

**Mission, Goals, & Board Operations**

*Board of Trustees Policy*

<b>SUBJECT:</b>  NY Education Law 6301-6310	<b>NUMBER:</b>  1.4.2
	<b>DATE:</b>  March 21, 2016
	<b>SUPERSEDES:</b>

This is a supporting document to Board of Trustees Policy 1.4, *College Governance/Shared Governance*. The attached document is:

**ARTICLE 126**

**COMMUNITY COLLEGES AND STATE-AIDED FOUR-YEAR COLLEGES**

- §6301. Definitions.**
- §6302. Authorization to establish community colleges.**
- §6303. Programs and curricula of community colleges.**
- §6304. Financing of community colleges.**
- §6304-A. Reports to local sponsors.**
- §6305. Non-resident and out-of-state students.**
- §6306. Administration of community colleges--boards of trustees.**
- §6307. Establishment of state-aided four-year colleges.**
- §6308. Defense and indemnification of community college trustees, officers and employees.**
- §6309. Reimbursement of defense costs incurred by or on behalf of community college trustees, officers and employees.**
- §6310. Community college regions - administration and finance.**

**ARTICLE 126**

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**§6301.** Definitions.

**§6302.** Authorization to establish community colleges.

**§6303.** Programs and curricula of community colleges.

**§6304.** Financing of community colleges.

**§6304-A.** Reports to local sponsors.

**§6305.** Non-resident and out-of-state students.

**§6306.** Administration of community colleges--boards of trustees.

**§6307.** Establishment of state-aided four-year colleges.

**§6308.** Defense and indemnification of community college trustees, officers and employees.

**§6309.** Reimbursement of defense costs incurred by or on behalf of community college trustees, officers and employees.

**§6310.** Community college regions - administration and finance.

**§6301. Definitions.**

As used in this article, unless the context shall otherwise require, the following terms shall mean:

1. "State university trustees." Board of trustees of the state university.
2. "Community colleges." Colleges established and operated pursuant to the provisions of this article, either individually or jointly, by counties, cities, intermediate school districts, school districts approved by the state university trustees, or individually by community college regions approved by the state university trustees, and providing two-year post secondary programs pursuant to regulations prescribed by the state university trustees and receiving financial assistance from the state therefor.
3. "Local sponsor." Any city, county, intermediate school district, school district approved by the state university trustees, or community college region approved by the state university trustees, sponsoring or participating in the establishment or operation of a community college.
4. "Community college region." A community college local sponsor composed of two or more contiguous counties, cities or school districts, or any combination thereof, which are eligible to appoint members to a community college regional board of trustees.
5. "Resident." A person who has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's registration in a community college or, for the purposes of section sixty-three hundred five of this article, his or her application for a certificate of residence; provided, however, that this term shall include any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, if such student:
  - (i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

In the event that a person qualified as above for state residence, but has been a resident of two or more counties in the state during the six months immediately preceding his application for a certificate of residence pursuant to section sixty-three hundred five of this chapter, the charges to the counties of residence shall be allocated among the several counties proportional to the number of months, or major fraction thereof, of residence in each county.

#### **§ 6302. Authorization to establish community colleges.**

1. Any local sponsor, other than a community college region, acting through its local legislative body or board, or other appropriate governing agency, which in the case of the city of New York acting as a local sponsor shall be the mayor of that city, may by local law, resolution, order or ordinance, and pursuant to the master plan, standards and regulations prescribed by the state university trustees and with the approval of said trustees:

- a. Establish a community college.
- b. Elect to participate in and pay an appropriate share of the expenses involved in the community college program of any other local sponsor consenting to such arrangement.
- c. Combine with one or more other local sponsors for the joint establishment and operation of a community college.

2. Pursuant to section sixty-three hundred ten of this article, any eligible county, city or school district acting through its local legislative body or board, may by local law or resolution, and pursuant to the master plan, standards and regulations prescribed by the state university trustees, and with the approval of said trustees, combine with one or more contiguous counties, cities or school districts, or any combination thereof, to constitute a community college region for the purpose of operating, as local sponsor, an existing community college which is currently sponsored by a city or school district other than a school district located in a city with a population of one million or more.

3. In the city of New York, the board of education, with the approval of the state university trustees, may act as a local sponsor in the establishment and operation, as a community college, of a post secondary technical vocational training institution which is partly supported by such board of education and partly supported by an educational foundation for an industry chartered by the board of regents. In addition to the community college programs and curricula authorized by this article, the institution may offer such baccalaureate, masters degree programs and curricula in support of its mission, in accordance with standards and regulations

prescribed by the state university trustees, as may be authorized pursuant to the provisions of the master plan. Notwithstanding any other provision of law, the institution shall be financed and administered in the manner provided for community colleges.

4. Community colleges so established and operated shall be eligible to receive financial assistance from the state as hereinafter provided, which shall be paid to the local sponsor or sponsors, provided, however, that in the case of any local sponsor which shall have assigned such financial assistance to the dormitory authority, such payment shall be made to the commissioner of taxation and finance for deposit in the community college tuition and instructional income fund.

5. Whenever a plan for a community college, other than a plan for participation in a community college region, shall have been formulated by a county board of supervisors and approved as provided in this section, the board of supervisors may submit the question of the establishment of the community college contemplated by such plan to a referendum at any general election at which all the voters of the county may vote. The form of the proposition shall be determined by the board of supervisors and shall include an estimate of the county's share of the initial capital cost and an estimate of the county's share of the annual cost of maintenance and operation. If the majority of the voters voting on such proposition shall approve the establishment of the community college, such college shall be deemed established and the board of supervisors shall proceed forthwith to exercise the powers and authority conferred upon it in this article.

### **§ 6303. Programs and curricula of community colleges.**

1. Community colleges shall provide two-year programs of post high school nature combining general education with technical education relating to the occupational needs of the community, area or community college region in which the college is located and those of the state and the nation generally. Special courses and extension work may be provided for part-time students.

2. Training for certain occupational skills may be limited to select community colleges by the state university trustees in order to avoid unnecessary duplication or overlapping of facilities and programs.

3. The curricula in community colleges shall be designed to serve the needs of students who seek two years of post secondary education and whose needs would not ordinarily be met by the usual four-year college curriculum. However, such colleges shall nevertheless provide sufficient general education to enable qualified students who so desire to transfer after completion of the community college program to institutions providing regular four-year courses except that the provision of such general education sufficient for transfer to institutions providing regular four-year courses shall be at the option of the local sponsor in any of the community colleges established upon discontinuance of a state institute of applied arts and sciences and upon discontinuance of the veterans vocational school at Troy pursuant to the provisions of section fifty-nine hundred nine of former article one hundred nineteen of this chapter.

4. The curricula of the community colleges shall be developed with the assistance and guidance of the state university trustees and shall be subject to their approval, and such modifications, amendments and revisions as they may from time to time prescribe.

5. Notwithstanding the provisions of any other general, special or local law, rule or regulation, community colleges may permit persons sixty years of age or over to audit courses given therein without tuition, examination, grading or credit therefor upon a space available

basis, subject to the provisions of section sixty-three hundred four of this chapter, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at a community college by an individual who is otherwise qualified under the regulations and the provisions of section sixty-three hundred four of this chapter. The provisions of this paragraph shall not affect any state aid to community colleges granted pursuant to article one hundred twenty-six of this chapter.

#### **§6304. Financing of community colleges.**

1. The master plan, standards and regulations prescribed by the state university trustees shall include provisions for financing the capital costs and operating costs of such colleges in the following manner:

a. State financial aid shall be one-third of the amount of operating costs, as approved by the state university trustees. Operating costs shall not include any payment of debt service or rentals or other payments by a local sponsor to the dormitory authority pursuant to any lease; sublease or other agreement entered into between the dormitory authority and a local sponsor. Such aid for a college shall, however, be for two-fifths of operating costs for any fiscal year of the college during which it is implementing a program of full opportunity provided a plan has been approved by the state university trustees. Such plan, which shall be submitted by the college only after approval by the board of trustees and the local sponsor or sponsors, shall

(I) Establish a policy of offering acceptance in an appropriate program of the college to all applicants residing in the sponsorship area who graduated from high school within the prior year and to applicants who are high school graduates and who were released from active duty with the armed forces of the United States within the prior year;

(ii) Provide for full implementation of such policy by the fall semester of nineteen hundred seventy or, if the college demonstrates to the state university trustees that full implementation by such time would not be feasible and in the best interests of the college, provide for a timetable to achieve such full implementation within five years which provides for substantial growth in registration each year;

(iii) Make provision for and contain adequate assurances of the expenditure of funds by the sponsor or sponsors at a level pursuant to state university regulations, at least that necessary to implement the plan;

(iv) provide for adequate programs of remediation, instruction and counselling to meet the needs of all students to be served by the college. The trustees may require periodic reports or certifications from colleges, which have submitted plans, which have been approved and may, in appropriate cases, revoke such approval in case a college is in default of implementing its plan.

b. (i) Operating costs shall not include any payment of debt service or rentals or other payments by a local sponsor to the dormitory authority pursuant to any lease, sublease or other agreement entered into between the dormitory authority and a local sponsor. Such operating costs shall be subject to such maximum limitations and joint regulations as shall be prescribed by both the city university trustees and the state university trustees with the approval of the director of the budget. Such limitations shall be based upon maximum allowances per student for each student in attendance in the case of operating costs, or in accordance with such other factors as may be deemed appropriate. Operating costs shall include courses offered for the purpose of providing

occupational training or assistance to business for the creation and retention of job opportunities and for the improvement of productivity, through contracts or arrangements between a community college and a business, labor organization, or not-for-profit corporations or other non-governmental organizations, including labor-management committees composed of labor, business and community leaders organized to promote labor-management relations, productivity, the quality of working life, industrial development, and retention of business in the community.

(ii) By December thirty-first, nineteen hundred seventy-three, the state university trustees shall develop a new formula for the financing of the operating costs of community colleges. Such formula may include maximum limitations, regulations, and incentives to achieve compliance with the code of standards and procedures for community colleges. The state university trustees shall present to the governor proposed legislation incorporating such formula into law for consideration during the nineteen hundred seventy-four regular session of the legislature. The state university trustees shall also present a detailed analysis of the fiscal impact of such a formula on the state and on each community college within the state. Such formula or the amended version thereof, upon enactment into law, shall replace any limitations and regulations then in existence concerning the financing of community colleges promulgated pursuant to this section.

(iii) The state university trustees shall, on or before December thirty-first in each year, make a report to the governor and legislature as to the status of community college programs and curricula provided for in article one hundred twenty-six of this chapter. Such report shall also contain recommendations for any revision or alteration in the formula for financing the operating costs of community colleges.

(iv) The state university trustees shall promulgate regulations, effective the first day of July, nineteen hundred seventy-four, which shall include a code of standards and procedures for the administration and operation of community colleges. Such code of standards and procedures, may include, but not be limited to, minimum and maximum standards for academic curricula, minimum and maximum qualitative and quantitative standards for facilities, and standard administrative procedures, which may include schedules and formats for the preparation and submission of annual budgets by the boards of trustees and the local sponsors to the state university trustees, schedules for local sponsors' disbursements to the community colleges of their provided shares of operating costs and systems of accounts for use by the boards of trustees and the local sponsors of the community colleges. Such regulations may supplement, replace or amend any limitations and regulations then in existence promulgated pursuant to this section. c. The local sponsor or sponsors shall provide one-half of the amount of the capital costs, or so much as may be necessary, and one-third or, in the case of a college implementing a program of full opportunity for local residents, four-fifteenths of the operating costs, or so much as may be necessary, by appropriations from general revenues or from funds derived from special tax levies earmarked in part or whole for such purposes, by the use of gifts of money or, with the consent of the state university trustees, by the use of property, gifts of property or by the furnishing of services or, where a community college region is the local sponsor, in the manner provided by section sixty-three hundred ten of this chapter. Where the local sponsor or sponsors provide all or a portion of its or their share of capital or operating costs in real or personal property or in services, the valuation of such property and services for the purpose of determining the amount of state aid shall be made by the state university trustees with the approval of the director of the budget. Local sponsors and, in the case of community college

regions, any county, city or school district which has appointed members to a community college regional board of trustees may authorize the issuance of bonds or notes pursuant to the provisions of the local finance law to provide any portion or all of its requisite share of such costs for which a period of probable usefulness has been established in the local finance law.

Where a county or city is the local sponsor of a community college, or appoints members to a community college regional board of trustees, the expenditures of the county or city for the college, or community college region, shall be a purpose of the county or city provided, however, that taxes to pay the local sponsor's share of operating costs, or the operating shares of the community college region charged to the county, may be charged back to the cities and towns in the county in proportion to the number of students attending the community college each term who were residents of each such city or town at the beginning of such term.

d. Tuition and fees charged students shall be fixed so as not to exceed in the aggregate more than one-third of the amount of operating costs of the community college.

1-b. For the purpose of budgeting and expending funds and for the purpose of determining eligibility for state financial aid for operating costs pursuant to subdivision one of this section, subject to rules and regulations of the state university trustees and the approval of the director of the budget, the community colleges in the city of New York sponsored by the board of higher education or by the city of New York where the board of higher education has been designated as the trustees of such colleges, shall be treated as a single community college.

2. Community colleges shall be empowered and authorized through their boards of trustees, to accept gifts, grants, bequests and devises absolutely or in trust for such purposes as may be appropriate or proper for effectuating the programs and objectives of such colleges.

3. Nothing herein contained shall be construed to prevent any local sponsor or sponsors from creating and operating community colleges which exceed maximum cost limitations or allowances prescribed by the state university trustees, provided however, that the excess costs over such prescribed limits or allowances shall be borne and paid for or otherwise made available to or by such sponsors.

4. Where two or more local sponsors jointly establish and operate a community college, the local share of the capital costs shall be apportioned among them according to their respective equalized assessed valuations or such other factors or bases as may be provided or prescribed in the plans, standards and regulations prescribed by the state university trustees. The local share of the operating expenses shall be apportioned among such joint sponsors in accordance with the number of students who are residents of their respective areas, or such other factors as may be prescribed in the plans, standards and regulations by the state university trustees.

5. Any community college may, with the consent and approval of its local legislative body or board, community college regional board of trustees, or other appropriate governing agency, and the state university trustees, require lesser tuition charges or fees from persons who are residents of the sponsoring community, communities or community college region than the amount necessary in the aggregate to provide one-third of the operating costs, or provide tuition to such persons without charge, provided that the local legislative body or board, community college regional board of trustees or other appropriate governing agency appropriates sufficient funds, or sufficient funds are made available from other sources to provide the amount which would normally be provided by such tuition and fees. Each community college shall provide that upon request by a student who is an eligible veteran the payment of tuition and fees, less the amounts payable for such purposes from scholarships or other financial assistance awarded said veteran pursuant to article thirteen of this chapter, article one hundred thirty of this

chapter or any other community college, state or federal financial aid program, shall be deferred in such amounts and until such times as the several payments of veterans' benefits under the Veterans' Readjustment Benefit Act of 1966, as amended, are received by the veteran, provided that the veteran has filed a claim for such benefits and presents to the community college proof of eligibility, extent of entitlement to benefits and the need for deferral until the receipt of such benefits.

5-a. Notwithstanding the provisions of any general, special or local law to the contrary, the fiscal year of a community college other than in the city of New York and other than one sponsored by a school district, shall begin with the first day of September and end with the thirty-first day of August in each year. All of the provisions of law fixing times or dates within which or by which certain acts shall be performed in relation to the preparation and adoption of the budget of a city or a county, including but not limited to submission of a budget estimate, filing of a tentative budget, public hearing and adoption of a budget, shall apply to the budget of a community college sponsored by such city or county but shall be correspondingly changed, as to time, to relate to the commencement of the fiscal year of the community college; provided, however, that after the budget for the community college shall have been adopted, the local legislative body or board or other appropriate governing body shall provide for the raising of taxes required by such budget, without any decrease in amount, in the same manner and at the same time prescribed by law for the annual levy of taxes by or for the city or county. All of the provisions of law fixing times and dates within which or by which certain acts shall be performed in relation to the preparation and adoption of the budget of a school district shall apply to the budget of a community college sponsored by a school district. The provisions of this subdivision shall not apply to community college regions.

5-b. Moneys raised by taxation for maintenance of a community college and moneys received from all other sources for purposes of the community college, other than in the city of New York, shall be kept separate and distinct from any other moneys of the sponsor or sponsors and shall not be used for any other purpose. The amount of taxes levied for maintenance of a community college shall be credited thereto and made available therefor within the fiscal year of such community college. The provisions of this subdivision shall not apply to community college regions.

6. The local legislative body or board, or other appropriate governing agency, other than a community college regional board of trustees, shall provide the local sponsor's share of the community college operating and capital costs in conformance with such sponsors annual budgetary appropriation, and shall direct that payment of all appropriations for maintenance of the college be made to the board of trustees of the college for expenditure by the board, subject to the terms and conditions of such appropriations appearing in such budget and to such regulations regarding the custody, deposit, audit and payment thereof as such local legislative body or board, or other appropriate governing agency, may deem proper to carry out the terms of the budget; provided that any local sponsor which, as of January first, nineteen hundred eighty-eight, provided for audit and payment of charges against the community college in the same manner as it provides for other charges against the local sponsor, may continue to do so for a period not to extend beyond September first, nineteen hundred eighty-nine

Such local legislative body or board, or other appropriate governing agency, shall authorize the board of trustees of the college to elect a treasurer, establish a bank account or accounts in the name of the college and deposit therein moneys received or collected by the

college, including moneys appropriated and paid by the local sponsor, moneys received from tuition, fees, charges, sales of products and services, and from all other sources. The board of trustees of the college shall, subject to the requirements specified in or imposed pursuant to this subdivision, authorize the treasurer to pay all proper bills and accounts of the college, including salaries and wages, from funds in its custody. The treasurer shall execute a bond or official undertaking to the board of trustees of the college in such sum and with such sureties as that board shall require; the expense of which shall be a college charge.

The board of trustees of the college similarly shall authorize the treasurer to establish and maintain petty cash funds, not in excess of two hundred dollars each, for specified college purposes or undertakings, from which may be paid, in advance of audit, properly itemized and verified or certified bills for materials, supplies or services furnished to the college for the conduct of its affairs and upon terms calling for the payment of cash to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Lists of all expenditures made from such petty cash funds shall be presented to the board of trustees at each regular meeting thereof, together with the bills supporting such expenditures, for audit and the board shall direct reimbursement of such petty cash funds from the appropriate budgetary item or items in an amount equal to the total of such bills which it shall so audit and allow. Any of such bills or any portion of any of such bills as shall be disallowed upon audit shall be the personal responsibility of the treasurer and such official shall forthwith reimburse such petty cash fund in the amount of such disallowances.

The board of trustees of the college shall provide for periodic audits of all accounts maintained at its direction and render such reports respecting any and all receipts and expenditures of the college as the local legislative body or board, or other appropriate governing agency, may direct.

7. The board of trustees of the college, or the community college regional board of trustees may require any bank or banker in which community college moneys are on deposit or are to be deposited to file with the board a surety bond payable to the college executed by a surety company authorized to transact business in this state and securing to the college the payment of such deposits and the agreed interest thereon, if any. In lieu of a surety bond, the board may require any such bank or banker to deposit with it outstanding unmatured obligations of the United States of America, the state of New York, or of any municipality or college of the state of New York, as security for such moneys so deposited; but such obligations shall be subject to the approval of the board and shall be deposited in such place and held under such conditions as the board may determine. Every depository of college moneys is hereby authorized and empowered to secure deposits of such moneys as provided in this subdivision.

8. a. The state shall, in addition to any other funds that may be appropriated for assistance to community colleges, annually appropriate and pay

(i) to the local sponsor of each community college, except a community college where the local sponsor has entered into an agreement with the dormitory authority to finance and construct a community college facility, an amount equal to the aggregate of all rentals and all payments due and payable to the dormitory authority pursuant to any lease, sublease, or other agreement entered into between the dormitory authority and such local sponsor, whether or not such local sponsor shall be liable therefor, for each twelve-month period beginning on the next succeeding July first, and

(ii) to the local sponsor of each community college where the local sponsor has entered into an agreement with the dormitory authority to finance and construct a community college

facility, an amount equal to one-half of all rentals and all payments due and payable to the dormitory authority pursuant to any lease, sublease, or other agreement entered into between the dormitory authority and such local sponsor, whether or not such local sponsor shall be liable therefore, for each twelve-month period beginning on the next succeeding July first, provided, however, if such a local sponsor shall thereafter agree to finance the costs of providing all or part of a community college facility the state shall, instead, annually appropriate and pay to such local sponsor an amount equal to that portion of all rentals and all payments due and payable to the dormitory authority during the twelve-month period beginning on the next succeeding July first pursuant to any lease, sublease or other agreement providing for such financing which portion represents the state's share (one-half) of the cost of each facility being financed, whether or not the local sponsor shall be liable to pay such rentals and payments, and

(iii) to the local sponsor of each community college which has financed the entire capital cost of constructing a community college facility, an amount equal to one-half of the annual debt service on obligations issued by such local sponsor for the purpose of constructing such facility. No local sponsor of a community college shall be eligible for assistance pursuant to the provisions of this paragraph unless: (a) a first instance appropriation has been enacted into state law prior to the commencement of construction; and (b) the state comptroller has approved the interest rate of any and all obligations issued by such local sponsor after July twenty-fourth, nineteen hundred seventy-six to finance the cost of such facility prior to the issuance of such obligations; and (c) all contracts for the construction of such facility entered into by such local sponsor after July twenty-fourth, nineteen hundred seventy-six have been approved by the director of the budget prior to the awarding of such contracts.

b. For the purposes of this subdivision, all references to the local sponsor of a community college shall be deemed, in the case of community college regions, to refer to those counties, cities or school districts which have appointed members to a community college regional board of trustees.

9. a. Where construction of a community college facility has commenced pursuant to the provisions of a lease, sublease or other agreement with the dormitory authority or prior to July twenty-fourth, nineteen hundred seventy-six, the local sponsor of such community college may elect to finance the entire capital cost of constructing such facility pursuant to the provisions of subdivision ten of this section, provided, however, that the proceeds of obligations issued by such local sponsor to finance the capital cost of constructing such facility may be paid to the dormitory authority to the extent of amounts owing under a lease, sublease or other agreement with the dormitory authority entered into by such local sponsor with respect to such facility, and provided further that any such local sponsor which elected to refinance the entire capital cost of constructing a community college facility pursuant to the provisions of this subdivision, may, at the time it enters into permanent financing of such facility, elect to do so pursuant to the provisions of the dormitory authority act or subdivision ten of this section.

b. For the purposes of this subdivision, all references to the local sponsor of a community college shall be deemed, in the case of community college regions, to refer to those counties, cities or school districts which have appointed members to a community college regional board of trustees.

10. a. Each local sponsor of a community college shall have full power and authority to finance all or a portion of the capital costs of a community college facility pursuant to the provisions of the local finance law and to expend the proceeds therefrom to pay such costs.

b. For the purposes of this subdivision, the reference to the local sponsor of a community college shall be deemed, in the case of community college regions, to refer to those counties, cities or school districts which have appointed members to a community college regional board of trustees.

#### **§6304-A. Reports to local sponsors.**

The commissioner shall provide the local sponsor or sponsors with a copy of each program review report of the sponsored community college prepared by the department pursuant to this chapter. The comptroller shall provide the local sponsor or sponsors with a copy of each final audit or final report on the sponsored community college prepared by the department of audit and control. The president of the higher education services corporation shall provide the local sponsor or sponsors with a copy of each report of a financial aid program review of the sponsored community college.

#### **§6305. Non-resident and out-of-state students.**

1. In addition to admitting residents of its own local sponsor or sponsors, each community college shall, within the quota and under the conditions prescribed by the state university trustees, admit non-resident students and out-of-state students.

2. Any community college may, with the approval of the state university trustees, charge non-resident students sufficient tuition and fees to cover an allocable portion of the local sponsor's share of the operating costs of such community college in addition to regular tuition and fees. Such community college may elect to charge to and collect from each county within the state which has issued a certificate or certificates of residence pursuant to subdivision three of this section on the basis of which such non-resident students are attending such community college, an allocable portion of the local sponsor's share of the operating costs of such community college attributable to such non-resident students, computed on a per student basis, together with a further sum of not to exceed three hundred dollars each year to be determined and approved by the state university trustees for each such non-resident student on account of the local sponsor's share of the capital costs incurred to provide facilities in which such non-resident students can be accommodated; or, where such non-resident students come from communities which have elected to participate in and pay an appropriate share of the expenses involved in the local sponsor's community college program, such allocable portion of operating expenses and such further sum not to exceed three hundred dollars per student for capital costs on account of their residents attending such community college shall be determined and approved by the state university trustees, and be charged to and collected from such communities.

3. The chief fiscal officer of each county, as defined in section 2.00 of the local finance law, shall, upon application and submission to him of satisfactory evidence, issue to any person desiring to enroll in a community college as a non-resident student, a certificate of residence showing that said person is a resident of said county. If the chief fiscal officer of a county refuses to issue such a certificate on the ground that the person applying therefor is not a resident of such

county, the person applying may appeal to the chancellor of the state university. The chancellor of the State University shall make a determination after a hearing, upon ten days' notice to such chief fiscal officer of the county, and such determination shall be final and binding on the county. Such person shall, upon his registration for each college year, file with the college such a certificate of residence issued not earlier than two months prior thereto, and such certificate of residence shall be valid for a period of one year from the date of issuance.

4. If, pursuant to subdivision two of this section, a community college elects to charge to and collect an allocable portion of the operating costs and a further sum on account of capital costs of such college from each county which has issued a certificate or certificates of residence pursuant to subdivision three of this section, on the basis of which non-resident students are attending such community college, the president of such community college shall, within forty-five days after the commencement of each college term or program, submit to the chief fiscal officer of each county a list of non-resident students attending such college on the basis of such certificates of residence and a voucher for the amount payable by each county for these students. Such list and voucher shall be determined on the basis of non-resident students enrolled in the program as of the end (or last day) of the third week of the commencement for a program scheduled for one semester, the end of the second for a program scheduled for an academic quarter and the end of the first week for any program scheduled to be completed in thirty days or less. The chancellor of the state university, or such officers or employees thereof as shall be designated by the chancellor in the manner authorized by the state university trustees, shall notify the chief fiscal officers of each county of the approved annual operating and capital charge-back rate for each community college. The amount billed to the chief fiscal officer of each county by the president of such community college as a charge for the allocable portion of the operating costs and a further sum on account of capital costs of such college for non-resident students shall be paid to the chief fiscal officer of such college by the billed county no later than sixty days after the county receives said billing.

5 Amounts payable to such colleges by a county pursuant to this section shall be a general county charge; provided, however, that with respect to the amounts allocable to each community college a county may charge back such amounts in whole or in part to the cities and towns in the county in proportion to the number of students who, on the basis of certificates of residence issued by such county, were attending each such college as non-residents of the local sponsors thereof during the terms for which the county has been charged, and who were residents of each such city or town at the beginning of such terms.

6. *[Renumbered 5].*

7. In the case of counties comprising the city of New York, references in this section to a county shall mean the city of New York and references in this section to the chief fiscal officer of a county shall mean the comptroller of the city of New York.

8. Part-time and out-of-state students shall be charged such tuition and fees as may be approved by the state university trustees. Any student attending a community college who is a member or the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of this state, shall be charged the tuition rate for residents as approved by the state university trustees.

9. A community college may expend moneys collected as capital charges received from counties of nonresident students for up to one-half the purchase price of equipment. A community college may include up to one-half the purchase price of equipment in calculating capital charges collected from counties of nonresident students. Such expenditures shall be made

pursuant to guidelines promulgated in rules and regulations of the board of trustees of the state university. In no event shall such expenditures qualify for state aid as capital costs.

10. On or before March thirty-first, nineteen hundred ninety-five and every year thereafter, the state shall reimburse each county which has issued a certificate of residence for any non-resident student in attendance at the fashion institute of technology during the nineteen hundred ninety-three--ninety-four academic year and every year thereafter in an amount equal to fifty percent of the actual amount paid by such county on behalf of such students and on or before June first, nineteen hundred ninety-five and every year thereafter, the state shall reimburse each county for the remaining fifty percent of the actual amount paid by each such county on behalf of such students.

### **§6306. Administration of community colleges--boards of trustees.**

1. Each community college, except in the city of New York, shall be administered by a board of trustees of ten members, nine of whom shall be appointed for terms of seven years in annual rotation, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Five members shall be appointed by the local legislative body or board, or other appropriate governing agency, one of whom may be a member of such local legislative body or board, or other appropriate governing agency, four, from among persons residing in the sponsoring community, by the governor and one member elected by and from among the students of the college who shall serve as a member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred seventy-five. The student member shall be afforded the same parliamentary privileges as are conferred upon voting members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the members of such board with respect to the discharge of their duties including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be for terms of two, four, six and eight years respectively and those by local authorities for terms of one, three, five, seven and nine years respectively. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select its own chairman from among its voting membership. Where two or more local sponsors join in the establishment of a community college, the apportionment of the appointments among them shall be made by the state university trustees. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to the board of trustees of any community college hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The

terms of office of all members of the boards of trustees of community colleges heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year all initial

terms of office of appointed members of the boards of trustees of community colleges heretofore established shall be deemed to have commenced on the first day of July of the year in which such colleges were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees.

In the case of community colleges in the city of New York the year in which any such college was established for the purposes of this subdivision shall mean the year in which it was or may be determined that its board of trustees be appointed and serve in the manner provided by this subdivision.

The provisions of this subdivision shall not apply to community college regional boards of trustees.

1-a. Notwithstanding the provisions of subdivision one of this section, the term of office of a member of the board of trustees of Rockland Community College appointed by the local legislative body or board shall be five years.

2. The board of trustees of each community college shall appoint a president for the college, subject to approval by the state university trustees, and it shall appoint or delegate to the president the appointment of other members of the staff. The staff of a community college shall consist of the professional service and the non-professional service. The professional service shall include positions requiring the performance of educational functions in agriculture, home economics, liberal and applied arts and sciences, engineering, technical skills, crafts, business education, medicine, dentistry, nursing, academic administration, library service, student activities, student personnel services, and other professions required to carry on the work of the community colleges. The non-professional service shall consist of all positions not in the professional service. The board of trustees of each community college shall adopt curricula, subject to the approval of the state university trustees, prepare a budget and, with the exception of community college regional boards of trustees, submit such budget for approval by the local legislative body or board, or other appropriate governing agency and, subject to the general supervision of the state university trustees, discharge such other duties as may be appropriate or necessary for the effective operation of the college. Where the city of New York is the local sponsor of a community college, salaries fixed by the board of trustees of such college shall be in accordance with salary schedules approved by the mayor of that city.

3. In the city of New York, upon the establishment of a community college sponsored by the board of education, the sponsoring board shall be the trustees and shall be vested with the

powers of a board of trustees of a community college, or upon the application of the sponsoring board, approved by the state university trustees, the board of trustees of such community college may be appointed and serve in the manner provided by subdivision one of this section; and upon the establishment and continuance of a community college sponsored by the city of New York, the local sponsor may designate the board of education in that city as the trustee to be vested with the powers of a board of trustees of a community college, or the local sponsor may provide that the board of trustees of such community college shall be appointed and serve in the manner provided by subdivision one of this section. In the event that the board of education serves as the board of trustees of a community college in the city of New York, its powers and duties in relation thereto shall be as prescribed in this article for boards of trustees of community colleges. In the city of New York, the board of trustees of the fashion institute of technology shall, under such by-laws as such board deems appropriate, provide for the eligibility for sabbatical leaves of absence to members of its permanent instructional staff; provided, however, that when such leaves are for one-half year, they shall be at full pay, and when such leaves are for one year, they shall be at half pay.

4. The board of trustees of each community college may acquire by deed, gift, devise, bequest or lease, real or personal property suitable for carrying out the program and purposes of the college, and pursuant to regulations prescribed by the state university trustees may apply any income that may be derived therefrom to the maintenance thereof; but no lands, grounds, buildings, facilities or equipment shall be purchased or leased unless an appropriation has been made, therefor, or unless otherwise authorized by law. Title to personal property so acquired shall vest in such board of trustees in its own name and such property shall be held and used by such board for college purposes. Title to real property so acquired shall vest in and be held by the local sponsor in trust for the uses and purposes of the community college. Where a community college region is the local sponsor of a community college, title to real and personal property shall vest in the community college regional board of trustees. The use of real or personal property given to the board of trustees of any community college, or of the income therefrom, to provide any part of the local sponsor's share of capital or operating costs shall be subject to the consent of the state university trustees and such regulations as they may prescribe.

5. The board of trustees shall have the care, custody, control and management of the lands, grounds, buildings, facilities and equipment used for the purposes of such college and of all other property belonging to such college and used for carrying out its purposes, and it shall have power to protect, preserve and improve the same.

6. The board of trustees shall have such other powers and perform such other duties as may be provided by law or prescribed by the state university trustees.

7. Subject to the approval of the local sponsor acting through its local legislative body or board, or other appropriate governing agency, and pursuant to such regulations and limitations as may be established and prescribed by the state university trustees, the board of trustees of each community college may enter into any contract or agreement deemed necessary or appropriate for the effective operation of the college, (1) including contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder; provided, however, that the sponsor shall not be liable for any portion of any defaults which it has agreed to assume pursuant to any such agreement in an amount in excess of money appropriated or otherwise lawfully available therefor at the time the liability for payment arises, and (2) including contracts with non-profit corporations organized by officers, employees, alumni or students of the college for the

furtherance of its objects and purposes. Notwithstanding the provisions of any other law, general, special or local, such contracts entered into with such non-profit corporation shall not be subject to any requirement that contracts be let to the lowest responsible bidder after advertisement for bids. Nothing contained in this subdivision shall be deemed to diminish or impair any powers or authority otherwise vested in the board of trustees of any community college. The provisions of this subdivision shall not apply to community college regional boards of trustees.

8. Subject to the approval of the local sponsor acting through its local legislative body or board, or other appropriate governing agency, and pursuant to such regulations and limitations as may be established and prescribed by the state university trustees with the approval of the director of the budget, the board of trustees of each community college may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, boards of cooperative educational services, libraries, museums and join any cooperative association of such educational institutions formed as a corporation pursuant to section two hundred sixteen of this chapter. The provisions of this subdivision shall not apply to community college regional boards of trustees.

8-a. a. The board of trustees shall, on or before January first, two thousand, adopt and implement a plan providing for the investigation of any violent felony offense occurring at or on the grounds of each such institution, and providing for the investigation of a report of any missing student. Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports.

b. As used in this subdivision, the following terms shall have the following meanings:

(i) "Local law enforcement agencies" means any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this subdivision.

(ii) "Missing student" means any student of an institution subject to the provisions of this subdivision, who resides in a facility owned or operated by such institution and who is reported to such institution as missing from his or her residence.

(iii) "Violent felony offense" means a violent felony offense as defined in subdivision one of section 70.02 of the penal law.

9. In the case of colleges sponsored by community college regions, references in subdivisions two, four, five, six and eight-a of this section to the board of trustees of a community college shall mean the community college regional board of trustees.

### **§6307. Establishment of state-aided four-year colleges.**

1. Upon recommendation of the state university trustees, counties or adjoining cities not now adequately served by any four-year college programs, may be empowered singly or jointly to establish and operate four-year college programs. Such colleges shall be financed and administered in a manner similar to that provided for community colleges herein.

### **§6308. Defense and indemnification of community college trustees, Officers and employees.**

1. As used in this section, the term "employee" shall mean any person holding a position by appointment or employment in the service of a community college, whether or not compensated, or a volunteer expressly authorized to participate in a community college sponsored volunteer program, but shall not include an independent contractor. The term employee shall include a former employee, his estate or judicially appointed personal representative.

2. (a) Upon compliance by the employee with the provisions of subdivision four of this section, the local sponsor of a community college shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of section nineteen hundred eighty-one or nineteen hundred eighty-three of title forty-two of the United States code and the act or omission underlying the action occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the local sponsor.

(b) Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by the local sponsor provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the local sponsor determines based upon its investigation and review of the facts and circumstances of the case that representation by the local sponsor would be inappropriate, or whenever a court of competent jurisdiction, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The local sponsor shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The local sponsor may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. The local sponsor shall certify to its chief fiscal officer that the employee or group of employees is entitled to representation by private counsel under the provisions of this section. Reasonable attorneys' fees and litigation expenses shall be paid by the local sponsor to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the board of trustees of the community college at which such employee is employed and upon the audit and warrant of the chief fiscal officer of the sponsor. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

(c) Where the employee delivers process and a request for a defense to the local sponsor as required by subdivision four of this section, the sponsor shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph

(b) of this subdivision on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

3. (a) The local sponsor shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, or shall pay such judgement or settlement; provided, that the act or

omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless or pay prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

(b) An employee represented by the local sponsor or by private counsel pursuant to this section shall cause to be submitted to the board of trustees of the community college at which he is employed any proposed settlement which may be subject to indemnification or payment by the local sponsor and if not inconsistent with the provisions of this section such board of trustees of the community college at which he is employed shall certify such settlement, and submit such settlement and certification to the local sponsor. The local sponsor shall review such proposed settlement as to form and amount, and shall give its approval if in its judgment the settlement is in the best interest of the local sponsor and the community college. Nothing in this subdivision shall be construed to authorize the local sponsor to indemnify and save harmless an employee with respect to a settlement or pay any such settlement not so reviewed and approved.

(c) Nothing in this subdivision shall authorize the local sponsor to indemnify and save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to section fifty-one of the general municipal law; provided, however, that the local sponsor shall indemnify and save harmless its employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgement, consent decree or stipulation of settlement entered in any court of this state or of the United States.

(d) Upon entry of a final judgment against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the board of trustees of the community college at which he is employed; and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such board. If the local sponsor concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the chief fiscal officer of the local sponsor.

4. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery to the local sponsor at its main business office by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document, and (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the community college or local sponsor based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the local sponsor provide for his defense pursuant to this section.

5. The benefits of this section shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law.

6. The provisions of this section shall not in any way affect the obligation of any claimant to give notice to the local sponsor under any provision of law.

7. The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

8. The provisions of this section shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

9. Except as otherwise specifically provided in this section, the provisions of this section shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the sponsor or any other level of government, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provision of state or federal statutory or common law.

10. If any provision of this section or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court of competent jurisdiction, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this section or the application of any such provision to any other person or circumstance.

11. In the case of colleges sponsored by community college regions, references in this section to the board of trustees of a community college shall mean the president of colleges sponsored by such regions.

**§6309. Reimbursement of defense costs incurred by or on behalf of community college trustees, officers and employees.**

1. As used in this section, unless the context otherwise requires, the term "employee" shall mean any person holding a position by appointment or employment in the service of a community college, whether or not compensated, or a volunteer expressly authorized to participate in a community college sponsored volunteer program, but shall not include an independent contractor. The term employee shall include a former employee, his or her estate, or judicially appointed personal representative.

2. (a) Upon compliance by the employee with the provisions of subdivision three of this section, and subject to the conditions set forth in paragraph (b) of this subdivision, it shall be the duty of the local sponsor of a community college to pay reasonable attorneys' fees and litigation expenses incurred by or on behalf of an employee in his or her defense of a criminal proceeding in a state or federal court arising out of any act which occurred while such employee was acting within the scope of his or her public employment or duties, upon his or her acquittal, or upon the dismissal of the criminal charges against him or her, or reasonable attorney's fees incurred in connection with an appearance before a grand jury which returns no true bill against the employee where such appearance was required as a result of any act which occurred while such employee was acting within the scope of his or her public employment or duties unless such appearance occurs in the normal course of the public employment or duties of such employee.

(b) Upon the application for reimbursement of reasonable attorneys' fees or litigation expenses, or both, made by or on behalf of an employee as provided in subdivision three of this section, the local sponsor shall determine, based upon its investigation and its review of the facts and circumstances, whether such reimbursement shall be paid. The local sponsor shall notify the employee in writing of such determination. Upon determining that such reimbursement should be provided, the local sponsor shall so certify to its chief fiscal officer. Upon such certification, reimbursement shall be made for such fees or expenses, or both, upon the audit and warrant of the chief fiscal officer. Any dispute with regard to entitlement to reimbursement or the amount of

litigation expenses or the reasonableness of attorneys' fees shall be resolved by a court of competent jurisdiction upon appropriate motion or by way of a special proceeding.

3. Reimbursement of reasonable attorneys' fees or litigation expenses, or both, by the local sponsor as prescribed by this section shall be conditioned upon (a) delivery to the local sponsor at its main business office by the employee of a written request for reimbursement of expenses together with, in the case of a criminal proceeding, the original or a copy of an accusatory instrument within ten days after the employee is arraigned upon such instrument or, in the case of a grand jury appearance, written documentation of evidence of such appearance and (b) the full cooperation of the employee in defense of any action or proceeding against the community college or local sponsor based upon the same act, and in the prosecution of any appeal.

4. Except as otherwise specifically provided in this section, the provisions of this section shall not be construed in any way to impair, alter, limit, modify, abrogate, or restrict any immunity available to or conferred upon any unit, entity, officer, or employee of the sponsor or any other level of government, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provisions of state or federal statutory or common law.

5. If any provision of this section or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court of competent jurisdiction, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this section or the application of any such provision to any other person or circumstances.

### **§ 6310. Community college regions - administration and finance.**

Each community college region and community college sponsored by such region shall be administered by a single board of trustees of fourteen members, thirteen of whom shall be appointed for terms of seven years, as set forth in this subdivision, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Seven members shall be appointed by the local legislative bodies or boards of those counties eligible to appoint members to the community college regional board of trustees. The seven locally appointed members of such board may include one member from the local legislative body or board of each county eligible to appoint members to the community college regional board of trustees. Membership in a community college regional board of trustees shall be apportioned among the counties participating in such board in accordance with the number of full-time equivalent students attending a community college sponsored by such regional board who are residents of the respective participating counties, and in accordance with such further regulations as may be prescribed by the state university trustees. Six members shall be appointed by the governor and one member elected by and from among the students of the college who shall serve as a member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred eighty-four. The student member shall be afforded the same parliamentary privileges as are conferred upon members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the members of such board with respect to the discharge of their duties including, but not limited to, those

provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be as follows: (a) two individuals shall be appointed for terms of two and four years respectively; (b) two individuals for terms of six years and two individuals for terms of eight years. Appointments by local authorities shall be as follows: (a) three individuals for terms of one, three and five years, respectively; (b) two individuals for terms of seven years, and two individuals for terms of nine years. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select its own chairman from among its voting membership. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to any community college regional board of trustees hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of community college regional boards of trustees heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year all initial terms of office of appointed members of the community college regional board of trustees heretofore established shall be deemed to have commenced on the first day of July of the year in which such community college regions were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees.

2. Pursuant to such regulations and limitations as may be established and prescribed by the state university trustees, the community college regional board of trustees may enter into any contract or agreement deemed necessary or appropriate for the effective operation of the college, including: (a) contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder; and (b) contracts with non-profit corporations organized by officers, employees, alumni or students of the college for the furtherance of its objects special or local, such contracts entered into with such non-profit corporation shall not be subject to any requirement that contracts be let to the lowest responsible bidder after advertisement for bids. Nothing contained in this subdivision shall be deemed to diminish or impair any powers or authority otherwise vested in the community college regional board of trustees.

3. Pursuant to such regulations and limitations as may be established and prescribed by the state university trustees with the approval of the director of the budget, the community

college regional board of trustees may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, boards of cooperative educational services, libraries, museums and join any cooperative association of such educational institutions formed as a corporation pursuant to section two hundred sixteen of this chapter.

4. The community college regional board of trustees is hereby created a body corporate. All property, which is now vested in, or shall hereafter be conveyed or transferred to the community college regional board of trustees, shall be held by them as a corporation.

5. Two or more eligible counties appointing members to a community college regional board of trustees shall divide the local share of the capital costs of a community college sponsored by such community college region according to the respective equalized assessed valuations of such counties or such other factors as may be prescribed by the state university trustees. The local share of the operating expenses of a community college sponsored by a community college region shall be apportioned among those counties appointing members to the community college regional board of trustees on the basis of operating shares. Such operating shares shall be allocated in proportion to the number of students attending the community college who are residents of the respective counties participating on the community college regional board, calculated on the basis of full-time equivalent students, in the same manner as the allocable portion of the local sponsor's share of operating costs pursuant to section sixty-three hundred five of this chapter, and such other factors as may be prescribed by the state university trustees. Any community college sponsored by a community college region may, under the provisions of section six thousand three hundred five of this chapter, elect to charge an allocable portion of the operating costs incurred by the regional sponsor, and a further sum on account of the regional sponsor's share of capital costs, to the counties of residence of students attending such college who are non-residents of the community college region.

6. The final budget of the community college region as adopted by the regional board of trustees and approved by the state university trustees shall be a charge against all of the counties appointing members to such board. The regional board of trustees, after approval of its budget, shall certify to the legislative body or board of all counties appointing members to such regional board the respective proportionate share of the capital and operating costs required to be raised by each county. The counties shall add such costs, as certified, to their own budgets and provide such certified costs by appropriations from general revenues or from funds derived from special tax levies earmarked in part or whole for such purposes, by the use of gifts of money or, with the consent of the state university trustees, by the use of property, gifts of property or by the furnishing of services. Where a county provides all or a portion of its share of capital or operating costs in real or personal property or in services, the valuation of such property and services for the purpose of determining the amount of state aid shall be made by the state university trustees with the approval of the director of the budget. Such funds shall be turned over to the treasurer of the community college sponsored by the community college region within the fiscal year of such region. Notwithstanding any other provision of this subdivision, all counties appointing members to a community college regional board of trustees may require that any budget proposed by such regional board, which would result in an increase in the level of contributions to college revenues by such counties over the level of contributions required for the previous college fiscal year, shall be approved by the legislative body or board of all such counties.

7. Notwithstanding the provisions of any general, special or local law to the contrary, the fiscal year of a community college sponsored by a community college region shall begin with the

first day of September and end with the thirty-first day of August in each year. All of the provisions of law fixing times or dates within which or by which certain acts shall be performed in relation to the preparation and adoption of the budget of a county, including but not limited to submission of a budget estimate, filing of a tentative budget, public hearing and adoption of a budget, shall apply to the budget of a community college-sponsored by a community college region but shall be correspondingly changed, as to time, to relate to the commencement of the fiscal year of the community college region; provided, however, that after the budget for the community college region shall have been adopted, the counties appointing members to a community college regional board of trustees shall provide for the raising of taxes required by such budget, without any decrease in amount, in the same manner and at the same time prescribed by law for the annual levy of taxes by or for the county.

8. Moneys raised by taxation for maintenance of a community college region and moneys received from all other sources for purposes of the community college region shall be kept separate and distinct from any other moneys of the counties appointing members to the community college regional board of trustees and shall not be used for any other purpose. The amount of taxes levied for maintenance of a community college region shall be credited thereto and made available therefor within the fiscal year of such community college region.

9. The community college regional board of trustees shall direct that payment of amounts for maintenance of the college be made in whole or in part to the treasurer of the community college sponsored by such region for expenditure by such officer, subject to such regulations regarding the custody, deposit, audit and payment thereof as such board of trustees may deem proper.

The board of trustees may authorize the treasurer of the college to establish a bank account or accounts in the name of the college and deposit therein moneys received or collected by the college, including moneys appropriated and paid by the counties appointing members to the community college regional board of trustees, moneys received from tuition, fees, charges, sales of products and services, and from all other sources. The board of trustees may authorize the treasurer to pay all proper bills and accounts of the college, including salaries and wages, from funds in its custody. The treasurer shall execute a bond or official undertaking to the community college regional board of trustees in such sum and with such sureties as that board shall require, the expense of which shall be a college charge.

The community college regional board of trustees similarly may authorize the treasurer to establish and maintain petty cash funds, not in excess of two hundred dollars each, for specified college purposes or undertakings, from which may be paid, in advance of audit, properly itemized and verified or certified bills for materials, supplies or services furnished to the college for the conduct of its affairs and upon terms calling for the payment of cash to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Lists of all expenditures made from such petty cash funds shall be presented to the board of trustees at each regular meeting thereof, together with the bills supporting such expenditures, for audit and the board shall direct reimbursement of such petty cash funds from the appropriate budgetary item or items in an amount equal to the total of such bills which it shall so audit and allow. Any of such bills or any portion of any of such bills as shall be disallowed upon audit shall be the personal responsibility of the treasurer and such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. The community college regional board of trustees shall provide for periodic audits of all accounts maintained at its direction and render

such reports respecting any and all receipts and expenditures of the college as the local legislative body or board, or other appropriate governing agency, may direct.

10. All proposals for the acquisition or construction, including new construction, additions or reconstruction of college facilities adopted by a community college regional board of trustees shall be approved by the legislative body or board of all counties appointing members to such board of trustees, and the state university trustees. Upon such approvals, each participating county may finance its proportionate share of the cost of acquisition of such facilities either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law. All counties participating in such regional board of trustees may together issue joint obligations pledging the full faith and credit for all participating counties jointly and that each such county shall pay a specified share of annual debt service on such joint obligations in accordance with the provisions of article five-g of the general municipal law and applicable provisions of the local finance law.

11. The community college regional board of trustees, for administering the state civil service law, shall be deemed a municipal employer. No civil service rights of an employee of any community college or local sponsor shall be lost, impaired or affected by reason of the enactment of this section and related amendments of this article into law.

12. For the purposes of article fourteen of the civil service law, the community college regional board of trustees shall be deemed to be the public employer and as such shall negotiate with and enter into written agreements with employee organizations representing the instructional staff and non-instructional staff of the community colleges that have been certified or recognized under such article. For purposes of such article, the president of the community college shall be deemed to be the chief executive officer, the chief legal officer of the community college shall be chief legal officer, and the community college regional board of trustees shall be deemed to be the legislative body of the government. The state public employment relations board shall have exclusive jurisdiction for the purpose of administering the provisions of such article.

13. For the purpose of this section, all references in this section to a "county" or "counties" shall be deemed to include a city or cities, or a school district or school districts, as the case may be.