



MONTGOMERY COUNTY COMMUNITY COLLEGE  
340 DEKALB PIKE  
BLUE BELL, PENNSYLVANIA

The meeting of the Montgomery County Community College Board of Trustees was held on Monday, December 16, 2019 at 4:00 p.m. in the Rotelle Family Board Room.

Board of Trustees

Present: Frank Custer, Chairperson; Lisa Binder, Vice Chairperson, Marcel Groen, Treasurer; Margot Clark, Secretary; Theresa Reilly, Assistant Secretary; Eleanor Dezzi, Varsovia Fernandez, Raj Guttha, Anisha Robinson Keeyes, Sean Kilkenny and Napoleon Nelson

Absent: Trustees Kraybill, Taylor and Toplin

Also Present:

Dr. Victoria Bastecki-Perez, Interim President and Provost; Marc Davis, Solicitor; Philip Needles, Vice President of Student Services; Dr. Celeste Schwartz, Vice President of Information Technology and Chief Digital Officer; Charles Somers, Vice President of Finance and Administration; Jay Browning, Vice President for Advancement; Dr. Gloria Oikelome, Interim Vice President of Academic Affairs and Dean of Health Sciences; Therol Dix, Vice President of the West Campus; Diane O'Connor, Executive Director of Human Resources; Rose Makofske, Director of Equity, Diversity and Inclusion, Title IX Coordinator; Dr. Hal Halbert, Associate Professor of English, Faculty Union Representative; Holly Ann Clayton, Executive Director of Marketing and Communications; Diane VanDyke, Director of Strategic Communications; Michael Bettinger, Director of Government and External Relations; Joe Mancini, Executive Director for Information Technology; Dr. David Kowalski, Associate Vice President for Institutional Effectiveness and Strategic Innovation; Sarah Rudich, Director of Development; Ben Vozzo, Culinary Resources Manager; Shawn Murray, Assistant Professor Tourism and Hospitality Management, Interim Lead Culinary and Pastry Arts Institute; Dr. Keima Sheriff, Interim Assistant Dean of Student Programs; Dr. Gaetan Giannini, Dean of Business and Entrepreneurial Initiatives; Dr. Jenna Klaus, Assistant Vice President of Academic Affairs; Mary Kate Najarian, Director of User Success and Learning Technologies; Steven Ludwig, Legal Counsel; Bill Vitiello, Chair, Alumni Board; Joe Gallagher, Chair, Foundation Board; Candy Basile, Administrative Support Secretary; Deborah Rogers, Executive Assistant to the Board of Trustees; Israel Harding, Student Government Association President; Barry Hunsburger, Student Government Association Treasurer; Shaun Woodling, Student Government Association Senator

Call to Order

Chair Custer called the meeting to order at 4:00 p.m.

Pledge of Allegiance

Chair Custer introduced Student Government Association (SGA) students Israel Harding, Barry Hunsburger and Shaun Woodling to lead the attendees in the Pledge of Allegiance.

The students noted that on behalf of the SGA, they appreciate all the hard work the Board of Trustees do for the success of the students, and they want to make the Board proud.

**Introduction of Guests**

Vice President Schwartz introduced the following new guests: Sarah Rudich, Director of Development; Shawn Murray, Assistant Professor Tourism and Hospitality Management, Interim Lead Culinary and Pastry Arts Institute and Bill Vitiello, Chair, Alumni Board.

**Public Testimony**

There was no public testimony.

**Consent Agenda**

Trustee Fernandez motioned to approve Consent Agenda action items **A** through **H** as presented, Trustee Clark seconded the motion. The Board unanimously approved action items **A** through **H**. Information items **I** through **N** were accepted as presented for the month of December, 2019.

**Action Items:**

- A.** Approval of the November 18, 2019 Minutes
- B.** Request to Delete Curricula – Emergency Management and Planning (AAS), Emergency Management and Planning (Certificate), Fire Science (AAS), Fire Science (Certificate), and Homeland Security (Certificate of Completion)
- C.** Request for New Curriculum – Public Safety Administration (AS)
- D.** Request for Program Modification – Personal Training (Certificate)
- E.** Maintenance of Police Academy Firearms Policy (5.7) (**Attachment A**)
- F.** Procurement Policy (5.8) (**Attachment B**)
- G.** Emergency Notification Policy (5.19) (**Attachment C**)
- H.** Timely Warnings Policy (5.20) (**Attachment D**)

**Information Items:**

- I.** Executive Summary, Year to Date October, 2019
- J.** Budget Variance Report Year to Date October 31, 2019
- K.** Treasurer's Report Year to Date October 31, 2019
- L.** Wilmington Trust Investment Review for October 31, 2019
- M.** Investment of 2015 Bond Proceeds, October 31, 2019
- N.** Single Vendor Acquisitions Greater than \$100,000

**Interim President's Report****a. Interim President's Report:**

<https://www.mc3.edu/html-email/2019/int/report/12/email.html>

Interim President Bastecki-Perez, provided an overview of the December Interim President's Report. Of note, on December 10, the College's 55<sup>th</sup> anniversary and Founders Day were celebrated. Dr. Valerie Arkoosh, Chair, Kenneth Lawrence, Jr., Vice Chair and Joe Gale, County Commissioners, presented the College with a proclamation, which acknowledged the Founders of the College and their vision.

Coinciding with the day's activities, the College held a Day of Giving with a goal of raising \$5,500. By the end of 24 hours, the College raised \$15,796 to support programs and scholarships for students.

She also informed the Board of Trustees that the College had a visit from the PA Department of Education (PDE), with Deputy Secretary Dr. Noe Ortega and PDE Higher Education Specialist Mike Dotts on November 15. This was the first time Dr. Ortega and Mr. Dotts were at the Pottstown Campus.

Interim President Bastecki-Perez also noted that the College is one of ten finalists for the Bellwether award. The College received a Gold Seal from the *ALL in Challenge* for achieving a campus voting rate between 40% and 49% in the 2018 midterm elections. She thanked Mike Bettinger for the work he has done on preparing the College for the 2020 election.

As part of the President's Report, Interim President Bastecki-Perez provided an update on the Challenger Center. She gave an overview of the November 19 site visit to the Christa McAuliffe Center at Framingham State University, MA. She noted that Trustee Fernandez along with college staff and a community member attended the visit to the Challenger Center. She noted that an update was provided to the Montgomery County Commissioners, the Pottstown Borough Council, the College's Foundation Board, and at an open forum held at the Pottstown Campus. The Board of Trustees will continue to be updated as we move through the Challenger Center feasibility study.

This was an information item only and required no action from the Board of Trustees.

### **Finance Committee**

Trustee Groen reported out for the Committee.

#### **a. Maher Duessel 2018/2019 Act 46 Enrollment Audit:**

Charlie Somers, Vice President of Finance and Administration gave a brief overview of the Act 46 Enrollment Audit. This audit is an annual verification from the State to each college's independent auditor. The College engaged Maher Duessel, LLP to conduct the 2018-2019 enrollment verification.

Relative to the enrollment portion of the review, exceptions were noted in the non-credit sample. The auditors selected 26 records for validation. The auditors found, that for three out of 26 students selected for testing, the student was enrolled in a course for which an outline could not be located. Because there were no outlines documenting class/lecture and lab hours, FTEs could not be calculated for these sample selections. The result of these exceptions was that .8458 of an FTE could not be validated. Also, because there was no course outline located in these 3 instances, there was also no documented approval for each of the three courses. There were four additional courses noted in the auditors' sample selection that did not have physical, documented approval present on the course outline provided, in accordance with the College's policy.

No exceptions were noted relative to the credit enrollment audit sample, the tuition compliance calculation, or the state-funded capital expenditures review.

The independent auditor's findings were presented to the Finance Committee on Wednesday, December 4, 2019. With the approval of the Board of Trustees on Monday, December 16, 2019, the report will be submitted to the Pennsylvania Department of Education on or before January 1, 2020.

Trustee Groen motioned to accept the 2018-2019 Act 46 enrollment verification report as presented. Trustee Dezzi seconded, and the Board of Trustees unanimously approved.

### **Institutional Risk Committee**

Trustee Guttha reported out for the Committee.

#### **a. Culinary Arts Institute (CAI) Relocation:**

Trustee Guttha provided an overview of the need for the CAI to be expanded and relocated by the time the current lease ends on February 28, 2023. Some of the challenges with the current location are lack of public transportation, limited parking and no opportunity to expand.

Based on thorough reviews of several locations throughout the county, the Institutional Risk Committee is recommending that the unoccupied building that once housed the bookstore on the Central Campus in Blue Bell be expanded to house the CAI and Tourism and Hospitality Management programs. Strengths of the new location include good public transportation, ample parking, onsite campus experiences and easy access to student services, events and activities.

Trustee Guttha made the motion to move the CAI to the unoccupied building on the Central Campus in Blue Bell (former bookstore). Trustee Kilkenny seconded. Trustee Nelson abstained from voting. The Board approved the move.

### **Nominating Committee**

#### **a. Appointment of the Nominating Committee:**

Trustee Robinson Keys reported for the Committee.

The Nominating Committee comprised of Anisha Robinson Keys, Chairperson, Dave Kraybill, Napoleon Nelson and Rick Taylor discussed the presentation for the slate of Executive Officers for 2020. The Committee respectfully put forth the following slate of officers for 2020:

Chairperson	Frank Custer
Vice-Chairperson	Lisa Binder
Treasurer	Marcel Groen
Secretary	Margot Clark
Assistant Secretary	Theresa Reilly

No additional Trustees requested to be placed on the slate of officers at this time. The Nominating Committee is unanimous in its recommendation of these nominees.

Mr. Davis reminded the Trustees than an election and reorganization of officers will take place at the January 27, 2020 Board of Trustees meeting as outlined in the Board By-Laws.

Chair Custer thanked Interim President Bastecki-Perez for jumping in and doing a great job during the past six months that she has been in the interim position. He thanked the Cabinet, Deans, Faculty, and Staff for all their hard work. He also thanked those who supported the Day of Giving, helping the Foundation to almost triple the original goal set for the day.

**Chair's Report**

**a. Presidential Evaluation Policy (2.4):**

Chair Custer noted that there were minor changes to the Presidential Evaluation Policy (2.4), updating committee names and minor wordsmithing.

Trustee Fernandez motioned to approve the Presidential Evaluation Policy (2.4) (**Attachment E**), as presented. Trustee Clark seconded. The Board unanimously approved.

**Old Business**

There was no old business.

**New Business**

There was no new business.

Upon motion, the Board of Trustees adjourned at 4:43 p.m. The next Board of Trustees meeting is scheduled for Monday, January 27, 2020, at 4:00 p.m. at the Rotelle Family Board Room in the East House, Blue Bell.

The Board of Trustees went into an Executive Session at 4:45 p.m. to discuss personnel issues. No motion was taken during this session. The Session adjourned at 5:45 p.m.

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Margot Clark  
Secretary



### *Board of Trustees Policy*

<b>SUBJECT:</b>  <b>Police Academy Firearms Training and Weapons Policy</b>	<b>NUMBER:</b> 5.7	<b>PAGE:</b> 1	<b>OF:</b> 3
	<b>DATE:</b> December 16, 2019		
	<b>SUPERSEDES:</b> June, 2009, January 2004		

### **Purpose**

Montgomery County Community College (“College”) is committed to maintaining the inventory of weapons utilized in the Municipal Police Academy, along with ammunition for those weapons, in a condition of the utmost possible security. A strict system of control over the weapons and ammunition is paramount in the achievement of the security necessary to prevent loss, misuse and/or theft.

### **Policy**

It is the policy of Montgomery County Community College to provide for the highest possible level of security of the weapons and ammunition utilized for the Municipal Police Academy by instituting and maintaining a system of control that provides for instructor education and direct supervision. It also includes close collaboration with the Montgomery County Department of Public Safety, scheduled examinations of the entire inventory of weapons and ammunition, direct oversight of all weapon and ammunition issuances and documentation of all weapon and/or ammunition sales, transfers, maintenance, storage, or retrieval.

### **Procedures**

#### **A. Firearms Program**

The College has entered into an agreement with the County of Montgomery (“County”) to enable the use by the College of the County’s Tactical Response Training Center, located at the Public Safety Training Center, 1175 Conshohocken Rd. in Plymouth Township, (“the County Facility”) for the purpose of firearms training for Police Academy cadets.

The College shall have the sole responsibility for all aspects of the Municipal Police Academy training program, including all necessary approvals and accreditations for instructional personnel



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to ensure all courses taught conform with the Pennsylvania Municipal Police Officer's Education and Training Commission ("MPOETC") training standards.

**B. Firearms & Ammunition Storage**

This agreement also grants the College the right to store firearms and ammunition in a limited-access storage area in the County Facility, within two safes owned by the College and maintained in a secure, keypad access structure on the grounds of the Montgomery County Public Safety Training Campus (an off-campus location).

Access to the storage room is gained with a secure keypad, and is limited to the Director of the Police Academy, the designated lead firearms instructor, as well as two County employees. The two County employees having access will be designated by the Montgomery County Deputy Director of Public Safety, Law Enforcement Training. Access to the safes via combinations is limited to the Director of the Police Academy, the Director of Campus Safety, and the designated lead firearms instructor.

**C. Firearms and Ammunition Removal**

Firearms are only removed from the safes by the Director of the Police Academy and/or his designated lead firearms instructor when required for firearms training, inventories or to facilitate necessary repairs.

Upon completion of the class-training schedule, the designated lead firearms instructor will return all firearms to the safes.

Weapons being traded or otherwise disposed of, as in cases where they are no longer serviceable, will be removed from the safes by the Director of the Police Academy, in compliance with all



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College policies regarding disposal of College-owned property and all state and federal statutes regarding the transfer/disposal of firearms.

**D. Inventory**

The Director of the Police Academy and authorized personnel of the county on a quarterly basis will jointly perform a physical inventory of all firearms and ammunition. The College will approve all forms for inventory and said forms will be kept on file at the police academy. A copy of the inventory will be transmitted to the Vice President of Academic Affairs and the Vice President of Administration and Finance. Additionally, an ammunition inventory will be performed monthly and reported to the College Business Office.



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<b>SUBJECT:</b>  Procurement Policies	<b>NUMBER:</b> 5.8	<b>PAGE:</b> 1	<b>OF:</b> 25
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***Policy***

**Authority and Responsibility for Purchasing Goods and Services**

1. This procurement policy is intended to comply with all applicable laws and procurement regulations of the Commonwealth of Pennsylvania, specifically those outlined in Chapter 35 of the Pennsylvania Code and the Community College Act of 1963, as well as those set forth by the OMB Uniform Guidance: Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Omni/Super Circular” 2C.F.R.200), when applicable.
2. A Procurement Director shall be designated by the Board of Trustees for the duties and purposes listed below, but in all cases, the President of the College or Vice President for Finance and Administration may act in such capacity.
3. The Procurement Director is responsible for enforcing the College’s procurement policies.
4. The Vice President for Finance and Administration will establish and the Procurement Director will maintain procedures to provide for the efficient and responsible conduct of all procurement activities.
5. Authority to enter into purchase contracts or, in any way, obligate the College for procurement indebtedness is subject to the following approval structure.
  - College Buyer - purchases up to \$5,000
  - College Procurement Director and Vice President of Information Technology - purchases up to \$50,000
  - Vice President of Finance and Administration - purchases up to \$100,000
  - College President - purchases up to \$250,000
  - Board of Trustees - all goods, equipment or services in excess of \$250,000

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These approval levels shall apply regardless of the solicitation method used (sealed bid, request for proposals, etc.).

6. All single acquisitions of goods, equipment, or services of \$100,000 or greater must be brought to the Board of Trustees as an informational item at the next available meeting. Additionally at the first Board meeting after the conclusion of the fiscal year, the Board shall be provided with a list of all vendors with which the college spent \$100,000 or more cumulatively during the prior fiscal year.
7. Because of their significance to the College and the responsibilities of the Board of Trustees, the following professional services, regardless of cost, require Board approval at the time a change in provider is considered or a new contract for services is required:
  - Public Accounting Services, Banking Services, Legal Services, Insurance Broker Services, Investment Management Services, And the engagement of any professional service provider cumulative annual expense of two-hundred fifty thousand dollars (\$250,000) or greater.
8. Any negotiations by an unauthorized individual will not be honored by the College, and the individual will assume a personal obligation to the vendor. Firms ordinarily doing business with the College will be advised that all purchases chargeable to the College must be authorized by an official College purchase order or contract signed by an authorized individual, with the exception of purchase card transactions made in compliance with the *Purchasing card procedures*. Exclusive of the petty cash procedures, the College will not reimburse officers or employees for the cost of any such purchases on behalf of the College, unless previous arrangements to that end have been made.
9. All purchases must be made for the purpose of College activities. Purchasing any goods or services for personal use is prohibited.

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**Code of Conduct**

The Procurement Office staff, as stewards of the College's resources, should have a strong sense of professional ethics and will abide by the Code of Ethics published by the National Association of Educational Procurement (NAEP). (<http://www.naepnet.org>)

**Gifts, Gratuities and Favors**

1. College employees, officers and agents may not solicit or accept any gift, gratuity, favor or anything of monetary value from contractors, potential contractors, and parties to sub-agreements, vendors, or parties to sub-agreements that are, or appear to be, given to influence procurement of goods or services.
2. Unsolicited gifts or gratuities that are valued under one hundred (\$100.00) dollars may be accepted. Acceptable items may include:
  - Promotional items such as pens, pencils, tablets, cups, mouse pads, etc...
  - Items serving as tokens of appreciation such as food stuffs such as candy, baked goods, and other miscellaneous items of nominal value.

In the event that a conflict of interest or appearance of same exists, the employee should report the conflict to his/her supervisor.

**Purchases from Related Parties**

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1. The Trustees of Montgomery County Community College have adopted policies establishing comprehensive guidelines for dealing with conflicts of interest on the part of trustees, faculty, administrators and support staff of the College. This policy supplements, but does not modify or replace the other College policies on this subject. Refer to the Board of Trustees Policy Manual; *Subject 2.8 - Board of Trustees Conflict of Interest Policy and Subject 6.16 – Employee Conflict of Interest Policy.*
2. In addition to complying with all other relevant policies with regard to procurement, College faculty or staff will not knowingly select, solicit, acquire goods from, or administer a contract with any related party. A related party is defined as any supplier or service provider that:
  - Is owned, controlled, or actively influenced (with regard to any proposed transaction with the College) by any employee, faculty member or their immediate families; or
  - Employs, or will employ, any person who is an employee or faculty member of the College, or their immediate families.

The President must approve, in writing, any transaction from a related party prior to the issuance of a purchase order. See the [\*Approval of Transactions From A Related Party Form.\*](#)

**Compliance with Procurement Policies**

1. The Procurement Department, in conjunction with the College Controller, is responsible for ensuring compliance with the College procurement policy and/or other approved purchasing process
2. Authorization to suppliers for the purchase of products and services must be made through an approved College purchase order or other approved purchasing process. Verbal

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authorization to ship goods or to approve the rendering of services without issuing a purchase order number is prohibited

- Any contract or agreement that in any way obligates the College for procurement indebtedness and requires signature authorization must be reviewed by the Procurement Department and where applicable our outside Legal Firm prior to execution. All fully executed contracts are to be archived by the Purchasing Department.

**Contract Compliance**

- The Procurement Department, under the direction of the Procurement Director, is authorized by the Board of Trustees to negotiate and issue contracts that provide the College with "best value" supplier arrangements for goods and services required from external suppliers.
- All College contract supplier information and pricing is to be treated as proprietary information and may not be (a) shared unless legally required or (b) used for any purposes other than official College business. College contract information is not to be:
  - Provided to other suppliers or anyone outside the college;
  - Used in any unethical fashion;
  - Used for personal purchases or private gain
- Misuse of supplier data will be considered improper handling of institutional data.

**Responsibility of Bidders / Offerors**

- To be determined a responsible bidder or offeror, a prospective contractor must submit certifications demonstrating compliance with responsibility requirements and must comply with any requests to submit additional documentation. Factors for consideration include whether the contractor:

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- Has access to the appropriate resources and expertise to meet contractual requirements – financial, material, equipment, facilities, personnel etc.
  - has a satisfactory record of performance and integrity
  - Is not suspended or deemed ineligible for award by any state or local jurisdiction or agency of the United States Government
2. Failure to provide requested documentation in connection with an inquiry concerning responsibility may render the bidder ineligible for award.
  3. If a bidder who would have otherwise been awarded a contract is found to be not responsible, a copy of a written determination from the Office of the Chief Financial Officer will be sent to the bidder.
  4. Bidders seeking the award of a construction project may be required to produce additional documentation to satisfy this requirement (See Construction and Facility Maintenance Procurement).

**Assistance to Local, Diverse, and Disadvantaged Businesses**

The College supports local, diverse, and disadvantaged businesses in its procurement processes, as diversity fosters positive economic impacts and increases competition within the College's pool of suppliers for goods and services, including construction services.

1. The College is committed to including local, diverse, and disadvantaged businesses in its procurement processes whenever possible.

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- For the purpose of this policy the following definitions will apply:
  - A local business is a business with location(s) in Montgomery County.
  - A diverse business is a business that is at least 51 percent owned by a minority, woman, veteran, LGBT individual, or an individual with a disability.
  - A disadvantaged business is a small business that is owned and controlled by socially and economically disadvantaged persons as defined in Title 49 of the Code of Federal Regulations Part 26, or Title 13 of the Code of Federal Regulations Part 124, and certified in accordance with those federal regulations.
- The College does not certify diverse or disadvantaged businesses. The College accepts the certification of the following approved certifying agencies. The College will accept the certification of other certifying agencies and/or the federal, state, or local government on a case by case basis. Certification by an agency may also require that the diverse business be a small business (such as in the case of a veteran-owned business).
  - National Minority Supplier Development Council
  - The Enterprise Center/Minority Business Development Agency Center of Pennsylvania
  - Woman's Business Enterprise National Council
  - VetBiz

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- National LGBT Chamber of Commerce
  - Disability:IN
  - Pennsylvania Unified Certification Program
  - U.S. Small Business Administration
- The College when appropriate will develop targets for the participation of local, diverse, and disadvantaged businesses in the procurement of goods and services, including construction services.
  - The College when appropriate will include price preferences or evaluation credit for local, diverse, or disadvantaged business status in solicitations for goods and services, including construction services.
2. The College will assist local, diverse, and disadvantaged businesses in understanding the College's procurement process.
  3. The College will place local, diverse, and disadvantaged businesses on solicitation lists.
  4. The College's Director of Procurement is responsible for providing annual reports of local, diverse, and disadvantage business participation. The Director of Procurement will provide data to the Finance Committee of the College's Board of Trustees to assist the Finance Committee in establishing an initial baseline of current participation as well as goals and targets for future participation. The Finance Committee will establish goals and targets and will work with the College's Director of Procurement and Vice President for Finance and Administration to implement and track such goals and targets.



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This section on providing assistance to local, diverse and disadvantaged businesses shall not be applicable where prohibited by federal, state or local law or where the application of this section may jeopardize the receipt of federal or state funds.

**Competitive Bidding over \$25,000 (Other than for Construction and Facility Maintenance)**

1. The Procurement Department is responsible for establishing an equitable and efficient competitive bidding process and ensuring that the procedures are followed and appropriate approvals obtained.
2. Unless specifically exempt, as defined below in Section 4: the College must solicit competitive bids or proposals if a total order is Twenty Five Thousand Dollars (\$25,000) or more for non-construction purchases or Twenty Thousand Dollars (\$20,000) or more for construction and facilities maintenance contracts,
3. The process for purchasing supplies, services and equipment deemed to be publicly biddable is as follows.
  - If a total non-construction related order is Twenty Five Thousand Dollars (\$25,000) or more, the College must solicit competitive bids or proposals by public advertising, electronic publication which is accessible to the general public, issuance to bidders and proposers on the College's bid lists, and/or by issuance to a pre-qualified list of bidders or proposers when the College has conducted a pre-qualification process.
  - The requesting department will complete a list of requirements or specifications for use by the Procurement department in developing a competitive request for bid or proposal. In the case of bids, a contract will be awarded by the College to the lowest

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responsive and responsible bidder. In the event bids are received for the same dollar amount, the successful bid will be determined through a flip of the coin.

- Bids or proposals submitted in response to the notification must be sealed and received in the manner as designated by the Board of Trustees, a committee designated for this purpose, or the Procurement Director, if so designated. The bids will be publicly opened, bid reading results published and held for consideration and analysis for subsequent award. .
- Each bid shall be accompanied by a bond guarantee in the form of a certified check, cashier's check, treasury check, or bid bond in such amount as the Board of Trustees shall determine, but not less than five percent (5%) of the amount bid. However, the Procurement Director has the right to waive the bid bond up to \$100,000 on non-construction bids. In the event any bidder shall, upon award of the contract, fail to comply with the requirements as to the bond guaranteeing the performance of the contract, such bid bond or certified check shall be forfeited.
- The contract for the purchase of the supplies, services and equipment for which bids were received shall be awarded to the lowest responsive and responsible bidder, kind, quality and material being equal. The contract for the purchase of the supplies, services and equipment for which proposals were received shall be awarded to the proposer whose proposal has been deemed to represent the best overall value to the College. In all cases, the College shall reserve the right to reject any and all bids or proposals or to select a single item from any bid. The College further reserves the right to award the contract on a split order, lump sum, or individual item basis, or all bids or parts of solicitations, to waive informalities in bids and quotes, or to reissue the solicitation.
- In the event there is a sole bidder it is up to the discretion of the office of the Vice President of Finance & Administration to award.

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4. The following situations are exempt\* from competitive bid requirements but require submission of a Vendor Selection Form. This justification must be approved by the Procurement Director prior to issuance of a purchase order or contract. Purchases exempt from competitive bid requirements are still subject to the regular approval process. \*Note: No exemptions using federal funding. See Procurement with Federal Grants section.
- The equipment can be obtained from only one person or firm (sole source of supply);
  - Competition is precluded because of the existence of patent rights, copyright, or similar circumstances;
  - Goods, equipment or services needed at once because of an emergency. These may be purchased without bid or proposal at the discretion of the President, but must be brought before the Board for retroactive approval at the next available meeting.

For professional services. Professional services may include, but not be limited to:

Appraisal Services	Environmental Studies	Property Management Services
Artists	Graphic Design	Surveys, Feasibility and Management Studies
Consulting Services	Insurance	Technology Implementation Services
Data Processing Assessments	Investment Management	Training Services
Engineers	Legal Services	Venues for College Events

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- The contemplated procurement is for components being procured in support of equipment specially designed by the manufacturer;
- The contemplated procurement is for technical services in connection with the assembly, installation, or servicing or the instruction of personnel therein of equipment of a highly technical or specialized nature;
- The contemplated procurement is for labor and material required for providing immediate accommodation in support of the installation of new equipment/systems which can be accomplished by a vendor already on site; and it would not be practical to allow another vendor to work on the same site or when it would be considered impractical for another vendor to mobilize and demobilize;
- The purchase of goods or services from College Contract Suppliers or from State Contracts and/or Educational Procurement Cooperatives approved by the College Board of Trustees. The Procurement Department is authorized to require competitive bids for purchases from College contract suppliers, State Contract suppliers and/or Educational Procurement Cooperatives if in its judgment, cost savings may be realized or other College objectives accomplished;
- Contracts involving policies of insurance, surety company bonds, contracts with internet access companies, contracts with public utility services or telephone companies under tariffs on file with the Public Utility Commission, contracts made with another political subdivision of the Commonwealth of Pennsylvania, the federal government and any agency of the Commonwealth of Pennsylvania or any municipality authority;
- Contracts for education films, film strips, prepared transparencies and slides, prerecorded magnetic tapes and disc recordings, textbooks, prepared kits, models,

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projectiles, teacher demonstration devices necessary for College use, and library books and materials;

- Integral equipment repair parts, accessories or equipment that must be compatible with existing equipment or fixtures;
- Software or software support that must be compatible with existing software or for which it would be impractical or excessively costly for another vendor to provide the software or software support.

Please note that while certain goods and services previously described in this subject may be exempt from competitive bidding requirements, Board notification is still required and the items are subject to reporting provisions of the Pennsylvania Right to Know (RTK) law.

**Procurements \$5,000 or Greater and Less Than \$25,000 (*Excluding purchases with federal grant funds*)**

1. The College must solicit competitive quotations from at least three (3) responsible vendors for all supplies, services and equipment with a total cost of Five Thousand Dollars (\$5,000.00) but less than Twenty Five Thousand Dollars (\$25,000.00) unless identified as “exempt” in the preceding Section 4.
2. A contract shall be awarded to the lowest responsive and responsible vendor meeting specifications.
3. Normally, a minimum of three quotes from qualified sources of supply will be required. However, circumstances may exist when fewer than three quotes or more than three quotes may be appropriate.

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- The Procurement Department will accept fewer than three quotes only in cases where the normal competitive bidding process cannot be conducted. Purchase orders for which at least three quotes cannot be obtained must be accompanied by a completed *Vendor Selection Form*, on which the circumstances are explained. Either the College President, Vice President of Finance and Administration, or Procurement Director is authorized by the Board of Trustees to sign the waiver.
4. The Procurement Department is authorized to determine when more than three bids will be required.

**Procurements Less than \$5,000 (\*Excluding purchases with federal grant funds)**

All supplies, services and equipment with a total cost less than Five Thousand Dollars (\$5,000.00) may be purchased by the Procurement agent without request for written quotations or bids.

**Lease vs. Purchase**

1. The Vice President of Finance and Administration has the authority and responsibility to determine the most appropriate method of acquiring equipment, i.e., purchase or lease (capital and operating) of \$100,000 or more. The Controller also has the responsibility to evaluate each external third party lease over \$100,000 for proper accounting and reporting treatment (i.e., capital or operating).
2. The Procurement Department has the authority and responsibility to review and execute all supplier leased contracts on behalf of the College.
3. While it is not recommended, external third party leases are permitted only when the Office of Administration and Finance determines that economic benefits will be realized. Such benefits may include lower cash payments, beneficial financing terms, and/or decreased risk, e.g., obsolescence, assumed by the College. However, generally third party leases are

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not cost effective and, in the case of capital leases, create reporting requirements. Outright purchase is the most preferred method of acquiring equipment.

4. The procurement of equipment via an external third party lease with a total lease payment cost of \$5,000 or more is subject to the College's competitive quotation/bidding policy and request for equipment lease approval procedure.

**Construction and Facility Maintenance Procurement**

The Board of Trustees may perform any construction, reconstruction, repairs, or work of any nature, by its own maintenance personnel or may have the work performed under contract in the following circumstances.

1. In accordance with Pennsylvania Code §35.51, if a contract equals or exceeds Twenty Thousand Dollars (\$20,000.00), the College shall, with public notice, solicit competitive bids and shall award a contract to the lowest responsive and responsible bidder.
2. If a contract equals or exceeds Five Thousand Dollars (\$5,000.00), but is less than Twenty Thousand Dollars (\$20,000.00), the College shall solicit competitive quotes from at least three (3) responsible firms.
3. If a contract is less than Five Thousand Dollars (\$5,000.00), the College may award a contract without soliciting competitive bids.
4. In an emergency in which any part of the College plant may become unusable or cause interruptions to the normal operations of the College, the President may, after consulting with the Chairman of the Board of Trustees, , award a contract for emergency repairs.

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5. Bids under public notice shall be sealed and received in a designated manner and time. Bid reading results shall be posted and available publically and the contract awarded thereon. The College shall retain the right to accept or reject any or all bids or parts of solicitations, to waive informalities in bids and quotes, or to reissue the solicitation. The College further reserves the right to award the contract on a split order, lump sum, or individual item basis, or such combination as shall best serve the interest of the College unless otherwise specified by the College. In case of errors of price extensions, unit prices shall govern.
6. Bids under public notice for construction, reconstruction and repair shall be accompanied by a bond with corporate surety or certified check in an amount as the board of trustees determines, but at least 5% of the amount bid. If a bidder, upon award of the contract, fails to comply with the requirements as to a bond guaranteeing the performance of the contract, the bid bond or certified check shall be forfeited.
7. The bidder to whom the contract is awarded shall furnish bonds to guarantee the performance of the contract and payment for labor and materials. Bonds shall be in compliance with the Public Works Contractors' Bond Law of 1967 (8 P. S. § § 191—202). Failure to furnish bonds shall void the previous award.
  - a. The contractor shall purchase and maintain throughout the period of the contract the insurance required by the College as shown on the College's Purchasing web site, <http://mc3.edu/purchasing>, and shall meet all requirements shown therein.

**Conditions**

- a. College is to be named as an additional insured on the insurance certification.



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- b. All certificates to contain a 60-day notice of cancellation
- c. the contractor shall obtain and furnish the College certificates for any subcontractors subject to the above terms and conditions
- d. general liability policy shall contain a per job location aggregate
- e. All insurance policies and/or bonds will be written with insurance companies licensed to do business in the Commonwealth of Pennsylvania and subject to the approval of the College.

**Determination of Responsibility for Construction Contractors**

To be considered a responsible bidder for contracts of \$250,000 or less, in addition to the requirements aforementioned under Responsibility of Bidders / Offerors, construction contractors may be required to show:

1. A record of compliance with labor laws, including OSHA and prevailing wage laws.
2. An apprenticeship program approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training or Commonwealth of Pennsylvania for each apprenticeable trade or occupation represented in their workforce.
3. Comprehensive medical and hospitalization benefits for employees and their families.

To be considered a responsible bidder for contracts in excess of \$250,000 in addition to the requirements aforementioned under Responsibility of Bidders / Offerors, construction contractors shall be required to show:

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1. A record of compliance with labor laws, including OSHA and prevailing wage laws.
2. An apprenticeship program approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training or Commonwealth of Pennsylvania for each apprenticeable trade or occupation represented in their workforce.
3. Comprehensive medical and hospitalization benefits for employees and their families.

**Environmental Sustainability**

The College is committed to the use and purchase of environmentally and socially responsible materials, products and services which are fiscally responsible, reduce resource consumption and waste, and promote human health and well-being. Recognizing its economic role, the college shall seek opportunities to encourage, and influence their respective markets by utilizing, where feasible, products and services including new environmentally preferable products, reusable products, recycled content and recycled products.

**Procurement with Federal Grant Funds**

When using federal grant funds, the applicable state statutes and rules and local policies must be followed to the extent that those statutes, rule, and policies do not conflict with the Omni/Super Circular, 2.C.F.R 200.

1. Simplified Acquisition Threshold for purchases with federal grant funds must be followed as stated below:
  - a. Micro-purchases: Purchases less than Three Thousand Dollars (\$3,000.00).

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- May be purchased by the Procurement agent without request for written quotations or bids.
  - b. Small purchases: Purchases Three Thousand Dollars (\$3,000.00) or greater.
    - The College must solicit competitive quotations from at least three (3) responsible vendors.
  - c. Sealed bidding: For fixed price contracts
    - Must be advertised publically
    - Contain specifications
    - Must be opened in a public forum
    - Must be awarded to the lowest responsive and responsible bidder.
  - d. Competitive Proposals: Used when conditions for sealed bids is not appropriate.
    - Request competitive proposals (RFPs) when sealed bids are not appropriate.
    - Both fixed price and cost reimbursement contracts may be awarded.
    - Must be advertised publically
    - Written method for conducting technical evaluations must be in place.
    - Awarded on price and other factors.
  - e. Non-competitive Proposals: Permissible only under special circumstances.
    - Item is only available from a single source;
    - Emergency purchase that will not permit a delay for competitive solicitation;
    - Written authorization from the federal awarding agency to use sole source;
    - After soliciting a number of sources, it is determined that competition inadequate.
2. Prior to initiating the procurement processes, the grant recipient, together with Procurement must:

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- a. Review the proposed procurement to avoid any unnecessary and/or duplicate purchase of equipment, supplies, and services.
  - b. Determine if the consolidation of purchases will save time and money
  - c. When applicable, perform a lease vs buy analysis.
  - d. Perform a cost analysis in connection with all purchases in excess of the Simplified Acquisition Threshold.
  - e. Research opportunities to utilize state or local intergovernmental agreements for purchasing equipment, supplies, and services.
  - f. Incorporate a clear and accurate description of the technical requirements for the supplies, materials, products, or services to be procured.
    - Ensure the description does not, in competitive procurements, contain features which unduly restricted competition.
  - g. Prohibit restricting competition.
  - h. When using a prequalified list of entities or products, ensure that the lists are “current and include enough qualified sources to ensure maximum open and free competition,” and do not preclude any other potential entities or products from participating in the solicitation.
  - i. Use federal surplus federal property, when feasible, when purchasing supplies and equipment.
3. All solicitation of bid and quotes must, when possible, be made available to minority firms and business enterprises.
    - a. Awards of contracts or bids must not be based on local geographic preferences, except where applicable Federal statutes expressly mandate or encourage geographic preference.
    - b. Small and minority businesses and women’s business enterprises shall be placed on solicitation lists;

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- c. Ensure that small and minority businesses and women's business enterprises are solicited whenever they are considered potential sources for products and services;
  - d. When possible, divide requirements into smaller tasks or quantities to allow for participation by small and minority businesses and women's business enterprises;
  - e. Establish delivery schedules which encourage participation by small and minority businesses and women's business enterprises;
  - f. Utilize the services and assistance of the Small Business Administration and the Minority Business Development Agency;
  - g. Require contractors to take the same steps listed above.
4. Contract terms for agreements paid, in whole or in part, with federal grant funds.
  - a. All federally grant funded contracts must include all applicable provisions described in the Contract Provisions for non-Federal Entity Contract under Federal Awards. [www.ecfr.gov](http://www.ecfr.gov)
  - b. Prior to execution of any contract, Procurement must verify that the contractor is not listed on the Excluded Parties List in the System for Award Management (SAM). [www.sam.gov](http://www.sam.gov)
  - c. Value engineering clauses must be included in any contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.
  - d. Contract performance and payments will be monitored during the course of the contract.
5. Procurement Record Retention
  - a. For all purchases made with federal grant funds, Procurement will retain documents detailing the history of the purchase. This includes:
    - Records showing the rationale for the method of procurement;
    - Rational for the selection of the contract type;
    - Rationale for the contractor selection or rejection; and

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- Bases for the contract price.

6. Disposal of Property

- a. Property and equipment procured with federal grant funds, when no longer needed for the original project or program, may be used in other activities supported by the awarding agency.
- b. Before disposition of property or equipment, the College must verify the federal awarding agency disposition instructions.
  - For items values less than \$5,000: Procurement may sell or otherwise dispose of the item without further obligation;

## APPROVAL OF TRANSACTIONS FROM A RELATED PARTY FORM

In accordance with Board of Trustees Policy 5.8, "Procurement Policies", approval is requested for issuance of a purchase order to a related party in accordance with the details below:

DATE: \_\_\_\_\_

SUPPLIER NAME: \_\_\_\_\_

REQUESTER (INITIATOR): \_\_\_\_\_

PURCHASE ORDER PROPOSED VALUE: \_\_\_\_\_

DETAILS OF "RELATED" PARTY" CIRCUMSTANCES:

PRESIDENT'S APPROVAL: \_\_\_\_\_

DATE: \_\_\_\_\_

## VENDOR SELECTION FORM

In order to provide open and free competition and to obtain the maximum value for each dollar expended, Montgomery County Community College has a policy requiring competitive quotes for purchases over \$5,000\*. This completed form must be submitted to the Procurement Office with your Requisition as justification for exceptional circumstances \*Procurement of goods and services exceeding \$20,000 (construction) and \$25,000 (non-construction) require competitive, sealed bidding.

**I. Selected Vendor** \_\_\_\_\_

**II. Selection Validation (select one)**

- ☐ **Selected with quotes on the basis of criteria other than cost**  
*Example: feasibility; availability, or quality.*

In the table below, please provide quote information relating to the requested service or product. Copies of these **quotes with the complete form should reference a Purchase Request.**

Vendor	Quote#	Quote Date	Total (\$)

- ☐ **Selected without competitive quotes** - A selected source is applicable when other vendors exist in the marketplace, however, a vendor is selected without competitive quotes based upon:

**Sole Source**

- ☐ The equipment can be obtained from only one person or firm (sole source of supply)
- ☐ Competition is precluded because of the existence of patent rights, copyright, or similar circumstances

**Single Source**

- ☐ Goods, equipment or services needed at once because of an emergency
- ☐ Professional services
- ☐ Impossible to draft adequate specifications or any other adequately detailed description of the required supplies or service
- ☐ Components being procured in support of equipment specially designed by the manufacturer
- ☐ Technical services in connection with the assembly, installation, or servicing or the instruction of personnel therein of equipment of a highly technical or specialized nature
- ☐ Labor and material required for providing immediate accommodation in support of the installation of new equipment/systems which can be accomplished by a vendor already on site; and not practical to allow another vendor to work on the same site or impractical for another vendor to mobilize and demobilize



- ☐ Goods or services from College Contract Suppliers or from State Contracts and/or Educational Procurement Cooperatives approved by the Board of Trustees.
- ☐ Contracts involving policies of insurance, surety company bonds, contracts with internet access companies, contracts with public utility services or telephone companies under tariffs on file with the Public Utility Commission, contracts made with another political subdivision of the Commonwealth of Pennsylvania, the federal government and any agency of the Commonwealth of Pennsylvania or any municipality authority
- ☐ Contracts for education films, film strips, prepared transparencies and slides, prerecorded magnetic tapes and disc recordings, textbooks, prepared kits, models, projectiles, teacher demonstration devices necessary for College use, and library books and materials.
- ☐ Integral equipment repair parts, accessories or equipment that must be compatible with existing equipment or fixtures.
- ☐ Software or software support that must be compatible with existing software or for which it would be impractical or excessively costly for another vendor to provide the software or software support.
- ☐ Other: \_\_\_\_\_

**III. Determination of Reasonable Price:** *Select the statement below that best reflects how the pricing is justified.*

- ☐ Price comparison (Provide a copy of the source):
  - ☐ Reasonable price as compared with like or similar items purchased previously through Purchasing.
  - ☐ Reasonable price as compared with like or similar items available in a catalog, website, or advertisement.
- ☐ Rate / cost negotiated with an approved vendor per an existing contract or agreement:  
Provide date of the agreement/contract and contract number. \_\_\_\_\_
- ☐ Other: Provide an explanation. \_\_\_\_\_

\_\_\_\_\_  
Requestor's Printed /Typed Name Date

\_\_\_\_\_  
Requestor's Signature and Date

\_\_\_\_\_  
Procurement Office Approval



### *Board of Trustees Policy*

<b>SUBJECT:</b>  Emergency Notification Policy	<b>NUMBER:</b> 5.19	<b>PAGE:</b> 1	<b>OF:</b> 4
	<b>DATE:</b> December 16, 2019		
	<b>SUPERSEDES:</b> February 18, 2014		

### **Purpose**

This policy is established by Montgomery County Community College in compliance with the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, (the Clery Act) to provide emergency response and notification guidelines for our campuses. The policy applies to all College faculty, staff, students and visitors.

### **Policy Statement**

This policy covers internal electronic mass communications to Montgomery County Community College faculty, staff, and students in emergency circumstances. Emergency notifications are those electronic messages that are intended to inform the community regarding an ongoing emergency. Electronic messages include but are not limited to the following: text, social media, email, website messages and telephone.

Montgomery County Community College must exercise appropriate control over electronic communications in order to properly maintain network performance, limit the number of unsolicited email messages, and prevent desensitization that could inhibit the communication of critical information. As a result, the use of the College's designated emergency communication system(s) will be limited to emergency notifications and timely warnings, weather-related events, and important time-sensitive announcements (as described below).

The President, the Vice President for Finance and Administration, the Vice President for Information Technology, or his/her designee, are authorized to make any final judgment call in cases where this policy does not clearly apply or in cases when the protocol changes as the emergency situation unfolds. Any individual who is deemed in violation of this policy may be subject to disciplinary action.

### **Emergency Notification Procedures**

#### **Reporting Emergencies**

Individuals should report all emergencies by calling the Department of Public Safety.

- At Central Campus, dial 215-641-6666 from a cell or outside phone or Extension# 6666 from a College Phone



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- At West Campus, dial 610-718-1913 from a cell or outside phone or Extension# 1913 from a College phone.
- At the Culinary Arts Institute, dial 267-646-5973 from a cell or outside phone or Extension # 5973 from a College phone.
- In the case of a crime in progress, an emergency medical incident or a confirmed fire call all faculty, staff, and students are authorized to call 911 (9911 from a college phone) to report the incident. Public Safety officers should also be notified in these circumstances.

### **General Information**

Montgomery County Community College offers a text messaging subscription service for all faculty, staff, and students to receive notification of major emergencies and timely warnings and strongly encourages subscribing to this important service. Subscribers will receive text messages on any device that accepts text messaging (SMS) through cellular service, such as cell phones, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address. The College offers this service to notify the campus of emergencies and/or timely warnings. In addition, text messaging includes weather-related cancellations as well.

It is imperative that contact information is accurate and up to date in order for students and staff to receive some forms of emergency notifications.

Montgomery County Community College faculty, staff, and students are strongly encouraged to activate and maintain regular access to College-provided electronic mail accounts. Montgomery County Community College faculty, staff, and students are expected to access electronic mail to obtain official College communications.

### **Significant Emergencies**

Emergency Notifications are required to immediately notify the campus community of a significant emergency or dangerous situation involving an immediate threat to the health of safety of students or employees occurring on campus. An “immediate” threat as used here encompasses an imminent or impending threat.



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Examples of significant emergencies when an Emergency Notification may be issued:

- Approaching weather such as a tornado, flood or hurricane
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil Unrest
- Explosion
- Outbreak of meningitis, norovirus or other serious illness

Initial emergency communications will be sent immediately and will convey only the most critical information. Details will be carried on the college's website, which will be updated as circumstances dictate.

**Communication Methods**

The Montgomery County Community College Emergency Notification System allows the College to contact the members of the College community in the event of an emergency by employing any of the following techniques:

- 1) Text message
- 2) E-mail
- 3) Social messaging networks
- 4) Video monitors
- 5) College web site
- 6) Audible signals and loudspeaker systems from some of our campus buildings
- 7) College Marquee
- 8) TV and radio media
- 9) Person-to-person communications

The actual method(s) of communication used will be based on the particular emergency.



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**Post Emergency Communication:**

The College will issue an “all clear” message to convey the College’s return to normal operations to all faculty, staff and students via College assigned email accounts, the MCCC homepage, and text message via MCCC text-messaging subscribers. Details regarding the incident will be communicated on the College’s homepage.

**Authorized Users**

Authorized users of the emergency notification system are:

- The President
- The Vice President for Finance and Administration
- The Vice President for Advancement
- The Vice President for the West Campus
- The Vice President for Information Technology
- The Vice President for Student Success
- The Director of Campus Safety
- The Director of Campus Safety, West Campus

Other users may be temporarily designated by these authorized users as required in an emergency.

**Annual Testing**

The emergency notification system will be tested annually. Procedures will be publicized in conjunction with the annual test. Additional testing may be conducted as part of drills and exercises, or as necessary.

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<b>SUBJECT:</b>  Timely Warnings Policy	<b>NUMBER:</b> 5.20	<b>PAGE:</b> 1	<b>OF:</b> 5
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	<b>SUPERSEDES:</b> February 18, 2014		

**Purpose**

Montgomery County Community College (the College), as a recipient of federal Title IV student financial aid funds, is required to adhere to provisions of the Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics, commonly referred to as the Clery Act. One provision of the Clery Act is that all postsecondary institutions receiving federal Title IV student financial aid funds must issue timely warnings to the campus community under certain circumstances. To comply with the Clery Act mandate on timely warnings, Montgomery County Community College has developed the policy guidelines below.

**Policy**

Timely warnings must be issued for the following crimes, if the crimes are reported to campus security authorities (CSA) or local police agencies; are considered by the College to represent a serious or continuing threat to students and employees; and/or occur in certain geographic locations as defined by the Clery Act:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible and non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

The College is required to issue timely warnings for Clery-designated crimes in the following geographic locations: on campus, public property and non-campus buildings and property.

**On campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property

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that is within or reasonably contiguous to the Campus, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor). For the College, campus buildings and property (excluding the Culinary Arts Institute and the Montgomery County Training Center) would be included as on campus.

**Public property**

Public property, includes thoroughfares, streets, sidewalks, and parking facilities within the campus, or immediately adjacent to and accessible from the campus. For West Campus, public property includes; streets, alleys, sidewalks, and the bus stop that are adjacent to campus or that bisect campus, as well as the parking lot at 140 College Drive and 95 S. Hanover Street.

**Non-campus buildings or property**

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The Culinary Arts Institute and the Montgomery County Training Center would be included as non-campus buildings.

**Geographic locations for which the College is not required to issue timely warnings**

The College is not required to issue timely warnings for Clery-designated crimes that occur off campus, with the exception of those crimes committed on public property or in (on) non-campus buildings or property, as defined and described above. However, the College recognizes that in certain cases timely warnings, even if not required by the Clery Act, may benefit the campus community. The following criteria must be met for the College to issue a timely warning for an off-campus crime that does not require a timely warning under the Clery Act.

1. The crime is a murder, rape, or other serious and violent assault, or the local municipality requests that the College issue a timely warning.
2. The crime occurred in a geographic area frequented by College students.
3. The crime represents a continuous threat to the College community.

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**Types of Timely Warnings**

Timely warnings, whether or not required by the Clery Act, will be identified and posted as a **Blanket Warnings, Targeted Warnings, or Informational Alerts.**

**Blanket Warnings** are defined as timely warnings for the purpose of alerting the campus of a crime which affects the entire campus or a majority of the campus. Blanket Warnings will result in an “All Employees” and “All Current Students” email blast and building postings by Building Administrators. Blanket Warnings also will be posted on the College website at <http://www.mc3.edu>

**Targeted Warnings** are defined as timely warnings provided to specific employees and/or students who may be affected by the occurrence of a crime. Targeted Alerts will be used when it is determined that a Campus-wide Safety Alert is not necessary or appropriate. Targeted Alerts will result in a portion of the campus community receiving an email notification and postings in selected buildings. Targeted Alerts also will be posted on the College website at <http://www.mc3.edu>

**Informational Alerts** are defined as communications provided to specific individuals for the purpose of providing those individuals with information deemed necessary to avoid undue concern or anxiety. Informational alerts will result in the entire campus or a portion of the campus receiving an email; postings in selected buildings may also occur.

**Campus Security Authority**

According to federal law a campus security authority is “*An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution*”. They include any member of the Department of Public Safety, the Vice Presidents, Deans, select Directors, Athletic coaches, advisors and select counselors.



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Faculty members who are club advisors, department coordinators or student advisors are also considered campus security authorities.

When information involving a Clery-designated crime is received by a campus security authority (CSA), the CSA will contact the Department of Public Safety without delay to advise the Department of the information. When the Department of Public Safety receives the report, the ranking public safety officer on duty will contact the Director of Campus Safety or designee or his/her designee. The Director of Campus Safety or designee or his/her designee will then advise the President or his/her designee. The Director or designee will provide the President or his/her designee with a short description of the crime and the criteria he believes are relevant in considering whether a **Blanket Warning**, **Targeted Warning**, or **Informational Alert** should be published. Because the value of a timely warning usually diminishes with the passage of time, it is important to issue any warning or alert as soon as practical.

**Criteria to determine the need for Timely Warnings**

The following criteria will be used when determining the need for a Blanket Warning, Targeted Warning or Informational Alert:

1. Nature of Crime
2. Degree of continuing danger to the campus community\*
3. Possible risk of compromising law enforcement efforts
4. Crime occurred in one of the three geographical areas defined by Clery Law:

On Campus, Off Campus, Public Property

\* Continuing Danger will be determined by one or more of the following factors: the probability that a similar crime will occur, whether the actor(s) is still at large, and whether the crime is egregious. MCCC may issue a timely warning even if the perpetrator has been arrested.

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**Distribution/Publication of Timely Warnings**

All Blanket Warnings, Targeted Warnings and Informational Alerts will be distributed via email and other approved communication methods as per the Emergency Notification Policy. Blanket Warnings and Targeted Warnings will be posted on the College website at <http://www.mc3.edu> All warnings and alerts will expire after two weeks. If a continuing threat exists, a new warning or alert will be released and posted.



### *Board of Trustees Policy*

<b>SUBJECT:</b>  Presidential Evaluation	<b>NUMBER:</b> 2.4	<b>PAGE:</b> 1	<b>OF:</b> 2
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	<b>SUPERSEDES:</b> June 18, 2012, May 2002		

### ***Purpose***

Recognizing the importance of ongoing evaluation for the development and retention of exceptional leaders throughout the College and that all employees benefit professionally and personally from constructive reviews of how they exercise their responsibilities and accomplish the strategic goals of the College, the Board of Trustees establishes processes for presidential evaluation. In doing so, the Board acknowledges the importance of meeting its responsibilities, with the President, for effective College governance and leadership.

### ***Responsibilities***

It shall be the Board's responsibility, through the work of the Executive Committee, to ensure that it engages in a regular process of presidential evaluation. The Executive Committee, with the support of the President, will organize and conduct the process. The results should be used to identify where the President is performing well and where performance might improve and to set annual success goals for the President. The annual presidential evaluation will be conducted by June 30.

### ***Process***

1. The Board, through its Executive Committee, shall review the President's performance annually against agreed upon goals established between the Board and the President to advance the College's strategic and annual planning priorities.
2. The Board's Executive Committee shall take leadership in designing and developing the evaluation tool and process, in collaboration with the Board Chair and the President.
3. The evaluation process should include the use of an evaluation survey reviewed and endorsed by the Board of Trustees as well as a Presidential Self-Assessment. From time-to-time, the Executive Committee, in collaboration with the President, may review and update the survey and the process.



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4. The Board Chair will collect and synthesize the evaluation results and then discuss them in an Executive Session of the Executive Committee. The President will be included in these early discussions to verbally present his/her self-assessment.
5. The annual evaluation process shall be completed by June 30 to coincide with the close of the fiscal year.
6. In an Executive Session of the full Board of Trustees, the Board Chair will offer a verbal summary of the highlights of the evaluation results. The Board Chair will offer a report in public session that the review was completed in accordance with Board policy.
7. This process shall be elaborated upon in a separate procedural statement and periodically revised and brought to the Board for approval. The Board Chair, the Executive Committee and the President shall participate in this process.