The materials below consist of regulations of the State University of New York Board of Trustees. However, it is not the Official Compilation of the Codes, Rules, and Regulations of the State of New York. Readers are advised to refer to the Official Compilation (8 NYCRR Part et seq)in case of questions.

PART 601

INITIAL ORGANIZATION OF A COMMUNITY COLLEGE

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§ 601.1 Establishment minima.

(a) Enrollment. A proposed college shall have a potential enrollment of at least 1,000 full time equivalent students from its sponsorship area within four years after its opening.

(b) Financial resources. The local sponsor shall have a true valuation of at least $1.3 billion and an assessed valuation of at least $650 million.

(c) Budget. The local sponsor shall make available its share of funds at least one year in advance of the formal opening of the college to assure the availability of sufficient facilities and instructional resources by opening day.

1. Personnel.

(i) President and staff. The college budget shall provide, at least one year before the formal opening of the college, sufficient funds to appoint a president together with such supporting staff as may be necessary for the organization of the college, including those functions associated with the business affairs, academic development, library and student-personnel program. Sufficient staff shall be employed to provide adequate care and maintenance of buildings, grounds and equipment.

(ii) Faculty. The college budget shall provide for one full-time equivalent classroom teacher for a minimum of each 18.5 full-time students or the equivalent thereof.

2. Facilities.

(i) Classrooms, laboratories, library and other facilities. Sufficient space must be provided to prevent overcrowding as currently defined in statements guiding space requirements issued by State University of New York.

(ii) Library. Upon opening, the college shall have sufficient instructional resources to meet programmatic needs.

§ 601.2 Programs.

The program shall include both career and college transfer programs on a full- and part-time basis. Such curricula shall be based on surveys of the population of the sponsorship area, their education and training needs, qualifications and interest, and, with reference to career curricula, the prospects for employment of the graduates. The college facilities must be available for use in the late afternoon, evening, and summer to afford an educational opportunity for both full-time and part-time students and to assure maximum utilization of available physical resources. Special emphasis shall be given to community service and economic and workforce development programs and services. Programmatic review shall be conducted periodically as prescribed by the

§ 601.3 Name of the college.

Any college hereafter established which is by definition a community college shall incorporate in its name (a) the words "community college" and (b) when possible and desirable, the designation of its sponsorship or service area.

§ 601.4 Multiple campus locations.

(a) Definitions (pursuant to Education Law, section 207 and State Education Department Regulations, Part 54, section 50.1

1. Branch campus. Branch campus means a unit of an institution located at a place other than the institution's principal center or another degree granting institution, at which the institution offers one or more curricula leading to a certificate or degree. The SUNY Master Plan must be amended to include the branch campus and must be approved by the SUNY Provost. Chancellor and Board of Trustees, as well as the Education Commissioner. the Board of Regents and the Governor.

2. Extension center or interinstitutional center. Extension center- means a unit of an institution located at a place other than the institution's principal center or another degree granting institution, at which the institution does not offer any curricula leading to a certificate or degree, but at which the institution either conducts more than 15 courses for credit or has more than 350 course registrations for credit in any academic year. Approval of the SUNY Provost and the Education Commissioner is required.

(i) Extension site or interinstitutional site. Extension site means a unit of an institution located at a place other than the institution's principal center or another degree-granting institution, at which the institution does not offer any curricula leading to a certificate or degree, and at which the institution conducts no more than 15 courses for credit and has no more than 350 course registrations for credit in any academic year. No special approval is required.

(b) Exceptions (pursuant to Ed CR 54.2). The following shall not be subject to the provisions of subdivision (a) of this section:

(1) units of New York institutions located outside the State or on territory over which the Federal government has asserted exclusive jurisdiction;

(2) registered clinical or field curricula, or components or courses of registered curricula, where such curricula, components, or courses require special facilities unavailable at the principal center;

(3) courses offered for credit by a degree-granting institution to secondary school students within a secondary school;

(4) courses or curricula offered by an institution within a correctional facility;

(i) courses or curricula offered by an institution on the territory of a Native American reservation; and

(ii) other off-campus offerings for credit which the commissioner determines warrant exceptional treatment.

(c) Support services. The services normally afforded to students and faculty at the principal campus center shall also be afforded to students and faculty in off-campus credit activities, to the greatest extent possible. This includes appropriate instructional facilities: access to library resources, access to advisement, financial aid, counseling and other support services, and procedures for faculty hiring, orientation, evaluation and participation.

(d) Application process. Application forms, guidelines and assistance with pursuing extension center or branch campus approval should be obtained from the office of the SUNY Provost.

(e) Establishment procedure. The establishment of branch campuses or extension centers for an institution shall be considered by the SUNY trustees for approval and incorporation in the master plan when:

(1) the college trustees and local sponsor or sponsors endorse the establishment of the additional or center campus;

(2) the local plan for development of the new campus or center indicates an administrative structure that includes a responsible chief administrative officer at each campus site;

(3) a tentative educational plan for the campus or center has been developed on the basis of a local area study of the need for such campus;

(4) a preliminary budget and fiscal plan to finance the campus or center is adopted by the college trustees and the local sponsor or sponsors;

(5) a permanent site for operation of the campus or center is approved by the college trustees and the local sponsor or sponsors.

(f) Programs, certificates and degrees. Organized for-credit academic programs at branch campuses shall be evaluated and accredited as institutional operations on their own merits, in accordance with the policies and procedures of SUNY and the relevant regional accrediting agency. Graduates of programs of multiple campus

community colleges shall be granted certificates and degrees by the college trustees upon the recommendation of the principal campus faculty and administration, in consultation with the faculty and administration of the branch campus.

(g) Budget procedure. Any college establishing a branch campus pursuant to this section may submit a separate operating budget for each such campus for the organization year and the first two fiscal years in which students are enrolled. For each fiscal year thereafter, the college shall submit a single consolidated operating budget for all its campus locations.

(h) The chancellor or designee may develop and issue appropriate guidelines and procedures for the implementation of this section.

(i) Community college service area. Where the location of a branch campus, extension center or extension site is outside of the local sponsorship area, the provisions of subsequent section 601.5 of this Part shall apply.

§ 601.5 Community college service areas.

(a) In accordance with subdivision 1 of section 6302 and subdivision 2 of section 6305 of the Education Law, a community college may provide educational services beyond its sponsorship area, which may be included in the operating budget for State financial assistance purposes, provided that:

(1) such services are provided for a contracting local entity or entities who elect to participate in the operations of an existing community college. A contracting local entity shall be defined as:

(i) a county which does not sponsor a community college or have located within its geographic boundary a State University agricultural and technical college or College of Technology; or

(ii) any city, intermediate school district or school district within such a county; and

(iii) the provision of such educational services is defined in an agreement between the board of trustees of the community college and a contracting local entity or entities, as duly authorized by appropriate local law, resolution, order or ordinance of the local sponsor of the college and the contracting local entity;

(iv) in cases where services are provided by more than one community college, said agreement shall delineate each college's region of operation and programmatic responsibilities in order to avoid unwarranted duplication of services.

(b) A contracting local entity shall pay an appropriate share of the expense involved in the local sponsor's community college program where students who attend the program reside within the jurisdiction of the contracting local entity.

(1) The appropriate share with respect to operating costs shall be determined on the basis of the operating chargeback rate on an FTE student basis established for the community college.

(2) This chargeback share is applicable to all approved credit courses taken by students approved by the college, regardless of age or current educational status.

(3) The appropriate share with respect to capital costs shall be determined on the basis of the capital chargeback rate established for the community college. Capital costs shall be paid by the contracting local entity only in the event that capital costs are generated solely as a result of the program provided by the community college.

(4) When students reside outside of the areas of both the sponsor and the contracting local entity, the allocable portion to be paid by the county of residence for operating and capital costs shall be the amount established for the residents of the contracting local entity and paid to the college.

(c) The determination of a community college service area and the provision of educational services therein, as may be defined pursuant to subdivision (a) of this section, shall be subject to the approval of the chancellor or designee, except that where the provision of educational services pursuant to this section would result in the establishment of an institutional branch campus or extension center, such establishment shall be pursuant to the procedures for multiple campuses

(d) The chancellor, or designee, may develop and issue appropriate guidelines and procedures for the implementation of this section.

§ 601.6 Criteria for State University trustees' approval of community college full opportunity plans.

An approvable full-opportunity plan, which shall be submitted to the State University trustees after approval by the board of trustees of a community college and the local sponsor or sponsors, should:

(a) make it possible at least for every applicant who is a high school graduate in the year prior or a veteran,

regardless of high school graduation date, and who is a resident in the sponsorship area, to take some appropriate program, credit or noncredit, on a full-time basis; the student's range of choices shall include developmental studies, certificate and diploma studies, and associate-degree studies, either college transfer or career;

(b) commit the college to allowing each student sufficient time to explore appropriate career goals; a student should have an opportunity to change a chosen field of study, the allowable number of such changes to be determined locally;

(c) provide that where the student's basic educational skills need improvement, appropriate instruction will be supplied;

(d) include provisions for the individualization of instruction and a clear explanation of how "nontraditional" learning resources are to be used;

(e) demonstrate that there will be a continuity of counseling of the individual student from the high school through the college program, i.e., show that there is an articulation of counseling between the college and the high schools;

(f) provide evidence of the adequacy of the college faculty to implement the plan;

(g) include specific reference to increased space utilization, extended instructional day, year round calendar or other administrative expedients which will be employed as economy measures;

(h) show what adaptations of previous admissions office practices, academic grading practices, and counseling practices will be made in service of the new, more heterogeneous student population;

(i) provide specifically for the filing of an annual report with State University of New York on progress towards implementation of the plan, approval of annual payment(s) to be contingent on the filing of such annual report(s). Such annual progress reports shall be submitted to the Chancellor, State University of New York, or designee, according to the following schedule(s): 9/1-8/31 fiscal year by 8/31 of each fiscal year; 7/1-6/30 fiscal year by 6/30 of each fiscal year.

§ 601.7 Participation in cooperative educational programs, services and arrangements.

Subject to the approval of the local sponsor, the board of trustees of a community college may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, boards of cooperative educational services, libraries, museums, through contract or otherwise, and join any cooperative association of such educational institutions formed as a corporation pursuant to section 216 of the Education Law, in accordance with further guidelines as shall be developed and issued by the chancellor with the approval of the Director of the Budget, provided that:

(a) the college trustees shall review and approve the terms and conditions of participation in any interinstitutional corporation, including the charter and bylaws thereof, and may thereafter authorize the president of the community college, or designee, to participate on the governing body of such corporation;

(b) the college's commitments, including facilities and resources, to any interinstitutional arrangement, association or corporation, shall be made in compliance with all provisions of law and regulations governing the community colleges, and shall not exceed funds appropriated or otherwise lawfully available to the community college therefore in the fiscal year in which the commitments are made; and

(c) the financial standing and operations of any interinstitutional arrangement, association or corporation shall be subject to post-audit by the State Comptroller.