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 604

ADMINISTRATION OF THE COLLEGE

Sec.

604.1 Responsibilities and duties of the local sponsor

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604.3 Responsibilities and duties of the president

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§ 604.1 Responsibilities and duties of the local sponsor.

(a) Establishment of the college. It is the responsibility of the sponsor to formulate a plan for the establishment of a community college in accordance with article 126 of the New York State Education Law.

(b) Financing of the college. The sponsor, in approving the college budget shall provide one half, or so much as may be necessary, of the amount of the capital costs, and at least one third or, in the case of a college implementing an approved plan of full opportunity, four fifteenths, or so much as may be necessary, of the annual operating costs. Approval of the college budgets shall be in accordance with provisions of the standards and regulations of the State University trustees. The expenditure of budgeted funds shall be in accordance with the alternative auditing plans described in article 126 of the New York State Education Law. In addition, upon approval of the college's budget, the sponsor's governing body shall direct that payment of all sponsor appropriations for the community college be made within the college's fiscal year to the college's board of trustees for expenditure by the board and without pre-audit by the sponsor.

(c) College property. The local board of trustees may acquire and shall control all real and personal property; however, title to all real property shall vest in and be held by the local sponsor in trust for the exclusive use and purposes of the college, as determined by the local board of trustees. Title to all personal property shall vest in the local board of trustees and shall be held and used by the board for college purposes, as determined by the local board of trustees.

§ 604.2 Responsibilities and duties of the college trustees.

Under the time-honored practice of American colleges, trustees of colleges, as legal official bodies corporate, concentrate on establishing policies governing the college, and delegate responsibility for the administration and execution of those policies to their employed professional administrators. The college trustees, subject to the approval of the State University trustees, shall appoint a president (whether permanent, acting, or interim), approve curricula, prepare, approve and implement budgets, establish tuition and fees (within legal limits), approve sites and temporary and permanent facilities. Approval or disapproval of the appointment of a president by the State University trustees shall be made in accordance with the State University trustees guidelines for the selection and approval of such appointments. The guidelines shall include a procedure for the State University trustees to receive the recommendation of the chancellor concerning such appointment. The college trustees shall provide for the awarding of certificates and diplomas, and the conferring of appropriate degrees on the recommendation of the president and the faculty. In addition, the college trustees upon the recommendation of the president shall appoint personnel, determine and implement salary and employee benefits schedules, and approve the organizational pattern of the college.

(a) The college trustees shall formulate and record the policies and procedures of appointment and conditions of employment of the president and other professional administrative personnel.

(b) The college trustees shall establish policies and delegate to the president or designee responsibility for implementation of the following:

(1) personnel policies, including the following:

(i) appointments, promotions, tenure and dismissals of faculty and staff members;

(ii) conditions of employment, leaves of absence and sabbatical leave;

(iii) rules and regulations to which faculty and staff are expected to adhere;

(vi) statements regarding academic freedom; and

(v) subject to the local and State civil service regulations, the working conditions for nonacademic personnel and fixed rates of compensation;

(2) creations of divisions, departments and appropriate administrative and academic positions and definition of duties to carry out the objectives of the college;

(3) regulations governing the behavior and conduct of students and guiding the co-curricular program of the college;

(4) authorization and supervision of travel for the purposes of the college;

(5) care, custody, control and management of land, grounds, buildings, equipment and supplies used for the purposes of the college for carrying out its objectives;

(6) use of college facilities for outside organizations;

(7) admission of students;

(8) preparation of a budget for operation of the college for submission to and approval by the local sponsor and the State University trustees;

(9) preparation of capital equipment and capital construction budgets;

(10) use of college facilities for research, consultation or other contractual services pursuant to the educational purposes of the college, in accordance with regulations of the college trustees and upon reimbursement to the college on a fair and equitable basis for the use of facilities or equipment; and

(11) make available for inspection all college policies and procedures at the college for the convenience and information of members of the college constituency.

§604.3 Responsibilities and duties of the president.

The president of the college, as the chief executive officer responsible to the college trustees, is responsible for providing general educational leadership and for promoting the educational effectiveness of the institution in all its aspects. In this regard, the president will perform the following duties:

(a) implement, execute and administer all policies of the college trustees and the State University trustees;

(b) formulate and present to the college trustees, for their action, recommendations on:

(1) curriculum;

(2) budgets;

(3) salary and employee benefits schedules for all professional and nonprofessional employees;

(4) personnel appointments, promotions, tenure, retention and retrenchment unless this authority has been delegated to the president;

(5) organizational structure;

(6) planning and management of facilities; and

(7) granting of degrees or certificates;

(c) administration of collective bargaining agreements;

(d) submit an annual report on the operation of the college to the college trustees, and prepare such other reports as the college trustees or State University of New York may require;

(e) assure the preparation of a faculty handbook in which the role of the faculty in the administration and advancement of the college is described (see also section 605.1 of this Subchapter); and

(f) assure the preparation of documents needed for orientation and guidance of students attending the college.

§604.4 Student members of boards of trustees.

(a) General procedures. The following guidelines shall govern the rules and regulations to

be promulgated regarding the election of the student members of boards of trustees:

(1) The representative campus student association, hereinafter referred to as the association, shall mean the campus duly recognized representative student governance organization. Where more than one representative student governance organization has been recognized at any campus, representatives of each shall advise, consult and share responsibility for the preparation and promulgation of rules and regulations governing the election of the student member, in such manner as may be mutually agreed upon.

(2) The association, or such organization as may be mutually agreed upon pursuant to this subdivision in the case of multiple student governance organizations shall conduct an annual election and certify a successful candidate to the chairman of the board of trustees. Such member-elect shall hold office from July 1st through June 30th. The election shall be conducted prior to July 1st and each elected member shall serve for one calendar year. Campus procedures shall be followed to fill the student trustee position should a vacancy occur.

(b) Guidelines. The rules and regulations to be promulgated by the association, or in such manner as may be mutually agreed upon pursuant to paragraph (a)(1) of this section in the case of multiple student governance organizations, shall fix and define the following:

(1) the time and place of such election;

(2) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full-time students only;

(3) the manner of qualifying as a candidate for election, except that in the event that a student member ceases to be a student at the institution, he shall be required to resign;

(4) the form and content of notification to the electors of the time and place of the election and the duties of the office;

(5) the form of ballots, the location of polling places, the time such polls shall be open, the manner of casting ballots, the procedures for tallying and reporting the completed vote;

(6) the manner in which election irregularities, if any, may be expeditiously resolved; and

(7) the manner in which an elected student member may be removed.

§ 604.5 Responsibilities and duties of the State University trustees.

The State University trustees are charged with oversight responsibility for the operation and administration of the community colleges operating under the program of the State University of New York.

(a) Panel of review and assessment. When the chancellor determines that there are serious issues affecting the fiscal, academic or administrative viability of a community college, for example when a college's accreditation is at risk, or that a community college's governance or compliance with applicable laws, regulations, or policy is in question, the chancellor, at his/her discretion, may appoint a panel or review and assessment.

(1) Purpose. The purpose of the panel of review and assessment is to visit the designated campus, gather information and report to the chancellor on the college's fiscal, academic, or administrative status and viability,

and on the college's governance and compliance with laws and regulations as defined by the chancellor's instructions.

(2) Composition. The panel shall consist of up to nine members to be designated by the III chancellor, and shall include at least two representatives of the college, when appropriate.

(3) Compliance. The president, the local board of trustees, administrators, faculty and staff of any community college for which the chancellor has convened a panel of review and assessment, shall cooperate with the panel and provide all information and documents in whatever form requested by the panel.

(4) Report and recommendations. Upon conclusion of the review, the panel shall issue a report to the chancellor with findings and recommendations.

(5) Upon review of the panel's report, the chancellor may take action deemed appropriation given the totality of the circumstances.