



Article Series

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5 Significant Issues Facing North Carolina Community Colleges

By David Inabinett, Managing Member, Brinkley Walser, PLLC

The last several decades have produced change at an incredible pace. From transportation to medicine to communications, the majority of Americans have come to anticipate new and different ways of doing things. These changes typically happen much faster than our local, state and federal governments can write laws to address them. Our community college and public school system administrators must set policy or make decisions to address these changes based on their best judgment. When laws finally are enacted, they frequently create entirely new sets of questions and seldom provide complete guidance on how best to implement the new laws.

So what are 5 significant issues facing North Carolina community colleges today? They are, in no particular order:

Issue 1: Open Door Admissions

Community College's "open door admissions policies," as required by N.C. Administrative Code Chapter 23 Section .0301, provide that each college shall maintain an open-door admission policy to all applicants who are high school graduates at least 18 years of age. In light of recent tragedies such as the shooting rampage at Virginia Tech and similar situations at other institutions of higher learning, it is becoming more concerning that students with known histories of violence or mental illness are allowed to continue to be enrolled or admitted to college campuses.

NC Community College FAQs¹

- The NC Community College system is the third largest in the U.S.
- Tuition rates are one of the lowest in the nation.
- The average age of a community college student in NC is 27.

¹ www.nccommunitycolleges.edu

At present, N.C. community college's hands appear to be tied as those rules relate to enacting limitations or restrictions upon admission or upon continued enrollment in our colleges. Is it advisable to form a threat assessment policy which, despite this open door policy, would give authority to deny admission or continued enrollment in a community college, despite this open-door policy?



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Issue 2: Social Media & the Web

Facebook, Myspace, Twitter, YouTube and other social media outlets are blurring the lines between student – and even faculty - code of conduct violations which occur on campus versus those which relate to activities in cyberspace but which affect student discipline, safety and academics on campus. Because of the speed that information can be transmitted and the range of individuals who may see that information, faculty members and students alike must be made aware of what is unacceptable under the school's code of conduct.

Should colleges enact policies which make it possible that activity occurring primarily via off-campus, even online, can result in code of conduct violations? As the college updates its code of conduct to incorporate new technologies and practices, the rules and consequences must be clearly defined and should be justifiable if a challenge is made.

Issue 3: Admission of Undocumented Immigrants

Admission of undocumented immigrants to N.C. community colleges has changed under amended N.C. Administrative Code Chapter 23 Section .02C .0301. This clarifies that it is admissible to enroll undocumented immigrants at an out-of-state tuition rate with a diploma from an Adult High School located in the U.S. which operates in compliance with State or local law.

The federal DREAM Act, which would have allowed for in-state tuition rates, failed to pass the U.S. Senate in September. Supporters are expected to try again to get the bill passed next year.

Issue 4: Americans with Disabilities Act Amendments Act (ADAAA)

The Americans with Disabilities Act Amendments Act (ADAAA) now drastically expands the definitions of what can be considered a “major life activity” for which a disability may cause substantial limitations for a student or employee. Such disabilities may now be covered under the Act for purposes of reasonable accommodations provided in employment law situations or which may entitle community college students to accommodations under Section 504 of the Rehabilitation Act.

The newest changes, Title II and Title III, take effect on March 15, 2011. Compliance with the 2010 Standards for Accessible Design is not required until March 15, 2012. A listing of these changes can be found at www.ada.gov. These changes are extensive and may require retrofitting of facilities. An immediate review should be undertaken to ensure compliance by the deadlines.

Issue 5: Public Records

Personnel records which are open for public inspection has been greatly expanded under new N.C. law effective Oct 1, 2010. In the past, only the employee's position, current salary and job status were considered public record. Under the amended law, records which are now open to public inspection include the history of an employee's promotions, demotions, dismissals, and the specific grounds upon which a community college board of trustees terminated an employee.



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Questions remain about whether new records are required to be kept under this law and whether it applies retroactively to employment decisions made prior to the effective date of the law.

Summary

Community College administrators have to deal with these and other issues on a daily basis in an ever-changing environment. Policies and procedures must be kept updated to reflect these changes. Staying current on the issues and involving an attorney when an issue or response is unclear is always the best solution.

About the Author

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