

Fort Peck Community College
Board of Directors
Policy Manual

Approved by Board Action January 2010

**Fort Peck Community College
Board of Directors**

Policy Manual

Introduction

Fort Peck Community College was chartered by the Tribal Executive Board of the Fort Peck Assiniboine and Sioux Tribes of Montana in 1978. The Charter and By-laws of the college set a framework for the organization and administration of the college. In addition, the charter sets a process for selection and affirmation of a Board of Directors. Fort Peck Community College also has Internal Revenue Statues as a 501 C-3 Not For Profit Corporation. As such the policies of the college must also conform to laws and regulations governing 501 C-3 corporations.

This policy manual has two major sections. The first section includes all policies related to the requirements and restrictions of the Board of Directors and their activities. The second section contains all other policies of the college.

The First Section contains policies on:

1. Travel
2. Conflict of Interest
3. Confidentiality
4. Delegation of Authority
5. Board Privilege

I. Objective: Travel & Other Expenses

To establish a policy related to Director Travel and other expenses.

Policy Contents-

A. Meeting compensation – Directors are not normally compensated for attendance at regular or special meetings. Directors may receive compensation by specific Board of Directors Action if the Board determines that such compensation is necessary for the participation for the Director and ensures the proper representation of the college. Examples of such meetings include AIHEC Meetings, Legislature Hearings, Planning meetings and other such business. Mandatory attendance is required for any meeting for which a Director is compensated.

B. Travel Compensation

1. Transportation

When using a personal vehicle to travel to and from college meetings, conferences, or other meetings on behalf of the college, directors will be reimbursed for mileage at the allowable GSA rate. Mileage will be allowed on a per car basis when more than one director travels in a vehicle. When computed mileage exceeds the rate charged for a coach class airline fare reimbursement will be equivalent to the coach fare.

2. Meals

The allowed per diem will be the maximum allowed by the GSA. The GSA specifies higher per diem rates for high cost locations. A list of high cost areas is available by contacting the accounting department. Per Diem is paid on a quarterly basis:

If you leave before 6 AM, 4 quarters are claimed.

If you leave before 12 PM, 3 quarters can be claimed.

If you leave before 6 PM, 2 quarters can be claimed.

If you leave before 6 PM, 1 quarter can be claimed.

Receipts are not required for meals.

3. Other travel expenses

Other travel expenses that will be reimbursed require receipts such as parking, taxi, luggage fees and tips, should be included with the travel expense claim.

4. Travel advances and travel expense claims may be utilized as outlined in the Administrative Policies and Procedures.

II. Objective (Conflict of Interest)

To identify those areas where the directors and employees of Fort Peck Community College, (hereinafter “College”) should avoid conflicts of interest, or any appearance of conflict of interest, so that the affairs of the College will always be carried out in a business-like and ethical manner.

A. Policy Contents

1. Directors are prohibited from receiving gifts, fees, loans, or favors from suppliers, contractors, consultants, or financial houses, which obligate or induce them to compromise their responsibilities to negotiate, obligate, inspect or audit, or award contracts, with the best interests of the College uppermost in mind. This does not prohibit receiving gifts or favors of nominal value or casual entertainment, which meet all standards of ethical business conduct and involves no elements of concealment.
2. If members of the immediate family of director have a financial interest as specified above, such interest shall be fully disclosed to the Board which shall decide if such interest should prevent the College from entering into a particular transaction, purchase, or employment of services. The term “immediate family” means a person’s spouse and children in the person’s household.

3. Every Director of the College is expected to avoid situations that might be construed as conflicts of interest since it is not feasible in a policy Statement such as this to describe all the circumstances and conditions that might be or have the potential of being considered conflicts of interest.

B. Responsibility

1. Each director of the College shall make every reasonable effort to comply with the letter and spirit of this policy.
2. The Board is responsible for reviewing compliance with this policy and for all policies.
3. Each director must disclose any situation which, in his or her opinion, violates, may violate, or could appear to violate the intent of this policy.

III. Objective (Confidentiality)

To establish a policy related to confidentiality regarding Fort Peck Community College Business.

Policy Contents-

All Fort Peck Community Official regular and special meetings are open to the public. The Board of Directors reserves the privilege of calling for Executive Sessions regarding personnel matters, student affairs or another matter which are covered by the Privacy Act. Any information discussed about individuals is considered confidential and Directors are expected to maintain

that confidentiality. Any Breach of Confidentiality can call for removal of Director from the Board.

IV. Objective (Delegation of Authority)

To define the delegations of authority from the Board of Directors to the President to enable him/her to adequately direct the operations of the Fort Peck Community College, (hereinafter "College") and to report to the board on the results achieved.

Policy Contents

The Fort Peck Community College Board of Directors may delegate duties and authority to the President. By this Policy, the board specifies those duties and authority so vested in and delegated to the President, as follows:

A. Planning

1. To formulate, with staff, as appropriate, the policies of the College to be recommended by the President to the board for its consideration. Such policies shall be reviewed by the President at least once a year and recommendations made by the board on all revisions required.

2. Strategic Planning

To develop, with the staff and the board, the mission and long range objective of the College by periodically assessing academic, fiscal and campus changes and by adopting strategies to effectively address those issues.

3. Selection of Personnel

- a. To develop or approve standards and qualifications for use in recruitment, transfer and promotion of personnel.
- b. To select, appoint, transfer, promote and terminate all personnel with the exception of selection of Vice Presidents of Departments which will be done in consultation with the board.

4. Wage and Salary Administration

To determine and recommend all salary adjustments, except the President's and Vice Presidents salary, within the limitations of the budget. Salary adjustments for the President and Vice-Presidents shall be determined and approved by the board, which shall conduct the appraisal annually.

5. Overall Administration

- a. To direct the day-to-day operational and activities of the college except as specified otherwise by the bylaws or the board.
- b. To designate an appropriate person to serve as Acting President in an extended absence of the President. In case the President becomes incapacitated, the board shall take appropriate action at a meeting to be convened as soon as possible to appoint an Acting President who will serve in such capacity until such time as the board determines that the President is to be replaced and a new President appointed.

V. Objectives (Director Privileges)

To define certain privileges of the Fort Peck Community College Board of Directors that does not constitute conflicts of interests.

A. Policy Contents

1. A Director may attend all functions sponsored by the Fort Peck Community College at no cost.
2. The Directors are eligible for an annual Family membership to the FPCC Wellness Centers.
3. Directors and their immediate family members and dependants are eligible for FPCC tuition waivers. Tuition waivers expire at the end of semester when no longer a director.
4. Directors may receive compensation by specific board action.
5. Directors may access all FPCC information when acting in an official capacity. All rules of confidentiality apply.

Approved by Board Action on January 21, 2010.

Chairman:  Date: 2/3/2010
Larry Wetsit

FORT PECK TRIBES

Assiniboine & Sioux

August 5, 2008

Jennifer T. Newbold
USDA – Office of General Counsel
P.O. Box 7669
Missoula, MT 59807

RE: Fort Peck Community College Eligibility Determination

Dear Ms. Newbold:


The Fort Peck Community College was chartered under the authority granted the Fort Peck Tribal Executive Board by Article VII, Section 9 of the Constitution and By-Laws of the Fort Peck Assiniboine and Sioux Tribes. This constitution was approved by the Bureau of Indian Affairs on November 30, 1960. The Fort Peck Tribes is one of the 562 Indian Tribes recognized by the U.S. Department of Interior's Bureau of Indian Affairs. I am forwarding a copy of the notice published in Volume 73, No. 66, Federal Register of April 4, 2008. Please note the fourth paragraph in the second column, which acknowledges the government-to-government relationship between the listed Tribes and the U.S. government.

The Charter of FPCC and Charter revision was approved by the following Tribal Resolutions: 334-78-3, #449-80-3, and 3025-85-10.

The Fort Peck Tribes' Single Audit includes FPCC as a component unit of the Tribes whose annual audit must be included in the Tribes audit. This further substantiates the legal standing of the college as legally chartered by the Fort Peck Tribes.

Please let me know if you need further information concerning the authority of the Fort Peck Tribes to grant the charter for FPCC.

Sincerely,



Jackie Weeks
Secretary/Accountant
Fort Peck Tribal Executive Board

Enclosures: Tribal Constitution and By-laws
Federal Register Notice
Resolutions

REVISED CHARTER OF THE
FORT PECK COMMUNITY COLLEGE

Approved by the Fort Peck Assiniboine and Sioux Tribal Council on
FEB 13 1989, 1989.

ARTICLE I

Offices

The address of the principal office of the Fort Peck Community College (hereinafter the "College") is Fort Peck Assiniboine/Sioux Reservation, Poplar, Montana.

ARTICLE II

Philosophy and Mission

Philosophy

Fort Peck Community College believes that the Indian is a unique person and being such, requires a special system to meet his/her educational needs.

Fort Peck Community College believes that there are specific reasons for its establishment on the Fort Peck Reservation.

- many of the people will not leave their homeland and therefore it is important that education be brought to them
- Indian culture, history and beliefs must be perpetuated among Indian people of all ages
- self-awareness through education is a foundation which is necessary to build a career, a lifestyle and a true sense of pride.

The philosophy of the Fort Peck Community College can best be summed up in the following poem by Verdis Grey Bull.

"WHAT WILL BECOME OF US NOW?"

What will become of us now,
when we finally realize
that we are losing our oldest elders?

Who will teach us the old ways?
Who will tell us the old stories
of our ancestors, so that we can tell
our children and that someday
they'll be able to tell their grandchildren?

Of what is right and wrong in our
Indian ways?

So far, we've come
to live in the white man's world
spend the white man's money
in order to live in the white man's
way of life.

What will we do now?

We can't bring the deceased back;
but maybe we can respect them
for their knowledge and
still be grateful that
there are some living today.

by
Verdis Grey Bull
August 21, 1974

Fort Peck Community College dedicates itself to the task of
meeting those needs in an educational setting.

Mission Statement

It is the mission of the Fort Peck Community College to serve the
people of the Fort Peck Reservation and northeastern Montana, acting
as a vehicle of Indian awareness and self-awareness.

Fort Peck Community College will establish a program that will
lead to an associate degree.

The Fort Peck Community College will produce an academic program
that will allow interested students to gain credit that will be
transferable to other institutions of higher education and/or post-
secondary institutions.

Fort Peck Community College will further serve by establishing
community based activities that will help support present community
organizations and establish new organizations based on new community
needs.

Fort Peck Community College is charged with the responsibility to
work with NAES to ensure that a baccalaureate degree level program is
available locally for the people of the area. This is provided for in
a separate FPCC/NAES Agreement.

Fort Peck Community College will serve any person 16 years of age
and older and not enrolled in any other college.

ARTICLE III

Board of Directors

Section 1. Composition and Powers. The Board of Directors shall consist of 9 persons, 8 of whom shall be originally appointed by the Fort Peck Tribal Executive Board and 1 of whom shall be the serving Student Body President of the College. Not more than three members of the Board of Directors shall also be members of the Tribal Executive Board. At least five members of the Board of Directors shall be members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. The Board of Directors shall have all powers of the College not expressly otherwise delegated.

Section 2. Terms of Office. The terms of office of each of the Directors shall be two (2) years, except that the terms of the initial Board of Directors shall be as fixed in Article VII of the Charter and the Student Body President shall serve ex officio for such time as they hold their offices. Each Director shall hold office for the term of that office and until his successor shall have been duly appointed and taken office, or until his death, or until he shall resign, or shall have been removed in the manner hereinafter provided.

Section 3. Election of Officers. The Board of Directors at its initial meeting shall elect a chairman, vice-chairman, secretary, treasurer and may elect such assistant officers it deems necessary. Such officers shall serve 2 years, or until their successors are elected and qualified.

Section 4. Vacancies. The Fort Peck Community College Board of Directors shall fill any vacancy occurring on its Board. A Director appointed to fill a vacancy shall be appointed for the unexpired term of his predecessor in office. The Board shall fill any vacancies during terms or at completion of terms, by selecting from applicants replying to announcements in the "Wotatin" for one month prior to selection. Application forms will include: educational background, tribal affiliation, goals for post-secondary education at Fort Peck, and reasons for wanting to serve on the Board. After selection of the nominee for each position (which conforms with the requirements of III above), the Board will forward its selection to the Tribal Executive Board of ratification. If the Tribal Executive Board rejects the nominee, the Board of Directors will select anew and forward the selection for ratification.

Section 5. Compensation. By resolution of the Board of Directors, the Directors may be paid their actual and reasonable expenses and loss of pay from any employer, if any, of attendance at each meeting of the Board of Directors. No Director shall be a full-time employee of the College, but otherwise shall not be precluded from serving the College in any other capacity and receiving compensation therefore.

Section 6. Regular Meetings of the Board. The Board of Directors may provide by resolution the time and place for holding

regular meetings of the Board without other notice than such resolution.

Section 7. Special Meetings of the Board. Special meetings of the Board of Directors may be called by the President or by three Directors if the President should fail or refuse to act.

Section 8. Quorum. Four Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If less than a quorum is present at a meeting, a majority of the Board of Directors present may adjourn the meeting from time to time without further notice.

Section 9. Manner of Acting. The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 10. Rules of Order. All Board meetings shall be conducted according to Robert's Rules of Order.

Section 11. Removal for Cause. Board members may be removed from office by vote of the remaining members of the Board when:

- a) a member is absent from three duly called, monthly meetings of the Board in succession, OR, is absent from one-half of the meetings in one year, UNLESS the reason for absence(s) are accepted by the Board prior to such action being taken.
- b) a member takes action he or she is not entitled to take in the exercise of their official duties as a Board member.
Example: Misappropriation of college funds, equipment, or property.

ARTICLE IV

Officers

Chairman

The Chairman shall perform all duties incident to the Office of Chairman and such other duties as may be prescribed by the Board of Directors from time to time. Subject to the control of the Board of Directors, the Chairman shall have general supervision and control of the business and affairs of the College. He shall, when present, preside at all meetings of the Board of Directors. When authorized by the Board of Directors, the Chairman may sign on behalf of the College any leases, deeds, mortgages, contracts or other instruments or papers. He shall vote on matters on the same basis as other members of the Board of Directors.

Vice Chairman

In the absence of the Chairman, or in the event of death, or inability, or refusal to act, the Vice Chairman shall perform the

duties of the Chairman and when so acting shall have all the powers of and be subject to all the restrictions on the Chairman.

Secretary

The Secretary, or a person acting under his supervision, shall record and maintain a full report of all proceedings of each meeting of the Board of Directors and shall in general perform all duties incident to the office of the Secretary by the Chairman or by the Board of Directors.

Treasurer

The Treasurer shall give a corporate bond for the faithful discharge of his duties in such sum as the Board of Directors shall determine. The Treasurer and/or designated representative (normally the FPCC Comptroller) shall:

- a) have charge and custody of and be responsible for all funds and securities of the College and deposit all such monies in such banks or other depositories as may be designated by the Board of Directors,
- b) establish and maintain proper books and records accounting for all receipts and disbursements, and
- c) in general perform all duties incident to the office of the Treasurer and such other duties as may from time to time be assigned to the Treasurer by the Chairman or by the Board of Directors.

ARTICLE V

Contracts, Bonds, Loans, Checks

Section 1. Contracts. No contract shall be executed on behalf of the College unless authorized by a resolution of the Board of Directors. Authorized contracts shall be executed only by the officers and signed by the officers.

Section 2. Bonds, Loans. No bonds, loans or other indebtedness shall be issued or contracted on behalf of the College and no evidences of indebtedness shall be issued in the name of the College unless authorized by a resolution of the Board of Directors. Such authority may be general, or confined to specific insurances. No bond or loan or other indebtedness shall be an obligation of the Tribes, nor shall it be enforceable against the Tribes, unless so provided by the Tribal Executive Board, and all bonds and loan agreements shall so state on their face.

Section 3. Checks, Drafts, etc. All checks, drafts, or other orders for payment of money, notes, or other evidence of indebtedness issued in the name of the College shall be signed by such officer or officers, agent or agents of the College and in such manner as shall

from time to time be determined by a resolution of the Board of Directors, provided any instruments under this section must be executed by a bonded officer or employee of the College.

ARTICLE VI

Budget, Reports, Audits

Section 1. Budget. At least 30 days prior to the commencement of the College's fiscal year, the Board of Directors shall prepare a budget for the ensuing fiscal year. A copy of the budget shall be delivered and explained to the Tribal Executive Board before it is adopted.

Section 2. Reports. At the conclusion of each academic quarter, the FPCC President shall deliver a written report of the activities of the College, including a quarterly finance statement for the past academic quarter. Minutes of each regular and special FPCC Board of Directors meeting shall also be made available to the Tribal Executive Board.

Section 3. Audit. The Board of Directors shall retain an independent certified public accountant satisfactory to the Tribal Executive Board. Prior to the close of business in each fiscal year, such accountant shall examine the books and records of the College, shall certify the annual balances and shall furnish a written report to the College and to the Tribal Executive Board setting forth all pertinent data and the accountant's recommendations and views concerning the state of the College. The annual report shall not be exclusive. The Tribal Executive Board may call for an auditor's examination and written report at any time during the fiscal year.

ARTICLE VII

Disposition of Assets

Upon dissolution of the College or the winding up of its affairs, after payment or making provision for payment of the College's liabilities, the College's assets shall be conveyed or distributed by the Directors exclusively for the purposes of the College, or to such an organization or organizations created or operated for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(3)c of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) as the Fort Peck Tribal Executive Board shall determine.

ARTICLE VIII

Amendments

Repeal or amendment of these bylaws shall become effective upon adoption of a resolution (a) approved in writing by a two-thirds majority vote of the Board of Directors at a meeting noticed for that purpose, and (b) approved by a resolution of the Tribal Executive Board.

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act in behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws and Public Law #83-449, and

WHEREAS, the Fort Peck Tribal Executive Board retains the vested responsibility of developing Educational Programs for the benefit of all residents of the Fort Peck Reservation, and

WHEREAS, the Fort Peck Tribal Executive Board has previously established the Fort Peck Community College for the purposes of designing, implementing and evaluating education programs for use by Fort Peck Reservation residents, and

WHEREAS, the Board of Directors and Administration for Fort Peck Community College have designed a Community College Charter which is deemed appropriate and necessary for the complete development of Fort Peck Community College, Now

THEREFORE, BE IT RESOLVED that the Fort Peck Tribal Executive Board does hereby approve and adopt the Fort Peck Community College Charter, and

BE IT FURTHER RESOLVED that this action shall be in effect from January 1, 1978.


C E R T I F I C A T I O N

I, the undersigned Secretary Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 9 constituting a quorum were present at a Special meeting duly called and convened this 13th day of March, 1978, that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 9.



Lillian S. Hertz, Secretary Accountant

APPROVED:



Norman Hollow, Tribal Chairman
Fort Peck Tribal Executive Board

Superintendent, Fort Peck Agency

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act in behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws and Public Law #83-449, and

WHEREAS, Tribal Resolution #334-78-3 does grant and issue the Charter and By-Laws of the Fort Peck Community College, and

WHEREAS, Article VII in the Charter of the Fort Peck Community College does provide for a repeal or amendment of the By-Laws which shall become effective upon the adoption of a resolution:

- a) approved in writing by a two thirds majority vote of the Board of Directors at a meeting noticed for that purpose, and
- b) approved by a resolution of the Tribal Executive Board, Now

THEREFORE, BE IT RESOLVED, that the Fort Peck Community College Board of Directors does hereby amend the Charter and By-Laws so that Section 1 and 2 of Article III is changed from President and Vice President of the Board of Directors to Chairman and Vice Chairman as follows:

Section 1. Chairman. The Chairman shall perform all duties incident to the office of president and such other duties as may be prescribed by the Board of Directors from time to time. Subject to the control of the Board of Directors, the Chairman shall have general supervision and control of the business and affairs of the College. He shall, when present, preside at all meetings of the Board of Directors. When authorized by the Board of Directors, the Chairman may sign on behalf of the College any leases, deeds, mortgages, contracts, or other instruments of papers. He shall vote on matters on the same basis as other members of the Board of Directors.

Section 2. Vice Chairman. In the absence of the Chairman, or in the event of death, or inability, or refusal to act, the Vice Chairman shall perform the duties of the Chairman and when so acting shall have all the power of and be subject to all the restrictions on the Chairman.

C E R T I F I C A T I O N

I, the undersigned Secretary Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 11 constituting a quorum were present at a Regular meeting duly called and convened this 24th day of March, 1980, that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 11.

APPROVED:

Norman Hollow
Norman Hollow, Tribal Chairman
Fort Peck Tribal Executive Board

Myrna Greufe
Myrna Greufe, Secretary

Superintendent, Fort Peck Agency

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws and Public Law #83-449, and

WHEREAS, the Fort Peck Community College is the duly chartered Institution of Higher Education for the Fort Peck Tribes, and


WHEREAS, the Fort Peck Community College Charter has been revised to strengthen reporting requirements of the College to the Tribal Executive Board, and

WHEREAS, the Fort Peck Community College Charter and Accreditation requirements require the College to maintain an Independent Finance System, now

THEREFORE BE IT RESOLVED, that the Tribal Executive Board does hereby approve the Revised Charter of the Fort Peck Community College and does hereby exempt the Fort Peck Community College from the Tribal Centralized Finance System.


C E R T I F I C A T I O N

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 12 constituting a quorum were present at a Rescheduled Special Board meeting duly called and convened this 15th day of October, 1985, that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 6.



Paula B. Stormy
Secretary/Accountant

APPROVED:



Norman Hollow, Tribal Chairman
Fort Peck Tribal Executive Board

Superintendent, Fort Peck Agency