

CHAPTER A. GENERAL

SUBCHAPTER 100. GENERAL

3A SBCCC 100.1 Purpose

- (a) All rules in Title 3 of the SBCC Code govern the SBCC process for rulemaking and the system for codifying rules in the SBCC Code. The SBCC rulemaking process is designed to maximize the efficiency with which it takes to amend, adopt, or repeal a rule while simultaneously retaining a reputable, transparent rulemaking process that involves the public. The codification system is designed to provide clarity, consistency, and uniformity in the SBCC Code.
- (b) The SBCC Code is available on the NCCCS website at <http://www.ncccommunitycolleges.edu/SBCCCode>.
- (c) SBCC rules that are not adopted in accordance with Chapter B of this title shall be unenforceable.

History Note: Authority G.S. 115D-5;

Eff. [June 1, 2014](#).

3A SBCCC 100.2 Definitions

The following definitions apply throughout this Chapter and to all forms prescribed pursuant to this Chapter unless the context indicates otherwise:

- (a) "Action" - The adoption, amendment, or repeal of a rule.
- (b) "Adopt" - The SBCC takes action to approve a new rule with a new rule number.
- (c) "Amend" - The SBCC takes action to modify an existing rule with a deletion, addition or other change to that existing rule. "Amend" does not mean the deletion of a rule in its entirety.
- (d) "Citation" - A reference to a rule by title and chapter or subchapter and section number.
- (e) "NCCCS" - The North Carolina Community College System.
- (f) "SBCC" - The State Board of Community Colleges.
- (g) "SBCC Code" - The State Board of Community Colleges Code.
- (h) "Permanent Rule" - A rule that the SBCC adopts in accordance with Title 3, Chapter B, Subchapters 200 and 300 of the SBCC Code.

- (i) "Publication" - Publication on the NCCCS website in the SBCC Code section or entry into the SBCC Code.
- (j) "Repeal" - The deletion of the entire text of a rule. When a rule is repealed, that rule number shall not be used again. The number, rule name, and final history note remain in the SBCC Code permanently for publication and reference purposes.
- (k) "Rule" - Any SBCC regulation, standard, or statement applicable to any community college or proprietary school subject to Chapter 115D of the North Carolina General Statutes that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of the SBCC. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:
 - (1) Statements, policies, or procedures concerning only the internal management of the System Office if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the System Office.
 - (2) Nonbinding interpretative statements from the System Office that merely define, interpret, or explain the meaning of a statute or rule.
 - (3) Statements that set forth criteria or guidelines to be used by System Office staff in performing audits, investigations, or inspections; in settling financial disputes or negotiating financial arrangements; or in the defense, prosecution, or settlement of cases.
- (l) "Substantive change" - The SBCC has amended language of a proposed rule after the comment period and the public hearing, if any, has taken place, and the amended language does one or more of the following:
 - (1) Impacts the interests of persons who, based on the proposed text of the rule published on the NCCCS website could not have reasonably determined that the rule would affect their interests.
 - (2) Addresses a subject matter or an issue that is not addressed in the proposed text of the rule.
 - (3) Produces an effect that could not reasonably have been expected based on the proposed text of the rule.
- (m) "Temporary rule" - A rule that the SBCC adopts without prior notice or hearing or upon any abbreviated notice or hearing in accordance with Title 3, Chapter B, Subchapter 400 of the SBCC Code.

History Note: Authority G.S. 115D-5;

Eff. [June 1, 2014](#).

3A SBCCC 100.93 Petitions

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 143B-10(j)(2); 150B-20;

Eff. September 1, 1993;

Amended Eff. March 1, 1997;

Repealed Eff. [June 1, 2014](#).

3A SBCCC 100.94 Hearing Officer

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 143B-10; 150B-21.2;

Eff. September 1, 1993;

Repealed Eff. [June 1, 2014](#).

3A SBCCC 100.95 Hearings

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 143B-10; 150B-21.2;

Eff. September 1, 1993;

Amended Eff. March 1, 1997;

Repealed Eff. [June 1, 2014](#).

3A SBCCC 100.96 Statement of Reasons for and Against Rule-Making Decision

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 143B-10; 150B-21.2;

Eff. September 1, 1993;

Amended Eff. March 1, 1997;

Repealed Eff. [June 1, 2014](#).

3A SBCCC 100.97 Record of Rule-Making Proceedings

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 143B-10; 150B-21.2;

Eff. September 1, 1993;

Repealed Eff. [June 1, 2014](#).

3A SBCCC 100.98 Fees

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 132-6;

Eff. September 1, 1993;

Repealed Eff. [June 1, 2014](#).

3A SBCCC 100.99 Declaratory Rulings

REPEALED by State Board of Community Colleges, eff. 1 June 2014.

History Note: Authority G.S. 150B-4;

Eff. September 1, 1993;

Amended Eff. March 1, 1997;

Repealed Eff. [June 1, 2014](#).