



The State University
of New York

Office of the Chancellor

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MEMORANDUM

March 10, 2026

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 the adoption of a final Rule 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 for the initial rulemaking, 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 in December 2025, after reviewing all public comments and considering all recommendations and alternatives raised by the public, SUNY issued a notice of revised rulemaking; and

Whereas the December 2025 revised rulemaking made several revisions in response to public comments, specifically by making 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; and

Whereas SUNY received 74 comments during the public comment period for the revised rule, all of which were in support of SUNY adopting the revised rule; now, therefore be it

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 Adoption 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 Chancellor or designee be, and hereby is, authorized to file such Notice of Adoption with the Department of State at a time and manner such that the Rule would take effect no earlier than June 1, 2026;

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. 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. Under these regulations, if a candidate for the permanent presidency is serving in an interim role, SUNY Board disapproval of a candidate for the permanent presidency will also revoke the interim appointment with 60 days notice.

In response to public comments to the initial rulemaking, SUNY clarified that these time clocks will count prospectively only, not retroactively. To illustrate, for an administrator-in-charge appointed prior to the effective date of this rule, the one-year time clock would start on the effective date of this rule, not the date of appointment. Similarly, the 60 day time clock for revoking the interim appointment of a candidate for the permanent presidency would start on the effective date of this rule, not the date that the SUNY Board voted to disapprove.

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 resolution authorizes the Chancellor to promulgate final adoption of this Rule to take effect no earlier than June 1.