

# BP 1-6: Legal Basis and Authority

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BOARD POLICY BP 1-6

APPROVED: August 25, 2014

EFFECTIVE: August 25, 2014

REVIEWED: January 8, 2018

REFERENCES: Constitution of the State of Montana, Article X § 9.2(a); 1939 Mont. Laws 378, Chapter 138; Mont. Code Ann. §§ 20-15-102, -103, -105, -225

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Dawson Community College is the community college district of Glendive, Montana. A public election in Dawson County established the college district in 1940 as a junior college governed by the Dawson County High School District. In 1966, the college district became independent of the high school district with the election of the college's first Board of Trustees.

The Constitution of the State of Montana vests the management and control of the community college district in the locally elected Board of Trustees. Pursuant to Montana law, the Dawson Community College Board of Trustees manages and controls the following aspects of the college with the supervision of the Montana Board of Regents of Higher Education:

- general control and supervision of the community college
- adopt rules, not inconsistent with the constitution and the laws of the state, for the government and administration of the community college
- sue and be sued, levy and collect taxes within the limitations of the laws of Montana, and possess the same corporate powers as districts in this state, except as otherwise provided by law
- grant certificates and degrees to the graduates of the community college
- keep a record of Board proceedings
- when not otherwise provided by law, have control of all books, records, buildings, grounds, and other property of the community college
- receive from the state board of land commissioners; other boards, agencies, or persons, or the government of the United States, all funds, income, and other property the community college may be entitled to receive or accept and use and appropriate the property for the specific purpose of the entitlement, grant, or donation
- have general control of all receipts and disbursements of the community college
- appoint and dismiss a president and faculty for the community college; appoint and dismiss any other necessary officers, agents, and employees; fix their compensation; and set the terms and conditions of their employment
- administer the tuition provision and otherwise govern the students of the community college district in accordance with Montana law
- call and conduct the elections of the district in accordance with Montana law

- participate in the teachers' retirement system of the state of Montana in accordance with the provisions in Montana law regarding the teachers' retirement system
- establish employee benefits, other than retirement benefits, and fix their limits in accordance with Mont. Code Ann. 2-18-701 through 2-18-704
- participate in district boundary change actions in accordance with the provisions of Montana law regarding district organization
- hold in trust all real and personal property of the district for the benefit of the college and students
- enter into agreements with the Western Interstate Commission for Higher Education, or similar intrastate, interstate, or international agreements, for the benefit of the district and students
- set tuition rates for in-district students, out-of-district students who are residents of the state of Montana, and students who are not residents of the state of Montana; set matriculation charges; set incidental fees, including building fees, for students in the community college; and set other fees necessary to maintain courses, taking into consideration such other funds as may be available under law for the support of such courses
- establish specific requirements for the academic, occupational, adult and community service programs at the community college; offer specific academic courses and sequences within the guidelines specified in Montana Board of Regents of Higher Education policy and Montana statutes; offer ad hoc occupational programs; and offer adult and community service curricula in accordance with Montana statute and Montana Board of Regents of Higher Education Policy;
- ensure the achievement and maintenance of accreditation standards and implementation of recommendations from the accrediting organization
- adopt an annual general fund budget
- recommend biennial budgets to the Montana Board of Regents of Higher Education;
- accept, on behalf of the district, gifts, legacies and levies, subject to the conditions imposed by the deed of the donor, or will of the testator, or without any conditions imposed
- accept funds from the federal government or the state of Montana, their instrumentalities or any of their agencies in and of any one or more purposes or in maintaining and operating the community college
- submit an additional levy proposition to the electors of the districts if the general fund budget is in excess of the budget funded by the legislature
- recommend assessment and changes in tuition and fees and approve all tuition and fee waivers
- supervise the maintenance of approved records and student accounting
- purchase, lease, or sell property not otherwise specified in Montana Board of Regents of Higher Education policy
- build, enlarge, alter, repair or acquire by purchase, school buildings and dormitories not otherwise authorized by Montana Board of Regents of Higher Education policy
- levy an additional tax for the purpose of purchase or lease of property
- accept or borrow money from the federal government for the purpose of purchase or lease of property.

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SCOPE            This policy applies to Dawson Community College.

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PROCEDURES    The College President shall promulgate such procedures as may be needed to implement this policy.

History: