in a manner such as to not jeopardize the exempt status of the issued debt.
2. The College (through institutional administration) will maintain the financed facilities in a prudent manner establishing maintenance reserves when necessary to preserve the viability of facilities.

XIII. Federal Regulatory Compliance and Continuing Disclosure

A. Arbitrage

1. The College (through the Vice President of Business Affairs, subject to approval of the President of CCC) will work with the Office of State and Local Finance to comply with arbitrage requirements on invested tax-exempt bond funds consistent with representations made in the relevant Tax Certificate.
2. The College will also retain all records relating to debt transactions for as long as the debt is outstanding, plus three years after the final redemption date of the transaction.

B. Generally Accepted Accounting Principles (GAAP)

The College will comply with the standard accounting practices adopted by the Governmental Accounting Standards Board when applicable.

XIV. Review of the Policy

The debt policy guidelines outlined herein are intended to provide direction regarding the future use and execution of debt. The College maintains the right to modify these guidelines in a manner similar to the original adoption of the Policy.

[Added January 2020]



FACILITIES AND NAMING GUIDELINES

Colby Community College may recognize donors of large monetary gifts or those who clearly have provided exceptional service to the institution by naming specific facilities for them. Facilities may be named for a donor if one of the following conditions is met:

- A. An individual, family, business, corporation, and/or other charitable entity has given at least \$500,000 and recognized by the Board of Trustees upon recommendation from the CCC administrative team as being an eligible recipient of the honor. *[Revised October 2016]*
- B. An individual has (a) served a minimum of 15 years at CCC; (b) been recognized as outstanding by the public, students, faculty, and administration; and (c) is supported by the Board of Trustees.
- C. Be recognized as an individual who has truly impacted Colby Community College beyond monetary measures. *[Added October 2018]*
- D. All recommendations will formally be made by the President of Colby Community College, in open session, at a Board of Trustees meeting. All recommendations must be formally approved by the Colby Community College Board of Trustees. *[Added October 2018]*

All Donor Naming Opportunities

- 1. Naming opportunities for spaces within a building shall be defined by the Colby Community College (CCC) President.
- 2. Naming opportunities for: rooms, areas on campus, or other structures will be reviewed on a case-by-case basis by the CCC President.
- 3. All naming opportunities must be reviewed and approved by the CCC Board of Trustees.
- 4. If a business/organization is longer in the community or is no longer in business, the Board of Trustees reserves the right to rename the facility.
- 5. Nothing in this policy shall limit the CCC President or the Board of Trustees from considering or proposing recognition of individuals for academic, research or service contributions.



FINANCIAL COMPLIANCE

Colby Community College has a significant investment in its fixed assets, which are comprised of land, buildings, and fixed and moveable equipment. These fixed assets are used to carry on the College's primary missions of instruction and public service. An item is considered a fixed (or capital) asset if it is owned or considered owned by the college, is held for operations for more than one year and its acquisition value is \$5,000 or more individually or as an operating unit for equipment. This includes all items gifted to the College as well as purchases made with donated funds. All fixed assets are owned or deemed accountable by the College and not a specific individual, department or other operating unit.

Fixed assets are recorded at cost at date of acquisition for purchased items. Donated items are recorded at fair market value on the date received. Depreciation is calculated on the straight-line basis over the estimated useful life of each class of depreciable asset. Estimated lives range from 3 to 50 years. Since land does not have an estimated useful life, it is not depreciated.

Guidelines have been established to help College departments and personnel ensure that the College's fixed assets are acquired, safeguarded, controlled, disposed of, and accounted for in accordance with state and federal regulations, audit requirements, and generally accepted accounting principles.

Responsibilities of the Controller

The Controller is responsible for handling a variety of day to day accounting responsibilities such as account analysis and reconciliation, as well as reporting and analysis, which include fixed asset accounting, debt service, bond proceeds analysis, and accounting for capital leases.

Capital Assets

Assets are depreciated using the straight-line method. The range of estimated useful lives by asset categories is summarized as follows:

Asset category	Years
Buildings	45 to 50
Building Improvements	5 to 20
Furniture and Equipment	5 to 15
Vehicles	3 to 8
I.T. Equipment Hardware/software	3 to 10

The costs of normal maintenance and repairs that do not increase the value of the asset or materially extend assets lives are not capitalized.

What to Do When Capital Assets Are Delivered

A member of the Business Affairs Office staff will contact the person that initiates the purchase requisition within a few weeks of the purchase to schedule a time to tag the asset. This tag



number will be referenced on the inventory sheet of the asset and will be forwarded via email to the department head and the person that initiates the purchase requisition. The inventory sheet includes the location, purchase information such as date of purchase, manufacturer, model, serial number, department's name, department's contact person and fixed asset number. The fixed asset inventory information sheet will be entered into the Microsoft Dynamics Great Plains Fixed Assets System.

Selling, Trading-in, Donating or Disposing of a Capital Asset

The Business Affairs Office staff must be notified of all disposals of capital equipment. When selling, donating, trading-in or disposing of capital equipment, the department responsible for the capital equipment must complete the equipment and furniture disposal form in order to properly account for removing the asset from Microsoft Dynamics Great Plains Fixed Asset System.

The Policy for Disposal of College Assets can be viewed online.

Additionally, the Business Affairs Office staff must be notified via email or telephone prior of all transfers of capital equipment to another department or location within the College.

[Added February 2020]



MERGER OR CONSOLIDATION

In the event that Colby Community College is presented with a merger or consolidation proposal with another institution, the following must occur:

One: The president will serve as the contact point for any such proposal, whether it is initiated or received. The president will inform the Board of Trustees of all conversations and contacts pertinent to the merger or consolidation. The president will at the appropriate time, make his or her recommendation to the Board of Trustees.

Two: The Board of Trustees will then vote to put a referendum before the Thomas County Electorate at the next applicable date. For the request to go any further, at least four of the six Board of Trustees must approve the request.

Three: Lastly, Thomas County Electorate will then have the opportunity to approve or deny the merger or consolidation.

*If any of the three do not approve the request, the merger will not occur.

This policy is in accordance with the **Kansas 2014 Statute 71-1301** (*Authorization to agree to consolidate*). In accordance with the provisions of article 13 of chapter 71 of Kansas Statutes Annotated, the boards of trustees of any two (2) or more community college districts are hereby authorized to enter into agreements to form one consolidated community college district. History: L. 1968, ch. 77, § 1; L. 1980, ch. 207, § 62; July 1.

And with

Kansas 2014 Statute 71-1701. Authorization to consolidate; approval by state board of regents required, when; operation, management and control of community college not affected; applicability of statutes.

(a) Any area vocational school or area vocational-technical school may consolidate with and be made a part of any community college under the provisions of this act. No merger involving an area vocational school or area vocational-technical school located in any county in which there is also located the campus of a state educational institution shall occur unless the merger is specifically approved by the state board of regents.

(b) Except as otherwise specifically provided in this act, nothing in this act shall be applied or construed in any manner so as to change or affect the operation, management and control of any community college or to change or affect any existing power, duty or function of a board of trustees with respect to such operation, management and control. The provisions of all statutes of general application to community colleges shall apply to every community college affected by this act to the extent that such statutory provisions are not in conflict with the provisions of this act.

History: L. 1992, ch. 248, § 1; July 1.



ORGANIZATIONAL STRUCTURE

The Board of Trustees shall at all times endeavor to make provisions for a suitable organizational structure and adequate administrative support to carry out the institutional mission and to achieve the institutional goals. A current updated chart depicting the organizational structure shall always form a part of this manual; the charts appear at the end of this chapter.



PRESIDENT

Duties and Responsibilities: The President will be the Chief Executive and Administrative Officer for the Board of Trustees. In addition to the powers and duties that may be specifically imposed upon him/her by statute, he/she will execute directly or by delegation all executive and administrative duties in connection with the conduct of the college. His/her duties and responsibilities will include the following:

1. Be responsible for the organization and administration of the college.
2. Make policy recommendations to the Board of Trustees concerning all matters that affect the college.
3. Recommend changes in personnel and personnel policies. Recruit new faculty members and make recommendations to the Board of Trustees for appointment.
4. Submit an annual budget to the Board of Trustees and make any recommendations for budget changes.
5. Be responsible for initiating a program of training and professional development through in-service activities for all employees.
6. Have authority to exercise the discretionary power along lines established by the Board of Trustees.
7. Assume responsibility for establishing and maintaining an adequate public relations program.
8. Lend influence toward the development of proper local, state, and national educational policies.
9. Be responsible for the formulation of all reports required by the Board of Trustees and by local, state, and national agencies.
10. Be responsible for the coordination of the entire college program.
11. Direct development of the building program for the college.
12. Recommend to the Board of Trustees changes in site utilization and buildings and grounds.
13. Recommend establishment of citizen and trade advisory committees by the Board of Trustees when necessary, and assist the Board in proposing names of members to be appointed to such committees.
14. Initiate the necessary research to facilitate long-range planning and projections and to document information and make recommendations to the Board of Trustees.
15. The President of Colby Community College is authorized to pay in advance of approval by the Board of Trustees any claims against said community college that provide for a discount for early payment or for the assessment of a penalty for late payment in advance of approval by the Board of Trustees; the claim shall be audited by the Vice President of Business Affairs and approved as correct, due and unpaid; and the President shall keep an accurate record of all monies paid, the purposes for which expended, and shall submit the record to the Board of Trustees for approval at its next regular meeting.
16. The Board of Trustees has authorized the President to execute contracts, financial documents, and other official documents necessary for the conduct of the College's business



in accordance with the defined perimeters stipulated in the “Business, Management, and Financial” section of the Colby Community College Policy Manual. The Board gives the President the authority to sign any and all documents approved by the board including but not limited to contracts, leases, and any other documents to follow through on board action. *[Added March 2019]*

17. Perform other duties assigned or delegated by the Board of Trustees.

Policies Manual and Procedure Manual. The President of the college shall continually maintain an updated *Policies Manual* and *Procedure Manual* which accurately reflect all current policies approved by the Board of Trustees and all college procedures. He/she will ensure that the updated manuals are circulated to all employees of the college.

Selection, Tenure, Evaluation, Remuneration, Other Service Conditions (K.S.A. 71-201). The term of office of the President shall be determined by the Board of Trustees. Upon the termination of a contract, the Board of Trustees will renew the contract or, if his/her services will not be required for the next succeeding contractual term, will notify the President in writing prior to June 1 in the last year of his/her incumbency. If at any time, in the opinion of the majority of the Board of Trustees, his/her services are unsatisfactory, he/she shall be notified in writing and given an opportunity to correct conditions. The compensation of the President will be fixed by the Board of Trustees at the time he/she is appointed, and the terms thereof will be set forth in the contract for his/her services. The Board of Trustees will review the compensation due the President for the next fiscal year annually by June 1 and make such adjustments as are mutually agreeable.

The board shall adopt an evaluation system that provides a basis for formal evaluation of the President’s performance. The system shall include the evaluation form used and the process necessary to complete the form. The Board shall evaluate the President using the evaluation form in accordance with current legal requirements for the first four years of employment and annually for the term of the President’s employment. The President’s evaluation shall be confidential and be made available only to the Board, the President and others as provided by law. The evaluation instrument shall be on file at the college office with the administrative assistant. Any revisions in the evaluation system shall include input from the President.



RECORDS RETENTION

Colby Community College is governed by state statutes defining records retention requirements. State law provides that all government records are public property and shall not be destroyed or otherwise disposed of except as authorized by law or applicable retention and disposition schedules (see Kansas Statutes Annotated (K.S.A.) 45-403). This chapter provides records and information management guidance for current and non-current government records within Colby Community College units and offices. The College Archives is designated as the official repository for the preservation of all Colby Community College non-current government records with enduring value. The College Archives is administered by the College Vice President of Business Affairs (VPBA), hereinafter referred to as the VPBA, who serves as the Agency Records Officer for Colby Community College in accordance with Kansas Administrative Regulation (K.A.R.) 53-4-1. In this capacity, the VPBA serves as the liaison between the College Archives and Colby Community College offices to develop and maintain records retention and disposition schedules as described in this chapter. Unless stated otherwise, the term "office(s)" used in this chapter refers to all administrative, academic, and other offices of Colby Community College. This policy is maintained by the Policy Committee, which is further described in .050 Roles and Responsibilities.

Statutes

Colby Community College records, regardless of their format, are subject to the records preservation laws of Kansas. College officials are responsible for managing records in ways that ensure accessibility under the Kansas Open Records Act (KORA, K.S.A. 45-215–45-223), protect the confidentiality of other records as stipulated in various state and federal statutes, and preserve and provide long-term access to selected records through the Government Records Preservation Act (K.S.A. 45-401–45-413) and the Public Records Act (K.S.A. 75-3501–75-3518).

Definitions

"Government records" means all volumes, documents, reports, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilms, photographic records and other data, information or documentary material, regardless of physical form or characteristics, storage media or condition of use, made or received by an agency in pursuance of law or in connection with the transaction of official business or bearing upon the official activities and functions of any governmental agency. Published material acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience of reference and stocks of publications, blank forms and duplicated documents are not included within the definition of government records" (see K.S.A. 45-402(d)).

"Noncurrent government records" means all government records which no longer are necessary for the handling of ordinary official public business by the agency and which are not required by law to be retained in the immediate custody of the agency for a longer period of time" (see K.S.A. 45-402(e)).

"Government records with enduring value" means all government records which merit preservation for historical, legal, fiscal or administrative reasons, or for research purposes" (see K.S.A. 45-402(f)).

"Retention and disposition schedules" means lists of series of government records, prepared pursuant to K.S.A. 45-404 and subsections (c) and (d) of K.S.A. 45-406, and amendments thereto, specifying which series of records have enduring value, authorizing disposition of certain other series of records, and indicating how long certain series of records should be retained before disposition of them" (see K.S.A. 45-402(g)).



"Records life cycle" means the phases of existence for records, usually including creation, active (current and regularly used), inactive (current and occasionally referenced), and disposition (non-current).

"Records retention" means the length of time records should be maintained by an organization. This duration can range from immediate disposal to archival preservation.

"Records disposition" means the decision, usually designated by retention schedules, to move records to their final location. Options can include continued maintenance in office of record, destruction, or transfer to the archives.

Roles and Responsibilities

The following groups and individuals are frequently involved in records and information management at Colby Community College. Their functions and obligations are described as follows.

The Records and Information Management Committee is charged to develop, review, revise, endorse, and interpret College records and information management and technology policies and procedures for the College community and ensure that those policies are appropriately disseminated to the campus community. All policies related to records and information management and technology should be approved by this committee. It has authority to review and recommend records retention schedules for approval by the State Records Board, and will review this policy on an annual basis. In addition, the committee will:

- Keep retention policies and schedules updated.
- Provide guidance on matters related to records and information management and information technology.
- Ensure best practices are known and followed.
- Respond to records questions and issues.
- Identify and implement training opportunities.
- Develop implementation and enforcement strategies.
- Address changes in technology and recordkeeping priorities.

The duties of the Agency Records Officer, designated as the College VPBA , are described in [K.A.R. 53-4-1](#). Further, this person serves as chair of the Records and Information Management Committee and is a resource to College personnel for records and information management questions.

The College Archives is the official repository for the preservation of all Colby Community College non-current government records with enduring value.

Administrative, academic, and other offices and units have responsibility for the management of records during their active and inactive phases of the records life cycle. They also coordinate with the VPBA for transfers of archival records.

Access to Records

Colby Community College recognizes its responsibility to the academic community and public for the timely access, retention, and disposition of College records, as defined by this policy and the applicable



records retention schedules, and in compliance with KORA and other college, state, or federal statutes and regulations that may apply.

As a state institution, many of Colby Community College records are generally subject to inspection and copying by members of the public, unless there is an applicable exemption to disclosure, such as those described in KORA.

For access to active and inactive records, please contact the college's designated records custodians. For access to records transferred to the College Archives, refer to the department website for open hours and any procedural guidelines. Some archival College records may be exempt from disclosure.

Records Retention and Disposition Schedule

Records at Colby Community College will be maintained in accordance with applicable retention and disposition schedules. The State of Kansas General Schedules, Kansas Board of Regents agency schedule, and Colby Community College agency schedule provide retention and disposition guidance. For questions about records not described in these schedules, please contact the VPBA. When the schedules defined above give the disposition as "Archives," it means the College Archives.

Records Procedures and Forms

Throughout the records life cycle, personnel in administrative, academic, and other offices and units will be required to store, transfer (to the College Archives), or destroy records. The following procedures and forms assist in these activities:

- A. Using and navigating retention and disposition schedules:
 1. Records retention schedules may be accessed by browsing the schedules using the links provided herein, or by searching all of the state retention schedules. Refer any questions to the VPBA.
 2. The relevant retention schedules for Colby Community College records are found in the State of Kansas General Schedules, Kansas Board of Regents agency schedule, and Colby Community College agency schedule. Questions about records not described in these places should be referred to the VPBA.
- B. Storing paper and analog records:
 1. Offices and units should store inactive records in standard records cartons (15" long x 12" wide x 10" high).
 2. Boxes should be labeled clearly, even if the contents are scheduled for destruction, so the office holding the records and the Archives staff can readily identify the records, retention length, disposition action, and date. The label should include the office or unit name, the name of the records as listed in the Records Retention and Disposition Schedule (see .070; if not in the schedules, provide the appropriate name of the records), beginning and ending dates of contents, and the sequential box number (e.g., 1 of 4, 2 of 4, etc.).
 3. Boxes stored in an office area should be placed so that all box labels are visible and the boxes are accessible. Inactive records having archival value ultimately will be transferred to the Archives. In the event that Archives space limitations should postpone transfer of some historical records, the office or unit will have full



responsibility for maintaining the records until they can be placed in the Archives. Any storage site should be clean, dry, secure, and maintained at a moderate temperature.

C. Storing electronic records:

1. Offices and units should store active records in locations that allow rapid retrieval from information systems.
2. Offices and units should store inactive records in locations that balance cost and retrieval needs.
3. Directory folders and files should be named consistently to assist retrieval of appropriate information.
4. Active and inactive records require storage that meets any information security needs and digital preservation requirements.

D. Transferring records to the Archives:

1. Identify records in the Records Retention and Disposition Schedule (see .070; if not in the schedules, contact the VPBA) that have disposition as "Archives." Transfer of records to the Archives takes place at the end of the retention period described in the schedules.
2. Contact the VPBA if any questions exist about records to destroy or transfer to the Archives.
3. Contact the VPBA to coordinate transfer of records to the Archives.

E. Destroying records:

1. Identify records in the Records Retention and Disposition Schedule; if not in the schedules, contact the VPBA that have disposition as "Destroy." Ensure other federal or state statutes or regulations do not prohibit destruction of specified records. Destruction of records takes place at the end of the retention period described in the schedules.
2. Contact the VPBA if any questions exist about records to destroy or transfer to the Archives.
3. Fill out any applicable records destruction forms and contact the VPBA for any necessary approvals for records destruction.
4. For paper records, use university-approved destruction method (recycle, shred, vendor shredding, Shred Day, etc.) that is appropriate for the confidentiality of the records being disposed.
5. For destruction of digital data and records, follow guidelines in the Media Sanitization and Disposal Policy, and ensure methods are appropriate for the confidentiality of the records being disposed.

F. Revising records retention schedules:



1. To revise existing retention schedules, please contact the VPBA to initiate the process. The VPBA will submit draft revisions to the Records and Information Management Committee for review and recommendation to the State Records Board for final approval.
2. To create a new retention schedule, please contact the VPBA to initiate the process. The VPBA will submit draft schedules to the Records and Information Management Committee for review and recommendation to Board for final approval.

G. Revising the retention of records policy:

1. The Policy Committee will review this policy at least annually.
2. For questions about this policy, please contact the VPBA.

State and Federal Statutes and Regulations

State and federal statutes and regulations related to records management and records retention include the following sections: state records, education records, financial records, health information records, human resources records, and research and sponsored programs records.

A. State records

1. Government Records Preservation Act, [K.S.A. 45-401 et seq.](#), defines government records, declares records to be state property, prohibits their unauthorized destruction, describes the State Records Board, requires state and local agencies to cooperate with the State Records Board in regards to records, and stipulates the conditions for the destruction of records after imaging.
2. Public Records Act, [K.S.A. 75-3501 et seq.](#), also defines records, creates and outlines responsibilities of the State Records Board, authorizes admissibility in court of micrographic and optical disc records, requires agency compliance with standards for micrographic and optical disc records, requires state agencies to maintain titles, deeds, or other records related to any real estate transactions conducted by the agency, provides guidelines for the use of acid-free and permanent paper, prohibits disclosure of individuals' social security numbers, but not access to full records containing that information.
3. State Records Board, [K.A.R. 53-4-1](#), implements the Kansas Public Records Act and describes the duties of records officers.
4. Kansas Open Records Act (KORA), [K.S.A. 45-215 to 45-223](#), declares records open for inspection unless otherwise provided by this act, requires the development of policies to provide prompt and convenient public access to government records for a reasonable fee, describes specific categories of records that are exempt from disclosure, state agencies have discretion to release some records exempted from disclosure by the KORA, provides that records exempted by KORA and still in existence will be open to the public after 70 years unless closed by another specific statute or regulation, provides description of enforcement actions and penalties for violations, requires the designation of a local freedom of information officer per office, requires a citizens' right to access brochure be available to the general public, provides for legislative review of exceptions, prohibits unlawful use of names



derived from public records, and requires not-for-profit entities receiving public monies over a certain amount to retain and make publicly available records regarding the expenditure of those funds.

5. Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 et seq., defines meetings, declares meetings that conduct governmental affairs or governmental business transactions be open to the public, provides for public notices to be given regarding meetings, provides for exceptions when meetings may be closed, and describes penalties and enforcement actions.
 6. Kansas Uniform Electronic Transactions Act, K.S.A. 16-1601 et seq., allows for the use of electronic signatures and electronic recordkeeping.
 7. Tampering with a public record, K.S.A. 21-5920, defines such as a class A nonperson misdemeanor.
- B. Education records: Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99: FERPA is a federal law protecting the privacy of student education records. It applies to all schools that receive funds under specified programs of the U.S. Department of Education.
- C. Financial records: federal grant information, 2 C.F.R. Part 200.333–200.337, pertaining to record retention and access to Post Federal Award Requirements.
- D. Health Information records: Health Insurance Portability and Accountability Act (HIPAA), 110 Stat. 1936: HIPAA is a federal law related to continuity of health insurance that also includes rules protecting privacy of health information. One of these rules, known as the Privacy Rule, applies to health care providers who transmit health information in electronic form. Further information is available on the U.S. Department of Health and Human Services website.
- E. Human Resources records
1. Records, Reports, Research and Evaluation of Personnel System: K.A.R. 1-13-1a defines the contents of an employee's official personnel file, and K.A.R. 1-13-1b relates to disclosure of employee information.
 2. Federal Occupational Safety and Health Administration (OSHA) injury and illness recordkeeping and reporting requirements: Requirements for maintaining, posting and providing records of serious work-related injuries and illnesses.
 3. Federal Department of Labor Family and Medical Leave guidance (see Recordkeeping section).
- F. Research and Sponsored Programs
1. Institutional Review Board Records in 45 C.F.R. §46.115: The Institutional Review Board (IRB) is responsible for the Research with Human Subjects program, and at Colby Community College the Committee on Research Involving Human Subjects serves as the IRB. In addition to requirements found within the CFR, please view the university's [IRB](#) website.



2. The Animal Welfare Act (AWA), 7 U.S.C. §54: Kansas State University's Institutional Animal Care and Use Committee (IACUC) administers an animal care and use program following requirements in the AWA. Additional recordkeeping guidance can be found on the university's IACUC website.
3. NIH Guidelines for Research Involving Recombinant and Synthetic Nucleic Acid Molecules: These guidelines provide recordkeeping rules for the Institutional Biosafety Committee (IBC), which is responsible for the Colby Community College biosafety program.
4. United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (DURC): This policy provides DURC recordkeeping guidance for the IBC.
5. Select Agents guidance, 7 C.F.R. Part 331, 9 C.F.R. Part 121, 42 C.F.R. Part 73: The College Research Compliance Office uses these federal rules to manage records related to certain biological organisms and toxins, called the select agent program.
6. Federal Acquisition Regulation, Contractor Records Retention (F.A.R. Subpart 4.7): This subpart provides recordkeeping rules for contractors to meet the records review requirements of the federal government. In this subpart, the terms "contracts" and "contractors" include "subcontracts" and "subcontractors."

Questions about this policy and its associated content, including the Records and Information Management Committee, can be directed to the VPBA.

[Added September 2017]



RESERVE FUNDS

In recognition of its fiduciary responsibility, the Board of Trustees will exercise control over the administration of Colby Community College funds, services, and property. The Board will establish policies that provide oversight over the financial stability and security of the College while providing management discretion required to handle day-to-day operations of the College.

Scope

Colby Community College reserve funds (unrestricted net assets) are subject to this Policy. Reserves are defined, for the purpose of this Policy, as audited year-end unrestricted net assets, including such sources as general fund, tuition, fee revenue and auxiliary revenue, but not including the reserves for compensated absences. Further, sources of funding that are for pass through (e.g., Kansas Board of Regents), for Federal or other special purpose grants, or are associated with long-term KPERS pension and KPERS health care liabilities, are not included in the reserve calculation or subject to this Policy. The reserves of the College will accumulate through management of revenues and not by annual allocation of resources through the Board approved budgets.

Minimum Reserve Requirements

The Board hereby establishes a minimum unrestricted net asset balance to be held in reserve by the College equal to 6% of the prior fiscal years audited average operating expenditures for the fiscal year. This calculation shall exclude the following: depreciation, non-Student Financial Aid federal program expenses, disbursements for the Area Vocational Schools and the Local District Colleges, and long-term KPERS pension and KPERS health care liabilities. Beginning in FY 2019-20, and all fiscal years thereafter, the minimum unrestricted net asset balance to be held by the College shall increase to 7.25%. Reserve levels shall be calculated for the College as a whole based on audited financial statements for the fiscal year most recently closed.

Use/Expenditure of Reserves

Any use of reserves for capital projects or operating expenses above the expense threshold where Board approval is required must be included in the College's master plan and/or program plan and be presented to the full Board in an agenda item for approval. Capital projects, for the purpose of this Policy, are defined as those requiring a program plan by the management of the College.

Colby Community College has the discretion to expend reserves unless the following conditions exist:

1. Spending would drop the reserve balance for the College below the minimum required by this Policy;
2. Spending from reserves would result in a commitment to ongoing costs and expenditures that cannot be supported, or which would affect the overall budget allocation to the College; or



3. The College has not yet achieved the minimum reserve required by this Policy.

When any of the above conditions exist, reserve spending must be approved by the President or the Board, as appropriate, prior to expenditure.

The President may approve expenditures below the required reserve balance in the following situations:

1. The College incurs an emergency that requires immediate action. In such circumstances, other sources of funding shall be sought first.
2. If such funds are not available, the President will immediately notify the Board Chair of the situation giving rise to a need to expend below minimum reserve requirements, but is authorized to permit expenditures that reduce the reserve below the required minimum.
3. The College has an opportunity that enhances the quality of programs or services provided but that requires up-front investment. The President is authorized to permit expenditures that reduce the required reserve level to not less than 3% of audited average annual operating expenses. The President is required to consult with the Board Chair in advance of issuing approval of such expenditures. The College is required to submit in writing a cost benefit analysis of the opportunity investment and a plan with timelines for restoring the reserve to the required level.

The President Reserve dollars shall only be used to assist the College faced with extreme financial circumstances. The Board shall be notified in advance of any such use of these reserves for this purpose.

Reporting

After fiscal year-end close and the completion of the financial audit, the College Controller shall report to the Board the reserves (unrestricted net assets) for the College for the fiscal year just completed based on audited Financial Statements. If the College has unrestricted net asset levels that equal more than half of the Colleges' prior fiscal year audited operating expenditures, the President shall include a report to the Board that outlines the future uses of these funds.

For any use of reserve for capital investment as outlined above or for any situation in which the President has authorized an expenditure from reserves that reduces the level below the Board established Policy, the President shall report in writing to the Board at the next meeting of the Board the situation that gave rise to the need to take reserves below the required level.

Procedures

The President shall promulgate such procedures as may be needed to implement this Policy.

[Updated January 2020]

SELECTION OF ADMINISTRATORS

Subject to the approval of the Board of Trustees, other administrators will be appointed by the President. All vice presidents will be responsible to the President.

STOP PAYMENT

Occasionally, it is determined that a stop payment may be needed on an uncashed check. The check may or may not be reissued to the individual or entity. It is possible that the uncashed check will be applied to an existing balance or sent to Kansas Unclaimed Property.

This policy directs the amount of risk the institution is willing to absorb. A stop payment currently costs the institution \$15. As the cost of a stop payment increases overtime, the policy is to adjust accordingly.

At this point in time, if a check is written in the amount of \$15 or less, the institution agrees that it will absorb the risk of a check clearing without a stop payment issued. Thus, it is altogether possible, an individual may be paid twice. For example, the \$15 is sent to the Kansas Unclaimed property and the original check is then cashed. All checks in the amount of \$15 or greater will have a stop payment placed on them.

[Added July 2017]



UNCOLLECTABLE DEBT WRITE-OFF

The Accounts Receivable Department at Colby Community College (CCC) is comprised of two distinct areas:

- A. Student Receivables-individuals who work toward collecting student tuition and fees.
- B. Third Party Receivables-group acts as a collection agency on behalf of CCC.

Student Account Receivables Processes

- A. Current-receivables that are less than 90 days old or current payment plan in place – attempting to collect. After one entire semester of attempting to collect in house, the account will be transferred to collection agency and state of Kansas if it is determined that the debtor is a Kansas state resident.
- B. Allowance for Doubtful Accounts-receivables that are greater than 90 days but less than 360 days. During this time frame, the student will be turned into a collections agency.
- C. Bad Debt-receivables greater than 360 days, lacking complete payment – BOT Approval to write-off.

The write-off process will occur twice a year. The debt will be written off on the following dates December 31 and June 30. Only accounts in the “Bad Debt” category will be included in the write-off process. Below is the detail regarding the write-off process for each receivable category:

Student Receivables

Bad Debt – This entry will be to write-off any Bad Debt Accounts amount that has not been collected. There will be an entry to the student’s account to pay off the debt, with the description of “write-off” in the Student System. There will also be a business office hold service indicator placed on the student’s account to prevent registration until the college releases it.

Third Party Receivables

Bad Debt – This entry will be to write-off any Bad Debt Accounts amount that has not been collected. There will be an entry to the student’s account to pay off the debt, with the description of “write-off” in the Student System. Additionally, there will be a corresponding entry to the third party account to pay off the debt, with the description of “write-off” in the Student System.

Also, a business office hold service indicator placed on the student’s account to prevent registration until the college releases it.

*A report of debt to be written off will be provided to the Colby Community College of Trustees before it has been formally written off.

[Added June 2016]



UNDOCUMENTED IMMIGRANTS

UNDOCUMENTED IMMIGRANT'S AND OTHERS Effective July 1, 2004, the Kansas Legislature (HB2145) established eligibility regulations for certain undocumented immigrants and others to qualify for paying resident tuition and fees rates, for any enrolled class beginning after that date, under the following conditions:

1. the student has attended a regionally accredited Kansas high school for three or more years and;
2. has either graduated from an accredited Kansas high school or has earned a GED issued in Kansas and;
3. in the case of a person without lawful immigration status: has signed and filed an affidavit with the institution stating that the person or person's parents have filed an application to legalize such person's immigration status, or will file such an application as soon as such person is eligible to do so or;
4. in the case of a person with a legal, nonpermanent immigration status: has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for U.S. citizenship or will file such application as soon as such person is eligible to do so.



APPENDIX

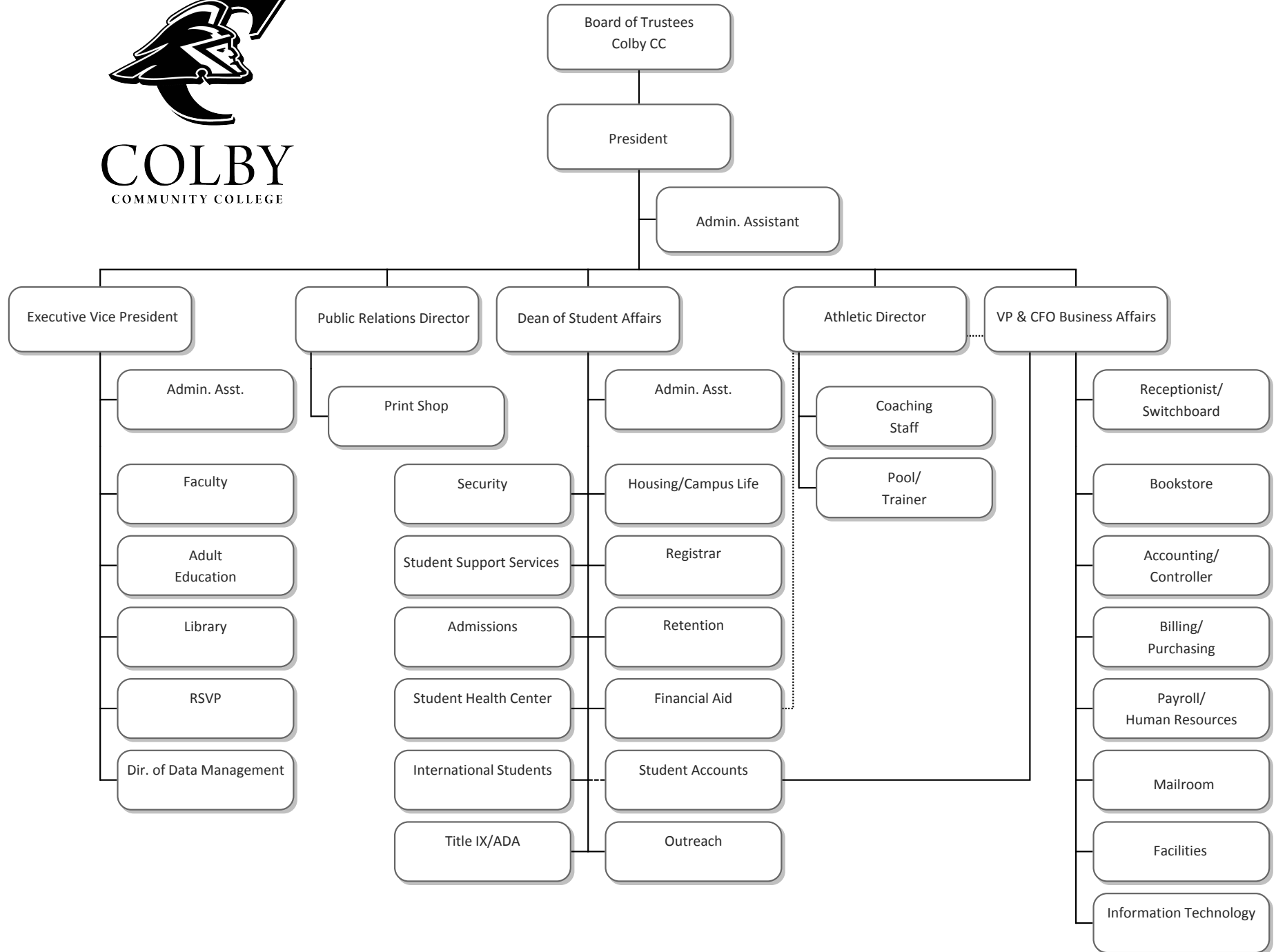
Organizational Chart

State of Kansas Oath or Affirmation of Officer or Employee





Administration





COLBY
COMMUNITY COLLEGE

**State of Kansas
Oath or Affirmation of
Officer or Employee**

STATE OF KANSAS
State Department of Education

OATH OR AFFIRMATION OF OFFICER OR EMPLOYEE

(Authorized by K.S.A. 75-4308, 75-4312 and 75-3414; K.S.A. 1983
Supp. 75-4310, 75-4311, 75-4313; K.S.A. 54-101 through 54-103 and K.S.A. 54-106)

STATE OF KANSAS)
) S.S.
COUNTY OF THOMAS)

COLBY COMMUNITY COLLEGE

I do solemnly swear (I do solemnly, sincerely and truly declare and affirm) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of Member of the Colby Community College Board of Trustees.

So help me God. (And this I do under the pains and penalties of perjury.)

Signature of Deponent of Affirmant

Subscribed and sworn (affirmed) to before me this ____ day of _____, 20__.

Notary Public or other Authorized Officer

Filed with me this ____ day of _____, A.D. 20__.

Chief College Administrator or Governing Body or its Agent

NOTE: "Any person having conscientious scruples against taking an oath, may affirm with like effect." (K.S.A. 54-103). Please strike out the sworn statement, or the affirmation, whichever one does not apply.