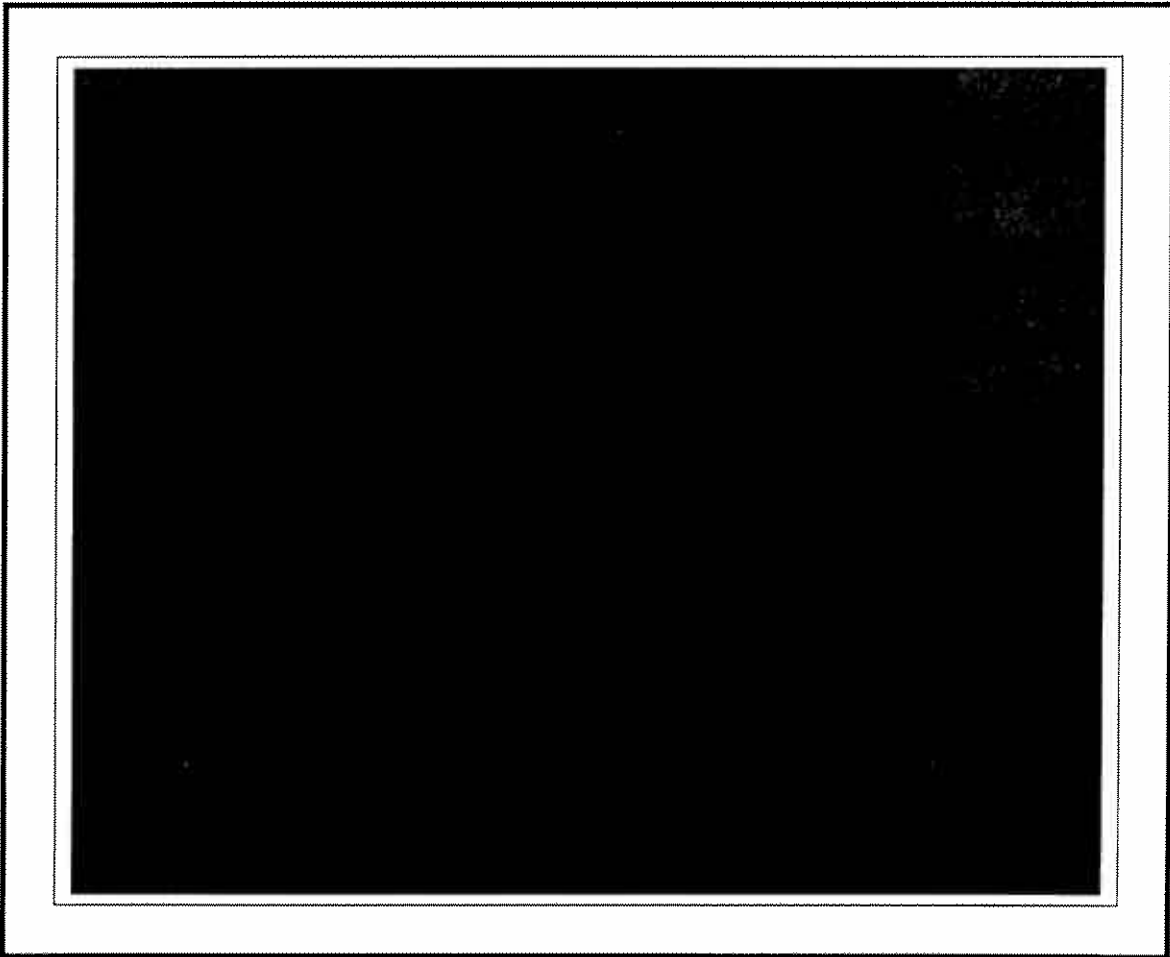




SUNY
THE STATE UNIVERSITY *of* NEW YORK

A Guidebook for Community College Trustees
Second Edition

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GUIDEBOOK FOR
COMMUNITY COLLEGE TRUSTEES

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The boards of trustees may acquire real and personal property by gift, deed, bequest or lease for the purposes of the college. Title to real property is held by the local sponsor in trust for the uses and purposes of the community college. The trustees are legally mandated to care for lands, grounds, buildings and equipment of the college. Details of all of these mandated duties and responsibilities are spelled out in the Code of Standards and Procedures for the Administration and Operation of Community Colleges Under the Program of the State University of New York and discussed throughout this Guidebook, along with those expectations and obligations inherent in the very role of trusteeship.

Furthermore, the Education Law states that community college boards 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.
(Education Law, Section 6306.6)

The implementation of these residual powers occurs from time to time so that some duties and responsibilities of the community college boards of trustees are specified in laws other than New York State's Education Law. These duties are also discussed below in the appropriate sections of this guidebook.

In practice, then, all matters that relate to community colleges within the framework of the State University system are set forth by the State University in the Code of Standards and Procedures for the Administration and Operation of Community Colleges Under the Program of the State University of New York; but those matters that relate to the internal functioning of State University and its system of community colleges are set forth from time to time in memoranda to the presidents of the colleges. In some cases these memoranda come from the heads of specific offices of State University's Central Administration, including the Office of Community Colleges. These memoranda are usually available in each president's office for review by individual trustees.

The Office of Community Colleges, currently headed by a Deputy to the Chancellor, plays an important role in coordinating all of the shared duties and responsibilities of the State University and local community college trustees. The Deputy to the Chancellor for Community Colleges is the link between the Chancellor of the State University and the presidents of the colleges. This office serves as the focal point where all boards of trustees and their presidents can find information and help in discharging their responsibilities.

Other offices in the State University's Central Administration help with curricula development and review, data collection,

financial accounting and reporting, and overall planning. Thus a unity and consistency is provided to the Statewide operations of the total University system.

2. COMMUNITY COLLEGE BOARDS OF TRUSTEES - COMPOSITION, ORGANIZATION, AND OPERATION

Community college boards in New York State are public entities with powers mandated by the State's Legislature. Trustees follow certain traditional organizational procedures and operations common to all educational governing boards.

2.1. Appointment and Composition of Community College Boards of Trustees

The ten-member community college boards of trustees have five members appointed by their sponsor's legislative body, four by the Governor of the State of New York, and one student trustee with voting rights who is elected by the college's student government association for one year. Some sponsors regularly include a member of the sponsoring board or legislative body as one of their appointees. Appointed trustees serve for nine years, with terms expiring in rotation. Renewal of these terms of office is allowed.

Student trustees carry the same responsibility as other trustees, exercise full parliamentary privileges, and are extended equal benefits and courtesies as other trustees. Their term of office ends June 30 or if they cease to be students at their colleges prior to this date.

An informal opinion of the State Attorney General has ruled that trustees, except student trustees, are local public officers and as such must reside at the time of their appointment within the geographical boundaries of the local sponsor.

All vacancies due to expiration or termination of office because of death or resignation should be made known immediately to the State University of New York Office of Community Colleges.

The chair of each board of trustees is often consulted about vacancies and replacements, and should be ready to comment upon names submitted from various sources. It should be recognized that delays in the appointment process occur from time to time so the burden of subcommittee work is often increased for the remaining trustees. Trustees whose term of office has expired may continue to serve until reappointed or replaced.

An oath of office is required by State law of all trustees within 30 days of appointment before any official duties are discharged by them. It is customary for those trustees appointed by the Governor to receive the appropriate forms and instructions in the mail, along with their appointment or renewal letters.

for the purpose of electing officers. The dates and purposes of these meetings should be spelled out in the bylaws of each board.

Regular open meetings of the community college boards of trustees are held for the purpose of transacting the official business of the board. These are usually monthly meetings but are often not scheduled in the months of July and August. They are open to the public under the Open Meetings Law of the State of New York. Timely notice of place, time and agenda of the meeting must be given. Votes are taken and recorded at all open meetings. All matters regarding money must be voted upon at an open meeting. Proxy, mail or telephone voting may not be used. No motion or resolution can carry or be approved unless at least six members concur. Meetings are conducted according to the bylaws of the board, with Roberts Rules of Order usually prescribing the proper procedure for any matter not covered by the bylaws.

Under the New York Open Meetings Law, executive (closed) sessions of the board may only be held upon the vote of the board in an open meeting. The motion must identify the area or topics to be considered in the executive session and be so recorded in the minutes of the regular meeting. When the executive session is finished, the board must return to regular session prior to adjournment.

Executive sessions may only be held for the discussion of certain matters, namely:

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to a current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective negotiations pursuant to article fourteen of the civil service law.
- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- g. the preparation, grading or administration of examinations; and

- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

Special and emergency meetings (also subject to the Open Meetings Law) are held by community college boards of trustees from time to time. The rules for calling meetings must be spelled out in the bylaws of the trustees. Meetings of standing and ad hoc committees are also subject to the requirements of the Open Meetings Law.

The news media must be notified at least one week prior to the date of a regular meeting and notice displayed in one or more conspicuous public locations at least 72 hours beforehand. Notice of emergency meetings must be posted as is "reasonable" and "practicable".

The agenda of the meetings of the board of trustees should follow the order of business set forth in the board's by-laws. Items typically included are:

- Approval of the minutes of the previous meeting
- Unfinished business of the previous meeting
- Reports of Standing Committees
- Reports of Special Committees
- New Business
- Report of the Student Trustee
- Report of the President
- Report of the Chair
- Other Business
- Next Meeting
- Adjournment

To expedite the transaction of business, some boards request the president to prepare a short informational paragraph about each agenda item. Some boards include in their meetings a brief presentation by a college staff member on a topic of interest to the trustees. The subject may or may not relate to an agenda item before the board that day.

A quorum requires that at least six trustees be present so that business can be transacted. Any board action requires the affirmative vote of at least six trustees. Trustees who are unable to attend meetings for any reason should inform the board's secretary or chair as soon as possible.

Public attendance at board meetings is permitted under the Open Meetings Law. People wishing to make presentations to the board are subject to the conditions established by the board's by laws. This usually entails making a written request to the secretary of the board at least 24 hours prior to the meeting. In the absence of such a request, a motion may be passed to give visitors the opportunity to be heard. The matter can then be

appointed as trustees to represent the college, it may be necessary at times to state clearly that they are speaking only as private citizens. Trustees speak for trustees only when authorized to do so by the entire board. Requests for information and opinions should at all times be referred to the chair of the board, who may refer the matter to the college president.

New York's Freedom of Information Law has imposed upon community colleges the responsibility of providing statistical and factual data and other public records to the public upon request and in keeping with the public's "right to know." The intricacies of this law have been explained by State University's Office of University Counsel and Legal Affairs in a series of informational memoranda to presidents and should be left to an administrator of the college for implementation.

-Political action is not unrelated to the trustees' responsibilities to develop and preserve good relationships between the college and its various constituencies. Yet, it is more than merely creating an atmosphere of understanding between elected officials and the college. On the one hand, trustees should attempt to protect the college from political irregularities at both the State and local levels. Trustees should be watchful, therefore, for any infringement of their own rights and of academic freedom because of the actions of State and local elected officials. On the other hand, the boards of trustees are themselves part of a political process. Trustee appointments to the community college boards are not made in a vacuum. Furthermore, trustees rely on the State Legislature and their sponsor for financial support for the college.

- The continuing education of board members and the orientation of new board members about their community colleges are important matters. Keeping current on higher education issues is as necessary for lay board members as it is for professional educators. The need to be cognizant of rapidly changing laws and other requirements that affect higher education and trustees' work is required for the very protection of the institution.

A number of organizations help to further trustee effectiveness and trustee knowledge of community college affairs on an ongoing basis.

-The Association of Boards of Trustees of Community Colleges of the State University of New York (ABC).
Its aims are:

To promote discussion and study of the administrative, academic, and local problems of community colleges.

To enhance the role and function of SUNY's community colleges.

To stimulate interest in, encourage the advancement of, and improve the quality of education provided by these colleges.

The Association hosts an annual fall conference and with the Office of Community Colleges designs orientation programs for new trustees. It serves as a means of promoting the further education and understanding of trustees as active and effective board members. Participation in ABC meetings and workshops is, therefore, encouraged. Members who attend ABC meetings report on them to the full board. The Association's Newsletter is distributed regularly to all board members by the Association's executive director.

- The Association of Community College Trustees (ACCT) is designed to help trustees of two-year institutions in the nation to fulfill their responsibilities. Its Trustee Quarterly provides "down to earth" articles on the role of trustees, especially their relationships with president and constituency groups.

-The Association of Governing Boards (AGB), also a national association, has a number of pocket publications, handbooks, and reports that can provide trustees with valuable insights into the nature of trusteeship.

-The American Association of Community and Junior Colleges (AACJC) is a national organization of public and private two-year colleges. It publishes the Community College Journal and the Federal Focus, a companion to the weekly AACJC Letter. It also has a newspaper entitled the AACJC Times.

The national higher education newspaper, The Chronicle of Higher Education, is often considered "must" reading.

-Self-evaluation should be undertaken regularly by boards of trustees in order to assess the level of board achievement and their own individual contributions to the board's work. Trustees have a responsibility to conduct regular evaluations of themselves in addition to evaluating the performance of the president, the adequacy of the administration, and the progress made in achieving the college's goals and objectives. Trustee self-evaluations can be beneficial because board performance is generally improved as a result.

As the public has the right to expect excellence from those entrusted with the leadership of their institutions, everything a board can do to develop a clearer understanding of its role and responsibility is to be encouraged.

A trustee subcommittee could be appointed by the chair to initiate an assessment of the board's work and to determine the

methods and self-study materials to be used. National organizations, trustees from other colleges, or outside consultants may be helpful here.

Board self-evaluations can be conducted in various ways:

- using some part of a regular meeting for this purpose;
- holding a special meeting or retreat;
- using trustee co-leaders to design a custom-made evaluation process;
- using outside facilitators.

Various prepared checklists and questionnaires are available for use in trustee evaluation processes. They include:

- Self Study Criteria for Governing Boards of Community Colleges from the Association of Governing Boards. This instrument contains questions requiring "Yes/No" answers covering ten areas of trustee concern, ranging from the college's mission to staff relations; and
- Trustee Audit, also from the Association of Governing Boards. This questionnaire is designed to help individual trustees assess the extent to which they have "absorbed the breadth and depth of their roles."

Role in Planning. Community colleges are expected to develop plans in conjunction with State University's required five-year program reviews and as a part of the Middle States' reaffirmation process. Community colleges are also expected to develop enrollment plans on an annual basis.

Trustees should be aware of these Statewide efforts, of which their colleges are a part, to "mesh" academic and support programs with the annual budget submission process in a sequence that ensures both better determination of state funding and the proper allocation of resources.

For further details and further reading see:

Association of Boards of Trustees of Community Colleges of State University of New York. ABC Bylaws, Article II.

State of New York. Public Officers Law, Article 6 (Freedom of Information Law).

Ingram, Richard T., et al. Chapter 6, "Assessing Trustee Orientation and Development"; Chapter 17, "Contending with Conflicts of Interest and Liability"; and Chapter 18, "Studying Board Effectiveness," in Handbook of College and University Trusteeship. San Francisco, 1980.

4. COMMUNITY COLLEGE BOARDS OF TRUSTEES AND THE PRESIDENT

4.1. President/Trustee Relationships

The effective operation of a community college does in fact take the combined effort and commitment of the president and the board, making good working relationships between them essential for this task. The key to this good working relationship depends upon careful selection by the trustees of the president and, secondly, upon a clear understanding by the president's role.

Good working relationships between the local board of trustees, as part-time volunteers responsible for policy-making and guiding the college toward its educational goals, and the college president, as a full-time professional and the chief administrative officer who is responsible for achieving the goals of the institution, are crucial for the success of the college. Good relationships do not just happen. They have to be consciously pursued as a desired goal.

Trustees and the president should avoid surprising each other with unexpected actions or announcements. They need to understand fully each other's role so that mutual support can be given with complete understanding, either publicly or privately. Formal channels of communication should be developed and used. A helpful way of building rapport is through informal interactions which occur at the many campus and community events that are attended by the president and the trustees.

4.2. Selection of a President

The trustees' legal mandate to appoint a president, subject to the approval of the State University Board of Trustees, is usually considered the single most important responsibility of the local board.

As soon as possible after the intention of a president to resign or retire is known or a vacancy occurs for any reason, the Chancellor and the Deputy to the Chancellor for Community Colleges must be notified.

While it is generally understood that presidential searches should begin with an analysis of institutional issues, needs, and goals rather than a list of qualities thought to be necessary for administrative leadership, it is also recognized that no search can be done in a hurry or be limited to volunteer applicants. A combination of search and screening committees may need to be established. It is vitally important, therefore, that consultation on these matters be held with the Deputy to the Chancellor for Community Colleges, whose office will provide procedures on presidential searches and a staff member to work with the search committee.

4.3. Duties of a President

The community college president is responsible to the college trustees for:

providing general educational leadership and for promoting the educational effectiveness of the institution in all its aspects.

The duties of the president are to:

carry out, execute, and administer all policies of the college trustees and the State University trustees;

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

- (1) curriculum;
- (2) budgets;
- (3) salary schedules and salaries;
- (4) personnel appointments, promotions, retention, and retrenchment;
- (5) organizational structure;
- (6) planning and management of facilities; and
- (7) granting of degrees or certificates:...

(Code, Section 604.3)

The president is also required to administer collective bargaining agreements, submit annual reports on the operation of the college to the trustees and "such other reports as the college trustees or State University of New York may require." (Code, Section 604.3)

The president must assure that a faculty handbook is prepared as well as the documents needed for the orientation and guidance of students. All of these duties are set forth in the Code of Standards and Procedures for the Administration and Operation of Community Colleges Under the Program of State University of New York.

Trustees should clearly inform the president of the duties of the office, spelling out the specific meaning of the job description. Presidents, on the other hand, should develop effective channels of communication with the chair, as the board's spokesperson who should be kept well informed by the president. All suggestions from a president need to be given full consideration and deliberation by the board.

4.4. The President's Term of Office

Presidents are commonly given multi-year employment contracts. Each year SUNY Central conducts a study of presidential compensation in which contract terms are included. The study is shared with board chairs and presidents.

4.5. Presidential Evaluation Processes

There is no single agreed-upon mechanism for the important process of evaluating the performance of a college president.

The purpose of any evaluation process is to help to improve the performance of the president and thus of the institution.

Some of the ways in which presidential evaluations are conducted include:

- using self-assessments that are periodically submitted by the president, indicating progress in achieving the goals and objectives set by the trustees;
- using appraisal forms prepared by the trustees or obtained from other educational agencies such as the ACCT and completed by all trustees on a regularly-scheduled basis;
- conducting a continuous review of the college and the work of the president. This could result in an occasional vote of confidence in the president by the trustees, especially when special support is needed and when, through their own appraisals, trustees sense the value of giving added support to the president's efforts in dealing with difficult issues;
- carefully reviewing SUNY Program Review reports, reports of the State Education Department on program reregistration visits, independent and State audit reports, and Middle States' reports; and
- a combination of the above.

It is recognized that very little is done by the president that is not appraised by the college community and even by local constituencies of various kinds. Much of this reaches the ears of the trustees, whose role it is to sift the gossip from the significant facts, to determine the objectivity of their procedures for presidential evaluations and the proper balance needed between formal and informal mechanisms in this regard, and finally to determine their degree of satisfaction with the president.

5. COMMUNITY COLLEGE BOARDS OF TRUSTEES AND PERSONNEL MANAGEMENT

Trustees have legal responsibilities relating to the appointment of staff in the professional and nonprofessional services. Trustees are required to formulate and record all personnel policies.

5.1. Making Professional and Nonprofessional Service Appointments

State University Community College Boards of Trustees are legally required to appoint or delegate to the president the appointment of other members of the college staff, both in the professional and in the nonprofessional services, as explained below.

The professional service is that part of the unclassified service of Civil Service which include all positions requiring the performance of "educational functions" in the academic and technical disciplines, library and student services, academic administration and in "other professions required to carry out the work of the community college." All other positions are in the nonprofessional service and are subject to Civil Service selection and appointment procedures.

Community college trustees generally have delegated to their college president the duty of selecting professional staff as administrators and faculty for the college while retaining the right to formalize all final appointment to full-time position in both the professional and nonprofessional services. College trustees rely heavily upon the president's recommendations and professional judgments in these matters. Likewise, the selection of faculty recommended for appointment is made by the president following consultation with appropriate academic officers and faculty committees in the accepted academic manner, and following searches to find the best qualified appointee.

Boards of trustees must determine all positions needed in the professional service of the community college, giving an appropriate title for the proposed position. Again, it is the president's recommendation that is acted upon. The resulting resolution is then submitted to the Chancellor of State University, along with a job description that includes the qualifications desired. Upon receipt of the Chancellor's approval of the new position, the county's Commissioner of Civil Service is notified and the new title henceforth is included in the community college's budget as an unclassified position in the professional service of the college. Changes in existing professional service titles must likewise be determined by trustee action, using the above procedure. The president serves as an official channel of communication with the trustees and the Chancellor on these matters.

Furthermore, Civil Service employees selected under Civil Service rules in competitive and noncompetitive classes of employment are also officially appointed to the staff by trustee action or through delegation to the president of this responsibility.

5.2. Formulating Personnel Policies for Effective Personnel Administration

The Code of Standards and Procedures for the Administration and Operation of Community Colleges Under the Program of State University of New York requires that the college trustees formulate and record the policies and procedures of appointment for professional personnel.

Among the personnel policies and procedures specifically required by the Code are:

- (i) appointments, promotions and dismissals of faculty members;
- (ii) conditions of employment, leaves of absence and sabbatical leave;
- (iii) rules and regulations to which faculty are expected to adhere;
- (iv) statements regarding academic freedom; and
- (v) subject to local and State civil service regulations, the working conditions for non-academic personnel and fixed rates of compensation.
(Code, Section 604.2(b)(1))

This is a policy-making function. To accomplish it properly, the trustees should know the purpose of each policy they develop and see that it is then implemented fairly within the institution. However, it must also be recognized that the traditional rights of trustees to establish personnel policies, using faculty/staff committees as consultative bodies, must be carried out in the context of Federal and State laws, including equal opportunity and collective bargaining legislation. See sections 5.3. and 5.4. below.

Trustees rely heavily upon the college's administration for detailed help in developing all personnel policies.

Major personnel policies developed by trustees are as follows:

1. Promotion
2. Continuing appointment
3. Evaluation
4. Dismissal and termination
5. Retirement
6. Rehiring of retired staff
7. Leaves of absence
8. Sabbatical leaves
9. Academic freedom
10. Outside employment

Personnel employment matters of nonacademic staff are set forth in New York State's Civil Service Law and the regulations of the Commissioner of Civil Service of each county. These matters are further elaborated by various locally-negotiated settlements across the State. The major personnel policies applicable to the nonacademic staff at each community college need to be set forth in personnel handbooks, both for periodic board of trustees' review and ready use by the college's staff.

5.3. Recording Personnel Policies for Effective Personnel Management

Boards of trustees must record the conditions of employment of the president and all professional staff.

Faculty/staff handbooks are the best way to transmit board policies to the college's professional staff. These handbooks should be kept up to date and should not conflict with law or with procedures conveyed either through the collective bargaining process or through past practice. Proper citation of all board resolutions creating the policies should be given so that the board's policies stand out clearly from other handbook matters.

Trustees should review their policies regularly. A policy review is often triggered by a review of handbooks and the annual updating of the affirmative action program. Such reviews can help the trustees to monitor the results of their policies and to satisfy themselves that the policies are indeed achieving their purpose.

5.4. Complying with Affirmative Action and Other Aspects of Personnel Management

5.4.1. Affirmative Action Planning

Affirmative action program plans set forth provisions for equal employment opportunity in hiring, salary advancement, promotion, and all aspects of employment in keeping with State and Federal laws, regulations, and executive orders. Both plans and goals follow a pattern consistent with the policies of State University and the guidelines of its Office of Affirmative Action.

All affirmative action efforts start with board policies of nondiscrimination regarding race, creed, religion, national origin, age and sex. Physical disability and marital status have now been added to the list of factors that may not be considered in making employment decisions. Sexual harassment is a form of sex discrimination which has no place in the workplace or in the college's academic programs. Board policies on these matters should be widely disseminated on campus.

Boards of trustees are required to approve a grievance mechanism for the internal handling of discrimination complaints by students, faculty, and professional and nonprofessional staff. The use of an internal procedure can prevent the agony of off-campus actions and even court determinations where disparate treatment standards prevail. Some community colleges have adopted a procedure similar to the State University's internal procedures using a tripartite panel, with one member chosen by the president, one by the grievant, and a third, who chairs the panel, chosen by the two designees.

Trustees should recognize that the possibility of complaints and grievances arising from decisions regarding hiring, promotion, tenure, etc., is ever present at the college and ultimately may involve the board of trustees itself. Employees can file claims with the New York State Division of Human Rights, the Federal Equal Employment Opportunity Commission, and the courts.

For further details on all matters regarding discrimination and affirmative action, the SUNY Affirmative Action Office should be contacted.

5.4.2. Other Aspects of Personnel Management

Nepotism is sometimes an issue of concern in college administration. Under Executive Orders and Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972, policies and practices which restrict the employment of spouses are discriminatory and are prohibited. Thus the State University of New York has no anti-nepotism policy. When applicants or employees are spouses and are qualified for positions, they cannot be prohibited from working in the same college or the same department as long as one is not evaluated by the other. However, New York courts and the State Comptroller have pointed out that the employment of relatives is often controversial, creating at least the impression of impropriety. Therefore, potential employment situations involving nepotism require continuous monitoring and careful handling by the trustees and the college.

Faculty/staff development programs are another aspect of personnel management that is of special interest to trustees because staff development programs are claimed to be the keystone of effective personnel management. The Commissioner of Education's regulations require that opportunities for faculty professional development exist.

Some examples of professional staff development activities are:

- special campus or agency training programs
- conference participation
- educational leaves
- sabbatical leaves
- grants from public and private agencies.

Some campus unions have made innovative demands in this area in an effort to gain benefits for their members, thereby advancing the educational mission of the institution. Trustees should know the purpose of each staff development program so as to judge more effectively its success in furthering staff development.

5.5. Handling Collective Bargaining of Terms and Conditions of Employment

The 1967 Taylor Law, officially known as the Public Employees Fair Employment Act, gives the right of organization and representation to those in public employment. It requires public employers "to negotiate with, and enter into written agreements with employee organizations..." (Civil Service Law, Article 14, Section 200).

Boards of trustees do not play a direct role in determining who will be the bargaining agent. Conflicts about representation are handled by the Public Employment Relations Board (PERB). Trustees recognize campus unions by resolution and the sponsor does so likewise. In most community colleges, but not all, the nonprofessional staff are part of the county's Civil Service bargaining unit. Faculty and administrative staff may be in the same bargaining unit or in separate ones. The pattern of bargaining varies throughout the State. In some cases the faculty's recognized union bargains with the county, in some cases with the board of trustees, and in some cases with a combination of county and trustee representatives. A few community colleges have trustees participating directly on negotiation teams. The trend seems to be that campuses bring in professional labor/management negotiators.

The Taylor Law requires the bargaining of "terms and conditions of employment," and this phrase has specific meaning in labor law. Any question as to what is a mandatory, nonmandatory or permissive topic of bargaining should be referred to campus administrators.

Special labor negotiators are often employed for collective bargaining, but the appointment of a chief negotiator, whether made by the trustee or by the sponsor, requires considerable thought and advice. At no time should any trustee discuss items placed on the bargaining table with anyone other than the president, negotiator or other trustees. To do so leads to undermining the college's bargaining team. A general pattern is visible in the topics bargained and in the terms of the settlements made, but there are great variations in detail among the community colleges. The Office of Community Colleges can give information on these matters by supplying sample contracts and special clauses currently in use, as well as up-to-date information on mediators.

All union contracts contain procedures for hearing complaints and grievances arising under the terms of the negotiated agreement. Contract grievances invariably include informal first steps and usually end with binding arbitration determined by an outside party.

The personnel policies of the professional staff who are not unionized--those designated as managerial and confidential or only confidential--must still be established by the college's board of trustees. Most boards extend newly-negotiated benefits to the non-union staff.

6. COMMUNITY COLLEGE BOARDS OF TRUSTEES AND THE ACADEMIC PROGRAM

State University Community College Boards of Trustees have the inherent responsibility to oversee the proper development of the academic program at their colleges, subject to the guidance and approval of the State University. However, the implementation of academic policies and the maintenance of academic standards are the role of the college administration and faculty. Thus the rules of the Commissioner of Education state:

within the authority of its governing board, the institution shall provide that overall educational policy and its implementation are the responsibility of the institution's faculty and academic officers. Other appropriate segments of the institutional community may share in this responsibility in accordance with the norms developed by each institution.

(Code, Section 52.2(e)(2))

6.1. The Establishment of the Curricula

New York State Education Law provides that:

The boards of trustees of each community college shall adopt curricula; subject to the approval of the state university trustees.... (Education Law, Section 6306.2)

These two-year college programs are required to be post-high school in 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.
(Education Law, Section 6303.1)

6.2. The Monitoring and Evaluation of the Curricula

Trustees should play an oversight role in seeing that their college complies with State University and State Education Department program review requirements and that proper self-study procedures are developed and used by the college for Middle States reaffirmation of accreditation.

6.2.1. Reregistration of Programs with the State Education Department

Reregistration of degree programs with the State Education Department occurs as required by the conditions of registration. Campus visits may be made by a staff team from the State Education Department. The enrollment patterns, degrees awarded, faculty qualifications, courses offered, and the facilities used are subject to close review.

6.2.2. Five-Year Program Review

State University has established guidelines for the review of all curricula over a five-year period. The intent is to keep all curricula up to date and to discontinue those programs no longer serving an adequate function on a cost-effective basis. State University suggests that campus plans be developed in conjunction with these five-year program reviews and as part of Middle States accreditation procedures.

The elimination of an academic program requires extensive review. The procedures are set forth in the State University's June 24, 1983 Memorandum to Presidents, Vol. 83, No. 7, on "Revised Procedures for Deactivation and/or Discontinuance of Academic Programs."

6.2.3. Middle States Accreditation

The Middle States Association of Colleges and Schools is a non-profit association serving elementary, secondary, and higher education institutions through programs of study, evaluation and accreditation. Middle States regional accreditation applies to the entire college, and it is reaffirmed in approximately ten-year intervals. The reaffirmation process provides each college with the opportunity to review its own concepts, goals, and operations in the light of professional criticism given by a visiting team of educators. A campus self-study is undertaken for this purpose. It is essentially a planning process in which the present status of the college is assessed, new goals and directions developed, and existing policies and procedures reaffirmed or changed. The board of trustees must be a part of this self-evaluation of the college's goals and achievements. In addition, a member of State University's Office of Community Colleges serves as a resource person to the Middle States team

to provide expertise on State procedural matters and to answer questions from the team's visiting members who invariably are from different states.

6.3. Service Area Policy

Community colleges may provide educational services beyond their sponsorship area to qualified local sponsors wishing to participate in the operations of an existing community college. An agreement can be developed by the college's board of trustees and local sponsor. Guidelines and procedures for this are available from the State University.

6.4. The Provision of Academic Support

It is widely recognized that the college's educational program is far broader than its curricula alone. The library, instructional media and other equipment are supportive and necessary parts of the academic program. Trustees should see that adequate consideration is given to the above factors in the college's budgetary process.

6.5. The Academic Calendar

The length of the college year is governed by regulations of the Commissioner of Education and follows State University guidelines for the development of campus instructional calendars. Thirty weeks are provided for instruction and examinations.

No classes or examinations should be scheduled on religious holidays. Such holidays are required by law to be identified in the college's catalog. Once the calendar is carefully and accurately established, classes should be held on schedule and the regular functions of the campus maintained.

In all of this, the trustees play an oversight and supportive role, leaving the operational requirements to the college's administration.

7. COMMUNITY COLLEGE BOARDS OF TRUSTEES AND STUDENTS

Policies pertaining to students should be included in the trustees' policy manual. They should be revised as necessary with the advice of the internal governance system.

7.1. Trustees' Relationship to Students

As a matter of general practice, trustees no longer operate under the concept of in loco parentis, recognizing instead that students have the same rights and responsibilities as other citizens.

Some boards of trustees have endorsed, therefore, the 1967 "Joint Statement on Rights and Freedoms of Students" prepared by

representatives of the American Association of University Professors, the U.S. National Student Association, the Association of American Colleges, and the National Association of Women Deans and Counselors. This statement recognizes that students should be allowed freedom of expression and protection from improper academic evaluation and improper disclosure of information about them by faculty, counselors, and others.

Contact between trustees and students occur for the most part through informal events such as sponsored dinners, shows, and lectures held on campus. Even so, the strongest relationship that trustees have with students is through the student trustee. This student serves as the official line of communication between the trustees and the students. The student trustee keeps trustees informed of student activities and the operation of student services and programs generally available at the college.

7.2. Admission Policies and "Full Opportunity"

The Code of Standards requires boards to trustees to:

establish policies and delegate to the professional administrative staff responsibility for . . . admission of students . . . (Code, Section 604.2 (b)(7))

Each board of trustees and local sponsor may, under State law, jointly implement "full opportunity" admission plans based on an agreement that "full opportunity" admission into appropriate programs of the college will be open:

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. (Education Law, Section 6304.1(a)(i))

Furthermore, admission to the college is "based on the qualifications of the applicant. . . without regard to race, color, sex, age, religion, creed, or national origin." The college publishes "admission procedures so that all applicants may know of the policies, standards and admission requirements of the institution." (Code, Section 605.2)

These nondiscriminatory requirements of the Code of Standards comply with State and Federal law. The condition of handicap alone may not be used to deny admission to an educational program.

Admission to part-time degree study is possible at all community colleges, with 12 credits or more marking the cut-off point for designation as a full-time student. Some colleges have established early admission programs for currently-enrolled high

school students who, under certain conditions, may take credit courses at the college. Cross-registration of students with other colleges, both public and private, follows State University's guidelines on this matter.

A number of community colleges participate in the activities of State University's Applications Processing Center which provides University-wide application receipt and handling. Details on how to enroll in the community college should be set forth in the college's catalog, along with requirements for admission with advanced standing, taking proficiency tests, and obtaining credit for learning gained from life experiences.

Details of all financial aid programs available at the college should be outlined in the college's catalog. Also, the standards of academic progress necessary for students to maintain eligibility for certain State and Federal financial aid awards must be included.

7.3. Retention and Dismissal Policies and Practices

All community colleges have carefully devised systems of grading student work, calculating cumulative grade point averages, and the standards applicable to academic probation. Academic probation may include constraints upon a student's extracurricular activities with an intent to encourage greater effort to meet the required academic standards of success. Trustees may not need to know all the intricacies of these academic procedures, but they should be aware of their impact on student learning and upon student withdrawal or dismissal from the college.

7.4. Graduation Requirements

The authorization to confer degrees comes from the State Education Department and the Board of Regents at the time the degree program is registered, after approval by the SUNY Trustees. The faculty and college administration recommend the candidates for the Associate in Arts, Associate in Science, Associate in Applied Science and Associate in Occupational Studies degrees and for certificates. Requirements for all degrees must be spelled out in the college catalog.

The trustees must "provide for the awarding of certificates and diplomas, and the conferring of appropriate degrees on the recommendation of the president and the faculty." (Code, Section 604.2)

7.5. Student Clubs, Organizations, Activity Fees and Publications

Most community colleges have student government organizations with constitutions approved by the local trustees. Student clubs are officially established by the student government and

can receive support from student activity funds to provide cultural, athletic, and social activities as an adjunct to the formal educational process.

Student activity fees are approved by the trustees and collected by the college. A student government budget allocates the funds to the student clubs and organizations after approval by the college. Trustees should be aware of the following:

Athletics. Intercollegiate athletics under Title IX are required to be nondiscriminatory on the basis of sex. Separate teams for members of each sex are permitted in interscholastic, intercollegiate, club or intramural athletics if the selection of the teams is based on competitive skill or the activity is a "contact sport" such as hockey, football or basketball. Equipment, supplies, training facilities, services, and compensation of coaches are the kinds of things that must be examined in determining if equal opportunity exists in athletic programs.

Publications. Most student publications generally enjoy freedom of the press status. Faculty advisors are expected to promote impartial and balanced reporting by student newspaper editors. The conventions of decency and care in not publishing libelous material need to be followed. Trustees should know what publications are being produced by students.

Affiliation of local student organizations with national organizations. This kind of affiliation is permitted by the State University (sororities and fraternities), provided that membership in the national organization is not restrictive on the basis of race, creed, national origin, sex, age, or disability. Local boards may or may not wish to charter these organizations on their campuses.

7.6. Counseling, Health and Other Student Services

Under the Full Opportunity Law, the board of trustees and local sponsor are required to "provide for adequate programs of remediation, instruction and counselling to meet the needs of all students to be served by the college." (Education Law, Section 6304.1(a)(iv))

Extensive counseling and advisement services to full- and part-time students have been widely established, helping students with personal and educational problems and the selection of courses needed to meet degree requirements.

Many boards of trustees have also approved the establishment of health services, child care centers, orientation programs for new students and their parents, and special services for the disabled.

All of these items should be set forth in student handbooks and related documents for the orientation and guidance of students attending the college.

7.7. Confidentiality of Student Records

Both the State University of New York and the Commissioner of Education require that academic records of all students be kept permanently. Under the Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), former and current student records may not be released without student consent, and students have the right to review their educational records. Policies on reviewing folders, for challenging and, if necessary, correcting entries, and restrictions on the release of personally-identifiable records are developed by the college for approval by the trustees.

Directory information relating to students can only be released if students are informed of the categories of information to be disclosed and the students themselves have the opportunity to withhold permission. This restriction does not apply to intra-campus reporting of student data to the State University of New York, nor does it apply to agencies and individuals authorized by law to review student records.

7.8. Maintenance of Public Order

Every board of trustees is required by the State of New York's Education Law to have available in the president's office a prepared statement on the maintenance of order on campus. The statement, which defines the nature of a disruption and the conduct that is prohibited, should be published in the student handbook, and also in the faculty handbook for the information of all instructional staff. A procedure is provided for students who are charged with violations and are subject to disciplinary actions.

7.9. Alumni Association

Most boards of trustees have approved and otherwise encouraged the establishment of alumni associations. Graduates of degree and certificate programs, and students who leave after completing a given number of credits are eligible for alumni association membership at most community college campuses. The activities of these associations include reunions, newsletters, award dinners, and efforts to raise funds for special purposes of the college. Some scholarships may be awarded to graduating students to help them continue their education. Alumni associations, which can provide community and fiscal support for the college, are becoming a growing resource of community colleges. Trustees are encouraged to help this development.

7.10. Alcoholic Beverages on Campus

Most community college trustees have established policies governing the use of alcoholic beverages on campus. These policies generally provide an application procedure for the serving of alcoholic beverages at college events. The places where alcoholic beverages may be served are stated, and a joint staff/student advisory committee is often established to implement this policy.

8. FINANCIAL MANAGEMENT OF COMMUNITY COLLEGES

The boards of trustees of the community colleges have significant responsibilities for the financial and business operations of their colleges.

Trustees are concerned that adequate resources are obtained and that these resources are used effectively and efficiently in carrying out the purposes of the college. Specific requirements for dealing with the college's operating fund are found in the Education Law, in the Code of Standards and Procedures for the Administration and Operation of the Community Colleges Under the Program of the State University of New York and the State University's "Manual for Community College Business Officers." Although trustees are not normally involved with the details of the college's business operations, they need to be sufficiently cognizant of major fiscal matters in order to handle intelligently the budget authorization process of which they are a part and to comprehend the financial reports that come from carrying out the budget plans.

8.1. Relationship of the Boards of Trustees to the State University of New York and the Sponsor

The relationship of community college boards of trustees to the State University's Board of Trustees on budgetary matters is a close one. Standards and regulations prescribed by the State University Trustees must include provisions for financing the capital costs and operating costs of the community colleges. The Law also states that the Code of Standards developed by State University 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...and systems of accounts for use by the boards of trustees and the local sponsors of the community colleges.
(Education Law, Section 6304.1(b)(iv))

Thus, the general instructions for budget development at community colleges come to them from the State University. This is often with the prior approval by the Division of the Budget of

the State of New York of the schedules and other formats involved.

The trustees of community colleges also have a major fiscal relationship with their local sponsors. This is because of the fact that budgets must also be approved by the sponsor which is a major revenue source for the college.

8.2. Preparation and Review of Budgets

8.2.1. Preliminary Budget

Community college budget-making begins with the submission of preliminary operating budget requests to the State University in July or August of each year. This is done at a time when the annual budget operations of the community colleges are coming to a close and when the community college's upcoming budget is being finalized following action on the Aid to Localities Budget by the State Legislature. The Aid to Localities Budget contains the State aid appropriations for the community colleges. The data contained in the preliminary budget must be reviewed by the college's trustees because of its impact on future financial planning. In fact, the Code of Standards developed by State University requires that:

The preliminary college operating budget estimate shall have been approved by the college trustees and shall be accompanied by evidence of such approval. (Code, Section 602.2)

The data from the preliminary budgets provide the basis for developing the initial State aid operating appropriation request of the State University for its community colleges.

8.2.2. Operating Budget

Trustees need to be familiar with the nature of the college's annual operating budget. Operating budgets for each community college are developed at the campus level according to prescribed "standards and formats" that include estimating disbursements of anticipated income and appropriations requested to meet operating expenses. Updated versions of all schedules and formats needed to develop the operating budget are received from the State University annually and completed by the college's staff.

A. Revenue Side

The annual funding formula used to develop State appropriations for the community colleges for inclusion in their operating budgets on the revenue side is a pivotal factor in the budget development process.

State Aid. Financial assistance for community college operating costs is largely FTE enrollment driven. State aid funding is often changed to include new incentives or programs. Trustees should expect periodic briefing from their president on the current formula for State aid.

Student Tuition and Fees. Total student tuition and fees may not exceed more than one-third of the total amount of operating costs. The State University also places a cap on community college tuition so that it does not exceed the tuition at the lower-division, State-operated, four-year institutions. Boards of trustees are required to approve all tuition charges imposed at the college, plus fees such as parking fees, library fees, etc. Since the total amount of tuition expected is contingent upon enrollment, the enrollment estimates developed by the campus as part of the State University enrollment plan are a crucial part of budget planning. Trustees should know what projections the college is making in this process.

Sponsor Support. The financial support given the college's operating budget by the local sponsor is the amount required after student tuition, chargebacks, State aid, and other offsetting income has been determined. The sponsor's contribution is required by the Education Law to be "four-fifteenths of the operating costs, or so much as may be necessary." It is made available to the colleges by local appropriations from general revenue or from funds derived from tax levies earmarked in part or whole for such purposes. County appropriations for community college's operating costs are a "purpose of the county" and hence covered by local taxation.

Chargebacks. Operating and capital chargeback payments are paid by the county of residence for nonresident students enrolled in a community college's State-aided instructional program. The amount of the chargebacks is set by provisions in the Code of Standards.

B. Expenditure Side

The expenditure side of the budget is an estimated breakdown of the appropriations anticipated, giving the function for which they will be used and the objects of the expense. The functions are:

- Instruction
- Organized Activities
- Sponsored Research
- Extension and Public Service
- Libraries
- Student Services
- Maintenance and Operation of the Plant
- General Administration
- General Institutional Services
- Employee Benefits

Within each of the categories, the objects of expense are: personnel services; equipment; contractual expenses; payments to consortia; and employee benefits.

The budget's single-page overview gives the previous year's budget and the proposed budget with both the dollar and the percentage differences for each function and object. It also gives the percentage distribution of the total budget among all of the functions and objects of expense. Thus, it is a particularly useful summary for trustee purposes.

C. The Approval of the Budget

The college's operating budget under the title "Operating Budget Requests for State Aid," must be approved by the community college's board of trustees before submission to the State University.

The budget of each community college must also be approved by the local sponsor. Evidence of the approvals in the form of resolutions are submitted to the State University by the colleges on behalf of the boards of trustees. If the State University or the local sponsor fail to approve a community college budget, as submitted by the college trustees, the Code of Standards permits college trustees to:

request the Chancellor of State University or his designee to arrange for a conference to include representatives of the three bodies to produce agreement on the amount of the budget. (Code, Section 602.3(d))

8.2.3. Capital Budgets

Capital funds are usually provided jointly by the State and local sponsor, although the local sponsor may finance capital costs in full, if they opt to do so. Capital budgets require the approval of both the local sponsor and the State University Trustees. Local sponsors may authorize the issuance of bonds or notes to support capital expenditures or they may enter into an agreement with the Dormitory Authority for the financing and construction of college facilities. The college board of trustees must approve any amendment made to a capital budget prior to approval by the sponsor and the State University Trustees.

Capital cost chargeback funds from nonresident students that are separately accounted for by the college can be used to reduce the sponsor's share of land costs, capital cost indebtedness, the financing of such indebtedness, and certain equipment charges under the rules and regulations of the State University.

8.3. Some Special Areas of Financial Management and Operations

Effective fiscal management processes and practices must be established and used in carrying out the approved budgetary decisions. State University's community colleges follow a uniform fiscal plan under the Education Law regarding their financial affairs.

8.3.1. Purchasing Procedures and Approval

Some boards of trustees pass resolutions on the purchase of educational equipment and supplies as approved in the budget and needed for the purposes of the college. These resolutions are prepared after the solicitation of bids in accordance with State and local laws and bidding procedures. Other boards delegate a part of their responsibility, within approved levels, to the staff.

County regulations may contain provisions regarding competitive bidding that are more restrictive than the State's statutes.

8.3.2. Authorization of Travel for College Purposes

Although trustees authorize expenditures for travel in the budget, the day-to-day handling of travel requests for college purposes and of refunds to an individual of money expended usually remains with the college's administration.

8.3.3. Acceptance of Gifts and Grants

Community colleges are empowered through their boards of trustees, under the Education Law, 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. (Education Law, Section 6304.2)

No contribution may be accepted by the trustees or the college that distinguishes any individual or group on the basis of sex, age, race, color, religion, creed, or national origin. The trustees customarily authorize the sending of "thank you" letters to all donors of gifts.

8.4. Accounting, Reporting and Analysis

Accounting, reporting, auditing, and analysis are management control processes that follow from the budgetary process itself. They are not, however, processes undertaken by the trustees themselves. Trustees should know enough about them to understand fully the reports that arise from the budgets they have approved.

8.4.1. Accounting Requirements

The accounting practices measure and record the operations of the college as it carries out its budget plan. The State Comptroller's Uniform System of Accounts for Community Colleges is required to be used for this purpose.

8.4.2. Reporting Requirements

Actual reporting and analysis of the operations of each community college are done at a number of levels. Annual financial reports are submitted by the community colleges to the State Comptroller, with copies to the State University, after the college's books are closed. Summary financial reports of the entire community college system are prepared by the State Comptroller. State University's Controller also compiles summary reports of State University's community colleges and, although these are available for trustee information, it is expected that trustees will probably be more interested in their own college's financial report that is prepared according to the Comptroller's schedules and formats. Trustees ought to be thoroughly familiar with this report. They should be prepared to ask the college for simple and understandable explanations of it and how, for example, its end-of-year data compares with the amounts budgeted in the various "program" categories. In this way it is possible for trustees to reconcile the costs of the major functions of the college and so better understand the levels of funding they will be asked to approve in the next budget process.

8.4.3. Auditing Procedures

Auditing is part of the process of financial reporting and analysis.

Some community colleges have their own internal auditors to see that management control systems are working and that the system of internal control is preventing fraud, abuse, waste and error.

Each Board of Trustees is, however, required by law to:

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.
(Education Law, Section 6304.6)

This is clarified in the Code of Standards where auditing "annually by a certified public independent accounting firm or the agency of the sponsor responsible for the performance of audits" is made mandatory. (Code, Section 602.1(c)) Trustees should examine carefully all CPA audits done for them and the management letters dealing with their college's internal control

system. They should satisfy themselves that the CPA is indeed independently chosen and be prepared to approve the use of other CPA firms from time to time.

The State Comptroller audits community colleges about every three years in conformance with General Municipal Law. This is a compliance and performance audit emphasizing conformance with State mandates requiring calculations for the payment of State aid requests. Separate audits of student financial assistance under the TAP and EOP programs are also made. Trustees should know the Federal auditors conduct audits of Federal financial awards given to students.

8.5. Treasury Management

8.5.1. Petty Cash Funds

Boards of trustees may authorize the treasurer to establish petty cash funds, within legal limits. Education Law requires that lists of expenditures made from these funds be made available for review at board meetings. The internal management control of these funds is a responsibility of the college administration.

8.5.2. Banking Procedures

Boards of trustees are required to use full service banks for the deposit of their money and securities. A surety bond, payable to the college and executed by a surety company covering the deposits with agreed upon interest, may be required of the bank used by the college. Unmatured State or Federal securities may also be used. All of this should be determined by board action.

8.5.3. Insurance

The provision of adequate insurance coverage of all kinds is of particular concern to the trustees. The practice of the local sponsor in regard to insurance coverage may be controlling; but if the sponsor is a self-insurer, only compensation or losses incurred by the college can be included in the college's operating budget.

8.5.4. Payroll

Preparation of the payroll is an administrative function. Paychecks require the treasurer's signature as does the payroll itself, certifying its correctness. The sponsor or the college's administration is responsible for the payroll's preparation.

8.5.5. Educational Foundations

A number of community colleges have educational foundations to handle funds received from private donors, alumni associations

and other bodies for the special purposes of the college. Foundations can be appropriate vehicles for establishing productive relationships with the local community. Foundation support of programs and goals, consistent with the plans and policies of the college, lends fiscal flexibility to the college at a time of tight budgeting. However, foundation funds may not be used as a substitute for governmental support of the college. The operations of foundations must be consistent with the Federal Internal Revenue Code and other Federal and State laws and regulations affecting private charitable organizations. Generally Accepted Accounting Principles (GAAP) are followed and books must be audited by an independent auditor.

9. BUSINESS MANAGEMENT RELATING TO BUILDINGS AND GROUNDS

The State Education Law entrusts to the boards of trustees of the community colleges "the care, custody, control and management of the lands, grounds, buildings, facilities and equipment used for the purposes of such colleges"... and also "the power to protect, preserve and improve the same." (Educational Law, Section 6306.5)

This authority remains with the trustees although legal title to a college's land and buildings is held by the sponsor. College real property must be held by the sponsor in trust for the uses and purposes of the college. Some topics that fall under this concept of stewardship are outlined below.

9.1. Use of Facilities by Outside Organizations

Trustees establish policies regulating the use of college facilities by outside organizations for recreation, research, consultation, and other activities that are in keeping with the educational mission of the community college. These are all noncommercial uses. A college-developed schedule of charges for the use of college facilities and equipment should be approved by the trustees. The use of college facilities for profit-making activities by outside groups is generally not in keeping with the college's mission and any such proposed use must be carefully reviewed by the local trustees. However, it is customary for the trustees to permit nonprofit organizations to use college facilities and equipment for programs and meetings of community interest. This becomes a public service contribution of the college to the work of bona fide nonprofit organizations of the community.

9.2. Security

The proper security of buildings and equipment is a matter of trustee concern. Some community colleges hire their own college security personnel and others contract for this service. Security officers have the power to issue traffic and parking tickets but do not have the power of peace officers under the Criminal Procedure Law.

9.3. Safety and OSHA Standards

As public colleges, the community colleges are covered by the conditions of the Federal Occupational Safety and Health Act and applicable New York State Laws. Employers are required to comply with safety and health standards in the workplace, free of hazards. The New York State Department of Labor may inspect any premise occupied by public employees if there is reason to believe that OSHA standards of safety and health are being violated.

9.4. Accessibility

All programs of the college need to be accessible to the handicapped. Most boards of trustees have already authorized many renovations to existing buildings so as to provide for program accessibility. Trustees should be certain that all such alterations are maintained in proper condition.

10. LEGAL ISSUES

It is very important that trustees be informed and knowledgeable about legal matters. Knowing when to consult a lawyer may sometimes be more important than knowing whom to consult. Thus, whenever doubt arises as to the propriety of any proposed action or when the filing of any suit against the college becomes known, the board's chair or president should consult with the college's attorney.

10.1. The Availability of Counsel

The following sources of legal advice are available:

a. The Sponsor's Attorney

The sponsor's attorney is primarily responsible for representing the college in all lawsuits. The attorney will defend the college, its trustees, its officers and employees in all lawsuits relating to college activities.

b. Counsel to the Trustees

Some boards of trustees retain separate college legal counsel. Trustees can also rely upon the sponsor's legal office for help. Retaining any legal counsel, other than the sponsor's attorney, requires permission of the sponsor.

c. Other Attorneys

Attorneys may be used for special purposes with the approval of the sponsor. Some insurance companies require that their own lawyers be used to represent the college's case. Labor lawyers are hired sometimes for collective bargaining purposes.

d. State University Office of University Counsel and Legal Affairs

The State University Office of University Counsel and Legal Affairs is well versed in legal matters related to higher education. This Office will defer in many instances to the college's attorney, who has primary responsibility for legal representation of the college. State University's legal staff handles those matters that fall within the purview of the Education Law requirements and State University's policies and regulations, particularly when academic, fiscal and other matters of State-wide impact are involved.

10.2. Defense and Indemnification of Trustees

The Education Law provides defense and indemnification protection to community college trustees, officers and employees individually while they are performing their official duties. However, for trustees to benefit from the Law's provisions, it is essential that there be full consultation with the sponsor's legal counsel regarding the intricacies of this Law and that notice be given to the sponsor's attorney within five days, together with a copy of any legal papers received by a trustee.

November 1990

