



The State University  
of New York

**Office of the Chancellor**

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**MEMORANDUM**

**December 16, 2025**

**TO: Members of the Board of Trustees**

**FROM: Dr. John B. King Jr., Chancellor**

**SUBJECT: Amendments to Community College Regulations**

**Action Requested**

The proposed resolution would authorize revised rulemaking related to temporary leadership at SUNY community colleges.

**Resolution**

I recommend that the Board of Trustees adopt the following resolution:

**Whereas** SUNY's community colleges are essential engines of student success and upward mobility, providing extraordinary value to students and meeting the needs of employers across New York State; and

**Whereas** New York State Education Law 355(1)(c) provides shared responsibility for community colleges, entrusting the SUNY Board of Trustees with "the provision of standards and regulations covering the organization and operation of their programs, courses and curricula, financing arrangements, state financial assistance, tuition charges and fees, and such other matters as may be involved in the operation of such colleges" while providing that each community college is administered by a local board of trustees; and

**Whereas** this shared responsibility is evident in the vital function of the appointment of a community college president, with New

York Education Law 6306(2) specifying that “the board of trustees of each community college shall appoint a president for the college, subject to approval by the state university trustees....”; and

**Whereas** in June 2025, SUNY initiated rulemaking pursuant to the State Administrative Procedure Act, including requirements related to (1) community college temporary leadership; (2) Chancellor feedback on candidates; and (3) presidential contract review; and

**Whereas** during the open public comment period, SUNY received 35 written public comments and also held five public listening sessions, resulting in thoughtful and valuable feedback from students, faculty, college trustees, and other campus stakeholders from across the State; and

**Whereas** SUNY has now reviewed all public comments and considered all recommendations and alternatives raised by the public; and

**Whereas** SUNY has made the determination to make revisions in response to the public comments received as outlined below, specifically by making several clarifying changes to the provisions related to temporary community college leadership, and by limiting the scope of the present rulemaking to community college temporary leadership; now, therefore be it

**Resolved** that pursuant to this resolution, SUNY will issue a notice of revised rulemaking pursuant to the requirements of the State Administrative Procedure Act, subject to additional notice and comment; and be it further

**Resolved** that the Chancellor or designee be, and hereby is, authorized and directed to prepare, in accordance with the provisions of the State Administrative Procedure Act, a Notice of Revised Rulemaking, as well as any additional filings that may be necessary during the pendency of the Proposed Rulemaking, with respect to amendments to Part 604 of Title 8 of the Official Compilation of Codes, Rules, and Regulations of the State of New York; and be it further

**Resolved** that the amendments to Part 604 of Title 8 of the Official Compilation of Codes, Rules, and Regulations of the State of New

York shall read as follows (brackets denote old material to be deleted; underlining denotes new material to be added):

The opening paragraph of Section 604.2 of Part 604 of Subchapter D of Chapter V of Volume B of Title 8 of the New York Codes, Rules, & Regulations is amended, and a new Section 604.5 is added to Part 604 of Subchapter D of Chapter V of Volume B of Title 8 of the New York Codes, to read as follows:

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; or an administrator-in-charge pursuant to Section 604.5 of this Part), 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 Section 604.5 of this Part as well as 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.

604.5 Presidential appointment and approval

(a) Temporary leadership. While the college undergoes a search for a permanent president, the college trustees are authorized to appoint an acting president or an interim president, subject to the approval of the State University trustees. When necessary to prevent a leadership gap, the State University Trustees hereby authorize the college trustees to directly appoint an administrator-in-charge to assume the duties of the presidency until a permanent president is approved, subject to the requirements of this Part. The term of appointment of an administrator-in-charge shall be limited to one year from time of appointment; provided, however, that the State University trustees, upon recommendation of the Chancellor, may grant one or more extensions not to exceed six months each. The State University trustees may also vote to disapprove an administrator-in-charge at any time during the administrator-in-charge's tenure. The administrator-in-charge's term shall automatically be revoked 60 days following disapproval, and such candidate shall be ineligible to serve as an administrator-in-charge or to otherwise assume the duties of the presidency absent express approval by the State University trustees.

(b) Presidential appointment and approval procedures.

(1) Approval or disapproval of the appointment of a president by the State University trustees shall be made in accordance with this Part as well as 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.

(2) Both the community college board of trustees and/or the University Board of Trustees reserve the right to reject any candidate. If a presidential candidate that is recommended for permanent appointment is disapproved by the State University trustees, and is currently serving as acting president, interim president, or administrator-in-charge of the college, or in any other position bearing the duties of the presidency, such temporary appointment shall automatically be revoked 60 days following disapproval. Such candidate shall be ineligible to serve as an administrator-in-charge or otherwise assume the duties of the presidency absent express approval by the State University trustees.

### **Background**

The legal authority to approve the appointment of a community college president is vested in the State University Board of Trustees by Section 6306(2) of the Education Law. This section states that the board of trustees of each community college shall appoint a president subject to the approval of the State University trustees.

The statutory authority to approve presidential leadership is a critical element in the SUNY Board of Trustees' oversight of community colleges operating under the SUNY program. The rulemaking initiated by SUNY in June 2025 advanced changes to clarify and regulate the presidential appointment process in three areas, by: (1) ensuring that temporary leadership put in place without SUNY Board approval is time-limited; (2) providing Chancellor feedback on finalists for the permanent presidency in order to result in an expedited and successful presidential appointment process; and (3) authorizing review and approval of presidential appointment contracts.

### **Revisions to the Proposed Rule:**

In response to public comment, SUNY has made the determination to make several revisions to the proposed rule.

## **1. Limiting the Scope of the Present Rulemaking to Community College Temporary Leadership**

SUNY has made the determination to limit the present rulemaking to a single issue: community college temporary leadership.

## **2. Revised Rulemaking on Temporary Leadership:**

Education Law provides for SUNY Board of Trustees approval of community college presidential appointments. And, notably, State regulations have long required SUNY Board approval of *all* community college Presidential appointments, *including* temporary appointments such as Acting or Interim Presidents.

However, the reality is that there are times that an appointment needs to be made and Board schedules do not allow for an immediate SUNY determination regarding approval. Accordingly, longstanding SUNY guidance has allowed for the direct appointment of administrators-in-charge by local community college boards of trustees. This carveout is intended to be reserved for short periods of time when the institution would otherwise be left with a leadership gap. For example, existing advisory guidance for community college presidential searches states that: "If a president is needed prior to the completion of the search, the college may appoint an administrator-in-charge for up to six months, or for a longer period with approval of the Chancellor. Typically, if the college needs longer-term temporary leadership, the college trustees may appoint an interim or acting president subject to the approval of the Chancellor and SUNY Board of Trustees."

Recent events at several SUNY community colleges have highlighted the need to update this process. This lack of stability and permanent leadership poses accreditation risk and leads to other campus challenges.

These regulations will formalize the protocol for the direct appointment of short-term, interim leadership when necessary to prevent leadership gaps and to ensure continuity on campuses, while maintaining SUNY Board oversight. First, while the SUNY Board by these regulations will authorize the direct appointment of an administrator-in-charge without SUNY approval, the SUNY Board will retain the right to disapprove an administrator-in-charge appointment with 60 days notice prior to revocation of the appointment. In addition, the tenure of any administrator-in-charge appointed will be limited to one year absent SUNY Board approval for an extension. It is critically important that these short-term appointments that

do not receive SUNY Board scrutiny or review be – in fact – short term and time-limited. If these unapproved appointments are allowed to remain in place for extended periods, it prevents the Board from fulfilling its oversight duties over SUNY community colleges by approving the appointment of qualified permanent leadership.

These regulations would also ensure that any presidential candidate disapproved by the SUNY Board of Trustees would be ineligible for appointment as an administrator-in-charge absent express approval by the SUNY Board of Trustees.

This portion of the rule is largely unchanged from the initial proposed rulemaking. However, several revisions were made in response to public comments received. First, several comments recommended that the rule be updated so that any time periods/time clocks were counted prospectively only, rather than retroactively. SUNY agrees and has made that change. In addition, in response to public comment, SUNY has also made a revision to clarify that the SUNY Board of Trustees is authorized, in its discretion, to grant more than one extension to an administrator-in-charge. Finally, SUNY made several other wording and technical changes to clarify and conform the provisions of the revised rule.

This resolution authorizes the Chancellor to initiate revised rulemaking consistent with this resolution. The State rulemaking process includes appropriate public notice and comment periods to ensure that all stakeholder feedback is received and considered before the rule is finalized.