

CHAPTER 4

**POLICIES AND PROCEDURES PERTAINING  
STRICTLY TO COUNTY COMMUNITY  
COLLEGES**

**Authority**

N.J.S.A. 18A-3.1, N.J.S.A. 18A:64A-7.

**Source and Effective Date**

R.1995 d.334, effective May 26, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 4, Policies and Procedures Pertaining Strictly to County Community Colleges, expires on October 30, 1996.

**Chapter Historical Note**

Chapter 4, Policies and Procedures Pertaining Strictly to County Community Colleges, became effective prior to September 1, 1969. Subchapter 6 became effective November 29, 1972 as R.1972 d.240. See: 5 N.J.R. 9(a). Amendments became effective March 22, 1973 as R.1973 d.79. See: 5 N.J.R. 42(d), 5 N.J.R. 109(a). Subsequent amendments became effective June 30, 1973 as R.1973 d.160. See: 5 N.J.R. 143(c), 5 N.J.R. 223(d). Subchapter 6 was readopted without change and were refiled July 27, 1973 as R.1973 d.209. See: 5 N.J.R. 143(d), 5 N.J.R. 265(b). Subchapters 1 and 2 became effective October 3, 1973 as R.1973 d.287. See: 5 N.J.R. 223(c), 5 N.J.R. 376(b). Subchapter 7 became effective July 31, 1974 as R.1974 d.210. See: 6 N.J.R. 11(d), 6 N.J.R. 345(d). Further amendments became effective January 25, 1977 as R.1977 d.15. See: 9 N.J.R. 81(d). Further amendments became effective December 23, 1977 as R.1977 d.483. See: 9 N.J.R. 519(f), 10 N.J.R. 63(a). Further amendments became effective February 17, 1978 as R.1978 d.53. See: 10 N.J.R. 12(d), 10 N.J.R. 105(c). Further amendments became effective July 27, 1978 as R.1978 d.250. See: 10 N.J.R. 250(b), 10 N.J.R. 386(b). Further amendments became effective July 9, 1981 as R.1981 d.215. See: 13 N.J.R. 218(a), 13 N.J.R. 412(a). Further amendments became effective August 6, 1981 as R.1981 d.271. See: 13 N.J.R. 271(a), 13 N.J.R. 496(a). Further amendments became effective November 2, 1981 as R.1981 d.391. See: 13 N.J.R. 495(d), 13 N.J.R. 758(a). Further amendments became effective April 5, 1982 as R.1982 d.100. See: 14 N.J.R. 26(b), 14 N.J.R. 343(a). Further amendments became effective July 19, 1982 as R.1982 d.218. See: 14 N.J.R. 318(a), 14 N.J.R. 757(a). Further amendments became effective October 4, 1982 as R.1982 d.335. See: 14 N.J.R. 690(b), 14 N.J.R. 1099(a). Subchapter 5 and further amendments to the chapter became effective May 16, 1983 as R.1983 d.146. See: 15 N.J.R. 128(a), 15 N.J.R. 805(b). Subchapter 8 and further amendments to the chapter became effective March 19, 1984 as R.1984 d.80. See: 15 N.J.R. 1916(a), 16 N.J.R. 548(a). Further amendments became effective June 18, 1984 as R.1984 d.236. See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b). Further amendments became effective January 1, 1985 as R.1984 d.77. See: 15 N.J.R. 1070(b), 16 N.J.R. 548(b). This chapter was readopted effective October 30, 1986. (Most sections to the chapter were substantially amended; Subchapters repealed were Subchapter 2 "Standards for New Jersey Community Colleges" and Subchapter 4 "Uniform Manual of Accounts for State Supported County Colleges"; sections repealed were 1.10, 1.11, 1.13, 3.3, 3.4, 3.8; new rules were 1.4, 1.14, and 1.15. The amendments, repeals and new rules became effective December 1, 1986) as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a). Chapter 4 was readopted, with 9:4-1.9 recodified to 9A:7-1.1 and 9:4-5 through 9:4-7 recodified to 9A:7-2 through 9A:7-4., effective May 26, 1995, with amendments effective June 19, 1995. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

CHAPTER TABLE OF CONTENTS

**SUBCHAPTER 1. REGULATIONS FOR NEW JERSEY  
COMMUNITY COLLEGES**

- 9:4-1.1 Authorizations
- 9:4-1.2 Establishment
- 9:4-1.3 Organization and administration
- 9:4-1.4 Regional program admissions
- 9:4-1.5 Chargeback
- 9:4-1.6 Educational programs
- 9:4-1.7 Curriculum coordinating committee
- 9:4-1.8 Evaluation
- 9:4-1.9 (Reserved)
- 9:4-1.10 Standards for presidential searches
- 9:4-1.11 (Reserved)
- 9:4-1.12 Physical facilities
- 9:4-1.13 (Reserved)
- 9:4-1.14 Admission requirements
- 9:4-1.15 Special sessions

**SUBCHAPTER 2. CODE OF ETHICS FOR COUNTY  
COMMUNITY COLLEGES AND COMMISSION  
BOARDS OF TRUSTEES**

- 9:4-2.1 Purpose
- 9:4-2.2 Application
- 9:4-2.3 Definitions
- 9:4-2.4 Code of ethics
- 9:4-2.5 Violations

**SUBCHAPTER 3. AUDITING AND ACCOUNTING  
STANDARDS FOR COUNTY COLLEGES**

- 9:4-3.1 Accounting and finances
- 9:4-3.2 Submission of budgets
- 9:4-3.3 (Reserved)
- 9:4-3.4 (Reserved)
- 9:4-3.5 Interfund expenditures, transfers and balances
- 9:4-3.6 Consolidated reports
- 9:4-3.7 (Reserved)
- 9:4-3.8 (Reserved)
- 9:4-3.9 Appropriated resources
- 9:4-3.10 State support
- 9:4-3.11 Calculation of full-time equivalent enrollments (FTE's)
- 9:4-3.12 Noncredit courses
- 9:4-3.13 Residency
- 9:4-3.14 Enrollment data
- 9:4-3.15 Audit rules
- 9:4-3.16 Educational and general expenditure base defined
- 9:4-3.17 through 9:4-3.88 (Reserved)

**SUBCHAPTER 4. (RESERVED)**

**SUBCHAPTER 5. (RESERVED)**

**SUBCHAPTER 6. (RESERVED)**

**SUBCHAPTER 7. (RESERVED)**

**SUBCHAPTER 8. RULES GOVERNING THE COUNTY  
COLLEGE CONTRACTS LAW**

- 9:4-8.1 Extraordinary unspecifiable services and products
- 9:4-8.2 Accounting procedures for contracts which do not coincide with a fiscal year
- 9:4-8.3 Contracts for food service management and food supplies
- 9:4-8.4 Joint purchasing agreements

## SUBCHAPTER 1. REGULATIONS FOR NEW JERSEY COMMUNITY COLLEGES

### 9:4-1.1 Authorizations

(a) The establishment and operations of community colleges in New Jersey is authorized principally by chapter 64A (titled "County Colleges") of the Education Law of New Jersey, as revised N.J.S.A. 18A:64A-1 through 78 and other relevant statutes of the Education Law of New Jersey (Title 18A).

(b) The regulations of the Board of Higher Education shall establish general policy for the governance of community colleges, shall coordinate the activities of the individual institutions within the system of Higher Education of New Jersey and shall maintain general financial oversight of the community colleges in conformance with N.J.S.A. 18A:3-1 through 19.

(c) The community colleges shall also be governed by the provisions of N.J.A.C. 9:1-1 et seq., Licensing and Degree Approval Standards. In the event of a conflict between the provisions of this chapter and the provisions of N.J.A.C. 9:1-1 et seq., the regulations under this chapter shall govern.

### 9:4-1.2 Establishment

(a) An application to establish a community college shall be filed with the Chancellor of Higher Education. The application shall contain such information as the Chancellor may require.

(b) Authorization to open a community college shall constitute licensure for a period of two years. No later than the third semester of operation each community college shall be visited by the Chancellor of Higher Education or his designated representatives for the purposes of granting initial state licensure. Renewal of licensure shall be for a period not to exceed three years. With respect to institutions accredited by the Middle States Association of Colleges and Secondary Schools, the Board of Higher Education will ordinarily accept such accreditation as sufficient for the continuance of licensure and approval, provided that the institution shall submit to the Chancellor within 30 days of its receipt of the letter of the Middle States Association informing the institution of its accreditation status and provided that the representatives of the Chancellor working with the Middle States team participate fully in accreditation visits, excluding voting privileges with respect to recommendations related to accreditation status. The Chancellor may proceed separately with respect to an institution and recommend to the Board with respect to continuation of institutional license. The Board of Higher Education may direct the Chancellor at any time to proceed with respect to any particular institution as though that institution were not accredited by the Middle States Association.

As amended, R.1981 d.391, effective November 2, 1981.

See: 13 N.J.R. 495(d), 13 N.J.R. 758(a).

(a) and (b) deleted.

(c) recodified as (a).

(d)-(h) renumbered as (b)-(f).

### Case Notes

Community college president and board of trustees were acting under color of State law in discharging faculty member; faculty member's termination found to be in violation of First Amendment rights; award of damages (citing former rule). *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (App.Div.1976).

### 9:4-1.3 Organization and administration

(a) The name of the community college shall be appropriate to its function and scope and shall be approved by the Board of Higher Education. The name approved shall not be changed without prior consent of the Board of Higher Education.

(b) Governance of a community college shall be vested in a board of trustees, appointed as required by law. No county college board of trustee member appointed by the county may be sworn into office unless that individual was nominated by the county trustee search committee for consideration by the appointing authority. The board shall be broadly representative of the community to be served. The names of the officers and members of each community college board of trustees shall be filed annually with the Chancellor of Higher Education on the first day of December.

(c) The board of trustees shall meet and reorganize annually during the month of November and shall schedule at least nine additional meetings a year. The board may meet, at the call of its chairman, or of any four board members, at any time that the business of the board may require.

(d) The board of trustees shall develop and maintain by-laws which give direction to the internal operations of the board of trustees.

(e) A copy of the minutes of every public meeting of a board of trustees shall be filed with the Chancellor of Higher Education within 30 days of the meeting.

(f) The board of trustees of each community college shall file with the Chancellor of Higher Education, and incorporate in the official college catalog, a statement of philosophy outlining the purposes and objectives of the community college and setting forth programs consistent with the definition and legal functions of the community college. Among the purposes and objectives shall be the following:

1. To make education accessible to all high school graduates, those holding a GED certificate, or other persons 18 years of age and older in their service boundary areas, within the limits of available resources.

2. To provide full-time and part-time students with diversified programs for students leading to appropriately varied educational and occupational goals, including transfer to other institutions and entry at various career levels of employment.

3. To provide a diversified program of community services, in addition to regularly scheduled day and evening classes, designed to meet the educational, social, cultural and recreational needs of all residents of the county or service boundary area.

4. To provide supplementary education and training for those in the work force who seek to upgrade their capabilities or to develop new skills.

5. To provide general education to facilitate the development of the broadly educated person, one who is able to think effectively, communicate thoughts, make relevant judgments and distinguish among values.

6. To provide opportunities for entering or continuing higher education for those with scholastic deficiencies who show promise of success.

7. To provide counseling, guidance and academic advisement to assist students in self-appraisal and self-determination of goals and objectives.

(g) The board of trustees should maintain a plan for action in the case of disruption of its normal activities.

(h) Candidates for president to be considered by the board should have appropriate academic credentials, previous administrative experience and an understanding of, and a commitment to the philosophy and mission of a community college. Previous teaching experience, as well as administrative experience at the community college level, is highly desirable.

(i) The president shall assure the relevance of the college programs and services to the service boundary area and conformance to Statewide regional areas of specialization.

Amended by R.1990 d.153, effective March 5, 1990.  
See: 21 N.J.R. 1269(a), 22 N.J.R. 841(c).

In (b): added language, "No county college ... by the appointing authority".

#### 9:4-1.4 Regional program admissions

Admissions criteria for a particular program of study which has been designated by the Board of Higher Education as a regional program shall not consider an applicant's county of residence nor shall a community college limit the number of out-of-county residents it allows into a regional program which it sponsors.

#### Historical Note

Rules concerning accounting and finances, which were filed and became effective on October 3, 1973 as R.1973 d.287 (see: 5 N.J.R. 223(c), 5 N.J.R. 376(b)), were formerly codified in this section. These rules were amended and recodified as N.J.A.C. 9:4-3.1 by R.1982 d.100,

effective April 5, 1982. See: 14 N.J.R. 26(b), 14 N.J.R. 343(a). New rule effective December 1, 1986 as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

#### 9:4-1.5 Chargeback

(a) A student residing in a county not sponsoring a community or county-assisted college shall be eligible to receive a certificate of residence from the chief fiscal officer of the county, upon presentation of evidence of admission from a community or county-assisted college.

(b) A student residing in a county which sponsors a community or county-assisted college and who desires to attend an out-of-county college of the aforementioned type, pursuant to criteria of N.J.S.A. 18A:64A-23, shall first receive certification of eligibility for chargeback assistance from the aforementioned home-county college. This certification will be executed upon a standard Department of Higher Education form.

(c) Upon acceptance by an out-of-county community or county-assisted college, the student shall present evidence of such acceptance with the certification of eligibility from the home-county college to the chief fiscal officer of his county of residence and request certification of residence.

(d) The issuance of a certificate of residence by the home county's chief fiscal officer signifies the county's agreement to pay its share of the operating expenses of the receiving community or county-assisted college, as provided in the aforementioned law, and by criteria and procedures provided for within this section.

(e) The student shall present said certification of residence to the admitting college, and shall subsequently be required to pay the prevailing in-county tuition rate, and such other fees as may be required of in-county students.

(f) A student attending an out-of-county community or county-assisted college on a chargeback basis because his local county or county-assisted college does not offer a particular program of study shall be permitted to register for and attend, on a chargeback basis, all course work necessary to satisfy the requirements of such a program of study. This requirement shall apply whether or not any portion of that course work is offered at the student's local county or county-assisted college.

(g) For the purpose of chargeback, Comprehensive Support Centers for Learning Disabled Students, New Jersey Centers for Collegiate Deaf Education and College Resource Centers for Visually Impaired Students designated by the Chancellor, shall be considered eligible programs of study. Out-of-county students, who meet the eligibility requirements and are accepted into direct service programs in a Center located at a community or county-assisted college, shall be permitted to register for and attend, on a chargeback basis, all course work necessary to satisfy the

requirements of a program of study approved by the Director of the Center in which the student is enrolled.

(h) Students required to enroll in a comprehensive remedial program, as defined by the Chancellor, must take that full sequence of remediation in the home county with the exception of students enrolled in Comprehensive Support Centers for Learning Disabled Students, New Jersey Centers for Collegiate Deaf Education or College Resource Centers for Visually Impaired Students. Students enrolled in the programs of these Centers may complete required comprehensive remedial programs at the Centers. Each academic year, the Chancellor shall determine and distribute to the county colleges a definition of comprehensive remedial program for such students which shall be based upon severe deficiencies in reading, writing and mathematics as evidenced by New Jersey College Basic Skill Placement Tests results. After the successful completion of such remediation, students will be eligible to take the intended courses of study on a chargeback basis at the out-of-county institution.

(i) Students not required to enroll in a comprehensive remedial program as defined in (h) above may take such remediation as part of the program of study at the out-of-county institution on a chargeback basis.

(j) A student shall be eligible to attend an out-of-county community or county-assisted college on a chargeback basis if the student's local county or county-assisted college cannot admit the student into a particular course or program of study desired by the student due to lack of available space in the course or program of study which continue or will continue over one year from the initial date of attempted admission.

(k) The college accepting such out-of-county students shall charge the sending counties according to a system of differential chargeback rates as determined by the Board of Higher Education, calculating the amount to be charged in the following manner:

1. The total number of current year's estimated resident credit-hour and equivalent credit-hour enrollments and divide by 30 to obtain the full-time equivalent student enrollments (resident FTE's).

- i. Equivalent credit hours for State fundable non-credit course offerings shall be calculated by dividing total non-credit course contact hours by 15.

- ii. Resident credit-hour and equivalent credit-hour enrollments are defined as all county resident enrollments which are eligible for State funding pursuant to N.J.A.C. 9:4-3.10 and 9:4-3.12.

2. Divide the sum of all resident FTE's from (k)1 above into the current county operating appropriation to determine the base chargeback rate.

3. Multiply the sending county's eligible credit-hour and equivalent credit-hour enrollments for each differential funding group by their respective differential ratios, and total. Divide the total by 30 to determine the sending county's eligible weighted FTE's.

4. Multiply the base chargeback rate times the sending county's eligible weighted FTE's to determine the charge to the sending county.

5. The receiving college shall adjust the charge to sending counties when audited actual credit-hour and equivalent credit-hour enrollments become available from the annual enrollment audit. The calculations in (k)1 to 4 above shall be made utilizing the audited actual credit-hour and equivalent credit-hour enrollments divided by 30 to equal FTE's and adjusted county operating appropriation, if applicable. The difference between this adjusted chargeback amount and the previous State Fiscal Year's chargeback amount to each sending county shall be added to or subtracted from the following year's initial chargeback billing to said sending counties, and be so identified upon that bill.

(l) Each receiving college shall provide to the sending counties:

1. Certification of each chargeback student's current semester's enrollment by course and by program on its chargeback billing;

2. Certification of the previous year's audited resident enrollments and audited level of county support;

3. Current year course catalog.

(m) The receiving college may expend the \$1.00 per credit hour collected for minor capital purposes as part of its chargeback billing subject to the following limitations:

1. Expenditures must be for capital items as defined in Chapter 5 of College and University Business Administration (1982) and revisions thereof.

2. The total cost of any such capital item shall not exceed \$50,000.

As amended, R.1982 d.100, eff. April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

(e)1: deleted "from ... request" and "taken ... three", and added "as contained ... Education."

As amended, R.1982 d.335, eff. October 4, 1982.

See: 14 N.J.R. 690(b), 14 N.J.R. 1099(a).

Added (f)-(h).

As amended, R.1984 d.78, eff. March 19, 1984.

See: 16 N.J.R. 117(a), 16 N.J.R. 547(a).

Amended by R.1987 d.152, effective April 6, 1987.

See: 19 N.J.R. 14(a), 19 N.J.R. 515(a).

New (g)-(h).

Amended by R.1988 d.519, effective November 7, 1988.

See: 20 N.J.R. 1330(a), 20 N.J.R. 2771(b).

Added new (g) and added text to (h) "with the exception ...". Renumbered (g)-(l) as (h)-(m).

**9:4-1.6 Educational programs**

(a) Each community college shall be authorized to award associate in arts degree, associate in science degrees, associate in applied science degrees, certificates and diplomas to students who shall have completed approved programs:

1. The associate in art (A.A.) degree is to be awarded to those who successfully complete programs which emphasize the liberal arts, humanities, and other fine and performing arts. Such programs are transfer oriented.

2. The associate in science (A.S.) degree is to be awarded to those who successfully complete programs which emphasize mathematics, the biological or physical sciences, business and allied health programs intended as prebaccalaureate work. Such programs are transfer oriented.

3. The associate in applied science (A.A.S.) degree is to be awarded to those who successfully complete programs which emphasize preparation in the applied arts and sciences for careers, typically at the technical or semiprofessional level. Such programs are designed to prepare students for job entry at the completion of the two-year program, notwithstanding any articulation agreements with four-year programs that may be in effect for a particular A.A.S. program.

(b) The regular academic year shall fall within a ten-month period and shall include a minimum of 30 weeks, or its equivalent in duration, of regularly scheduled student-faculty instructional activity, exclusive of final examination periods. Holidays and summer sessions are to be excluded.

(c) An associate degree program shall be a course of study which requires not less than 60 nor more than 66 semester hours, or the equivalent, except when required for licensure or accreditation by a recognized agency or when required for transfer of full junior status, where applicable. In addition, exceptions may be made above the maximum when requested by the institution and approved by the curriculum coordinating committee. Each program shall provide for the following:

1. The demonstration of the basic skills of communication and mathematics. Basic skills courses shall not be used to satisfy the general education requirements.

2. Electives which offer opportunities for enriched general education, preprofessional education and/or competence in an appropriate occupational field.

(d) General education and other requirements for the associate degree shall include the following:

1. All programs leading to an associate degree shall include a broad distribution of courses contributing to the student's general education which emphasize the acquisition of knowledge, comprehension and evaluation of ideas, the ability to think constructively and creatively, and the capacity to communicate effectively. For the

purposes of this section, general education shall be grouped into the major categories of:

- i. Communications, defined as courses designed to enhance facility in the English language;

- ii. Mathematics and sciences, defined as courses designed to enhance mathematical and scientific conceptual understanding and application, including computer science;

- iii. Social sciences, defined as courses designed to promote social awareness, including understanding social, economic and political problems and the responsibilities of citizenship in an interdependent world; and

- iv. Humanities, defined as courses in literary, philosophical, foreign language, historical, aesthetic, or other humanistic studies to promote the understanding and transmission of values to one's own and other cultures.

2. The minimum general education requirements for each associate degree shall be as follows:

- i. For the associate in arts (A.A.) degree programs, the general education requirements shall total not less than 45 semester credit hours, or the equivalent, in an array of representative courses in each of the following categories: communications, mathematics and sciences, social sciences, and humanities.

- ii. For the associate in science (A.S.) degree programs, the general education requirements shall total not less than 30 semester credit hours, or the equivalent, in an array of representative courses from each of the following categories: communications, mathematics and sciences, social sciences, and humanities.

- iii. For the associate in arts (A.A.) and associate in science (A.S.) degree programs, no student shall accumulate more than 16 of the required general education credits in any one discipline, except in the fine and performing arts where the curriculum can demonstrate specific articulation to a program or programs at senior institutions.

- iv. For the associate in applied science (A.A.S.) degree programs, the general education requirements shall total not less than 20 semester credit hours, or the equivalent, in an array of representative courses from the communications category and at least one course from each of the three following categories: mathematics and sciences, social sciences, and humanities.

3. The array of general education courses in associate in arts (A.A.) and associate in science (A.S.) curricula shall be designed to prepare the student for transfer into a baccalaureate program.

4. A general education course shall be taught only by faculty qualified in the discipline.



5. Theoretically-based physical education courses may be counted as general education if they are a requirement of the college.

(e) A certificate or diploma program shall be a course of study which, by virtue of educational content or duration, does not satisfy requirements for an associate degree program, but which is specifically designed to offer content and skill acquisition and other experience appropriate to the objectives of such a program:

1. A certificate program shall be designed as a one year program of 30-36 semester credit hours of instruction and shall include at least six, preferably nine semester credit hours of general education, with at least one communications course.

2. A diploma program shall offer at least 30 semester credit hours, which need not meet associate degree requirements and shall include at least 10 semester credit hours, or the equivalent, of general education courses.

(f) The curriculum of a community college shall be consistent with the statement of philosophy adopted by the board of trustees of the community college and shall be in accordance with regulations and standards set by the Board of Higher Education.

(g) Standards for grading programs and qualifications for graduation shall be established by each community college in accordance with existing State regulations. Each community college shall maintain up-to-date records and tabulations of grade distributions.

(h) Each community college shall file with the Chancellor of Higher Education its policies for the establishment, modification, or discontinuance of programs. Options within existing programs are not required to come under review procedures. The Chancellor of Higher Education shall be notified of proposed program changes. Programs not initiated within two years of scheduled implementation date are subject to review of authorization by the Chancellor of Higher Education.

(i) Rules concerning the awarding of degree credit for non-traditional experience include the following:

1. Board of trustees should be encouraged to adopt institutional policies to award credit for successful completion of advanced placement courses taken in high school, for successful completion of college-level examinations, or for successful performance on locally devised tests designed for this purpose. Such policies should be described in the official college catalog.

2. Any policy to award degree credit in a specific educational program should be consistent with institution-wide policies.

3. Community colleges should not normally accept credits from an institution not recognized as a full member or candidate status of a regional accrediting association, except that credit may be given for successful passage of advanced placement tests or review by an appropriate individual or committee for courses taken at non-credit institutions or work experience.

4. Upon adoption, any such policy should be filed with the Chancellor of Higher Education.

(j) Advisory committees, as appropriate, should be established for each program area proposed or offered, to assist in its development and evaluation.

As amended R.1983 d.147, effective May 16, 1983, operative September 1, 1984.

See: 15 N.J.R. 203(a), 15 N.J.R. 805(a).

In (d) added 1.i-iv and deleted old 2, and added new 2-5. In (e), deleted old 1, and added new 1.

#### 9:4-1.7 Curriculum coordinating committee

(a) A curriculum coordinating committee shall be appointed by the Council of County Colleges, with the composition of the committee and the number of members and terms of office of the members to be determined by the council. The Chancellor of Higher Education shall designate a representative to the committee, who may participate in all meetings but have no vote.

(b) The curriculum coordinating committee shall review all new curriculum program proposals in New Jersey at or below the associate degree level, and with particular regard to those which are deemed by the Chancellor of Higher Education to require regional or statewide review because of unusual circumstances, such as high cost, low enrollment characteristics or otherwise. The Board of Higher Education shall, when approving new programs or approving discontinuance of existing programs, consider recommendations transmitted through the Chancellor of Higher Education from the curriculum coordinating committee.

(c) The curriculum coordinating committee shall establish its own bylaws subject to the approval of the Council of County Colleges and appoint its own officers.

(d) The Chancellor of Higher Education shall provide regional and statewide staff planning support for the curriculum coordinating committee.

(e) Rules concerning curriculum approvals include:

1. No curricular program shall be offered without prior determination of need, established to the satisfaction of the curriculum coordinating committee.

2. New diploma programs of 36-semester-credit hours or more in length, or the equivalent, shall be submitted, first, through an appropriate subcommittee, if such exists, and second, through the curriculum coordinating committee, to the Chancellor and Board of Higher Education for approval. Such submission shall be in the form specified by the committee and approved by the Department of Higher Education.

3. Prior to initiation, new certificate programs of 36-semester-credit hours or less in length, or the equivalent, shall be submitted to the Chancellor for informational purposes.

(f) The curriculum coordinating committee shall suggest to the Chancellor and Board of Higher Education such regional specialization of program as it deems advisable together with the rationale for such recommendations concerning general curriculum offerings.

#### 9:4-1.8 Evaluation

(a) Each community college shall file with the Chancellor of Higher Education a plan for a continuous evaluation of its program and services to assure their quality and relevance.

(b) Each community college shall seek institutional accreditation by the Middle States Association of Colleges and Secondary Schools.

(c) Each community college shall file with the Chancellor of Higher Education a copy of the annual report of the president to the board of trustees, a copy of the final report submitted to the Middle States Association of Colleges and Secondary Schools for each stage of the accreditation process, the Middle States Association Accreditation report to the college, and such other reports as the Chancellor of Higher Education may from time to time require.

#### 9:4-1.9 (Reserved)

Recodified to 9A:7-1.1 by R.1995 d.334, effective June 19, 1995. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

#### 9:4-1.10 Standards for presidential searches

(a) Each county community college shall conduct any presidential search in accordance with nationally accepted procedures and standards for pre-search, search, and selection procedures including, at a minimum, the following components:

1. Assistance from, or consultation with, a nationally recognized higher education group, agency or association, at least at the inception of the search process or compliance with procedures established by the Council of County Colleges;
2. Assessment of the needs of the institution;
3. Development of criteria for the selection of a new president;
4. Creation of a search committee that, if it is to contain persons other than trustees, is broadly representative of the college, and whose purpose is to make recommendations to the board of trustees for its consideration and action;

5. Opportunity for the search committee to consult with various groups within the institutional community in establishing search criteria;

6. Public advertisement of the position of the presidency with a minimum of 60 days to respond from the first notice published in a newspaper of regional or national circulation suitable for the institution;

7. Development of a pool of qualified candidates which includes both men and women, as well as minority candidates; and

8. Interviews of at least four candidates, evaluating each in comparison to the criteria established by the college.

(b) Every county community college conducting a presidential search shall submit, to the Council of County Colleges, its plan for the search including identification of the means by which the group, agency or organization it has obtained to assist it will be involved in the process.

Repealed by R.1986 d.466, effective December 1, 1986.

See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

Section was "Students and students services".

New Rule, R.1990 d.153, effective March 5, 1990.

See: 21 N.J.R. 1269(a), 22 N.J.R. 841(c).

#### 9:4-1.11 (Reserved)

##### Historical Note

This section was "Library learning resources" and was repealed effective December 1, 1986 as R.1986 d.466. See 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

#### 9:4-1.12 Physical facilities

(a) Each community college shall prepare for approval by the Board of Higher Education a long-range building plan, based on educational specifications incorporating the institution's objectives and philosophy, to include plans for physical plant and site analyses and financial projections with cost estimates for each phase of development planned for a five-year period. Such plan shall be submitted to the Board of Higher Education not later than the second year of operation of a community college and shall be subject to review by the Board of Higher Education every three years.

(b) Each community college shall prepare for physical facilities in accordance with N.J.A.C. 9:3-1 et seq., the Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities.

(c) A community college may not operate in temporary facilities for more than two years unless it has received approval from the Board of Higher Education for its permanent site and for a plan for developing permanent facilities.

(d) The area of the site must provide adequate space for the community college's immediate and long-range requirements, as indicated by a master plan. In presenting a site for approval, the board of trustees of the community college

shall submit data to the Chancellor of Higher Education to indicate that the site recommended has been selected with due regard for the following criteria:

1. The environment is appropriate to a comprehensive community college;
2. The topography permits economical construction of buildings and practical utilization of the land;
3. It is accessible via established routes of travel and convenient to public transportation;
4. Traveling time one way by automobile to the site from the residences of the majority of the students ought not exceed one hour;
5. Public utilities are near at hand;
6. Health and safety provisions relative to all aspects of institutional life shall be provided.

(e) Building plans for all physical facilities at community colleges financed in whole or in part by State appropriations shall be subject to approval by the Chancellor of Higher Education before bids are solicited for the construction of such facilities.

(f) A community college board of trustees contemplating the construction, remodeling, or rehabilitation of a building(s), or the acquisition of a building(s) or land for community college purposes shall submit an application for approval of the proposed construction, remodeling, rehabilitation of the building or acquisition to the Board of Higher Education except as provided in (g) below. Such application shall set forth the need for the construction, remodeling, or rehabilitation of the building(s), or for the acquisition of the building(s) or land, the purpose for which it is to be used and an estimate of the cost of land to be acquired, site development, construction architect's fees, equipment and other items necessary for the completion of the facility as set forth in the Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities.

(g) Any construction project that involves the new construction, renovation, rehabilitation, or alteration of existing facilities, the total project cost of which does not exceed \$2,000,000 will not require Board of Higher Education approval to proceed.

Amended by R.1982 d.100, effective April 5, 1982.  
See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

(i) deleted.  
Amended by R.1991 d.517, effective October 21, 1991.  
See: 23 N.J.R. 2467(a), 23 N.J.R. 3143(a).

Project cost cited in (g) raised to \$1,000,000.  
Amended by R.1992 d.163, effective April 6, 1992.  
See: 23 N.J.R. 3196(b), 24 N.J.R. 1340(a).

Revised (g).  
Amended by R.1993 d.224, effective May 17, 1993.  
See: 25 N.J.R. 668(b), 25 N.J.R. 1971(a).  
Revised (g).

### 9:4-1.13 (Reserved)

#### Historical Note

This section was "Official publications" and was repealed effective December 1, 1986 as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

### 9:4-1.14 Admission requirements

The requirements for admission to the community college and, where applicable, to individual programs as determined by the board of trustees, in accordance with N.J.A.C. 9:4-1.3(f)1 should be appropriate in terms of the purpose of the institution and objectives of its educational programs. The requirements should be clearly defined, published and promulgated so that all applicants may know of the policies and standards of the institution.

### 9:4-1.15 Special sessions

(a) A special session shall be any session, other than the traditional fall and spring semesters, including summer and/or mini-sessions.

(b) No student shall be required to take course work during a special session to complete a curriculum or program of study within the prescribed period of time for completion of such a curriculum or program of study unless specifically approved by the Board of Higher Education.

(c) Tuition fees charged to students enrolled in special sessions shall not exceed the maximum per credit hour tuition charges established annually by the Board of Higher Education; however, such tuition amounts shall not be included in determining compliance with the maximum annual tuition ceiling established by the Board of Higher Education.

New rule effective December 1, 1986 at R.1986 d.466.

## SUBCHAPTER 2. CODE OF ETHICS FOR COUNTY COMMUNITY COLLEGES AND COMMISSION BOARDS OF TRUSTEES

#### Subchapter Historical Note

Subchapter 2, Standards for New Jersey Community Colleges, became effective October 3, 1973 as R.1973 d.287. See: 5 N.J.R. 223(c), 5 N.J.R. 376(b). Section 4, Accounting and financing, was repealed and section 13, Official publications, was amended effective April 5, 1982 as R.1982 d.100. See: 14 N.J.R. 26(b), 14 N.J.R. 343(a). Subchapter 2 was repealed effective December 1, 1986 as R.1986 d.466. See 18 N.J.R. 1439(a), 18 N.J.R. 2382(a). Subchapter 2 was adopted as a new rule as R.1990 d.153, effective March 5, 1990. See: 21 N.J.R. 1269(a), 22 N.J.R. 841(c).

### 9:4-2.1 Purpose

The purpose of this subchapter is to establish general and specific standards for the conduct of trustees of the county community colleges and commissions in the exercise of their fiduciary responsibilities as trustees of public institutions of higher education.



**9:4-2.2 Application**

(a) This subchapter shall apply to all county community colleges and commissions established pursuant to N.J.S.A. 18A:64A-1 et seq.

(b) Any county community college or commission may adopt and be governed by an institutional code of ethics so long as the standards of conduct set forth within the institutional code of ethics equals or exceeds the requirements and standards set forth within this subchapter.

**9:4-2.3 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“College matter” means any application, award, bid, claim, contract, license, proceeding, resolution or transaction made by, to, against or with a county community college or commission, or which requires any official action by the board of trustees of a county community college or commission, or its officers or employees.

“College trustee” means any person who is a member of the board of trustees of any county community college or commission.

“Interest” means any personal, financial, economic, property or other concern amounting to a right, advantage, share or portion coming either directly or indirectly to a trustee singly, or in affiliation with any person or party as defined herein.

“Person or party” means any natural person, association, corporation, estate, partnership, proprietorship, trust or other legal entity.

**9:4-2.4 Code of ethics**

(a) A trustee should devote time, thought and study to the duties and responsibilities of a community college trustee so as to render effective and creditable service.

(b) As an individual, a trustee has no legal authority outside of the meetings of the board and should conduct himself or herself accordingly with the college staff, local citizens, and all facets of the local community.

(c) An important function of the board of trustees is to establish the policies and the goals of the institution and to audit the performance of the administration in the fulfillment of these policies and the progress towards the goals but the educational program and the conduct of the college's business should be left to the president and the president's staff.

(d) No college trustee should accept from any person, directly or indirectly, or through his or her spouse or any member of his or her family any gift, favor, service, employ-

ment or other things of value under circumstances from which it might be reasonably inferred or which he or she knows or has reason to believe is offered to him or her with intent to influence his or her public duties and responsibilities.

(e) No college trustee should knowingly act in an official capacity, by voting or otherwise, on any college matter in which he or she has an interest.

(f) Disclosure of the precise nature of the interest or involvement, at first knowledge of the transaction, should be required in the event that a board must consider any college matter which also involves:

1. A member of the board of the college or a member of his or her family (defined as spouse, parents, siblings, or children); and/or
2. An organization with which a member of the board of the college is affiliated.

(g) Disclosure should be further required of board members concerning all relationships and business affiliations that reasonably could give rise to a conflict of interest involving the institution.

(h) No college trustee should act as an officer or agent of the college for the transaction of any business with himself or herself or in which he or she has an interest.

(i) No college trustee should willfully disclose to any person or party for pecuniary gain any information not generally available to members of the public which he or she receives or acquires in the course of his or her official duties.

(j) No college trustee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which might reasonably be expected to impair his or her objectivity or independence of judgment, or which is otherwise in substantial conflict with the proper discharge of his or her duties in the public interest.

(k) No college trustee should use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself or others.

(l) No college trustee should act in his or her official capacity in any matter wherein he or she has a direct or indirect interest that might reasonably be expected to impair his or her objectivity or independence of judgment.

Amended by R.1990 d.281, effective June 4, 1990.

See: 22 N.J.R. 755(a), 22 N.J.R. 1724(a).

New (a)-(c) added trustee's responsibility to render effective service, to limit use of authority and to function as a policy maker at the college, not an administrator; recodified.

**9:4-2.5 Violations**

Violations of the provisions of N.J.A.C. 9:4-2.4 may constitute cause for removal from the board of trustees pursuant to N.J.S.A. 18A:64A-9 or N.J.S.A. 18A:64A-32 or other sanctions as determined by the board of trustees.

### SUBCHAPTER 3. AUDITING AND ACCOUNTING STANDARDS FOR COUNTY COLLEGES

**9:4-3.1 Accounting and finances**

(a) The accounting system and reports of a county college shall be maintained in accordance with Chapter 5 of the most recent edition of College and University Business Administration published by the National Association of College and University Business Officers, One Dupont Circle, Washington, D.C. 20036 and any subsequent revisions thereof except where otherwise specifically required by these regulations. Each college shall adopt a system of accounts consistent with the standards and guidelines of the American Institute of Certified Public Accountants. Costs borne by the State and county on behalf of the college shall not be reflected on the financial statements and related reports of the college.

(b) Each community college shall annually submit to the Chancellor of Higher Education a budget for a fiscal year July 1 to June 30 at such time and in such form as may be required by the Chancellor of Higher Education. The budget of each community college shall be in accordance with all the provisions of the statutes and meet the standards adopted by the Chancellor of Higher Education.

(c) Not later than November 1, each county college shall file with the Chancellor of Higher Education an audit of the college's accounts and financial transactions for the previous fiscal year, together with a copy of the auditor's management letter as soon as it is available. The management letter shall include, but not be limited to, all material comments, findings, and recommendations resulting from the audit engagement, including those concerning internal controls, administrative controls, and other financial matters. Each college shall also file an audit of student enrollment by such date as the Chancellor shall establish. These audits shall be conducted by a certified public accountant of New Jersey. The audits shall be in accordance with AICPA standards and must include compliance with all county college regulations. A college shall every five years either change certified public accounting firms or within the same firm change account partners and complete auditing staff. For funds allocated under P.L. 1981 c.329 and designated as categorical funding, the auditor shall separately certify that at least a corresponding level of expenditures have been made out of the current operating fund for one or more of the designated purposes outlined in the annual funding formula approved by the Board of Higher Education.

(d) A record of physical property of the community college shall be maintained in the manner prescribed by the board of trustees.

(e) Each community college shall annually in July file with the Chancellor of Higher Education a schedule of tuition to be charged during the following school year, provided that tuition rates at community colleges shall not exceed the maximum established by the Board of Higher Education.

As amended, R.1982 d.100, eff. April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning general provisions and recodified N.J.A.C. 9:4-1.4 as 9:4-3.1 with substantial changes.

As amended R.1982 d.218, eff. July 19, 1982.

See: 14 N.J.R. 318(a), 14 N.J.R. 757(a).

Added last sentence to (c).

Amended by R.1991 d.517, effective October 21, 1991.

See: 23 N.J.R. 2467(a), 23 N.J.R. 3143(a).

Cite to chapter 5 updated in (a); filing date in (c) advanced to November 1.

**9:4-3.2 Submission of budgets**

The board of trustees of each college shall annually submit budgets to the Department of Higher Education in a form and according to such deadlines as may be required.

As amended, R.1982 d.100, eff. April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "double entry bookkeeping" and promulgated rule concerning "submission of budgets".

**9:4-3.3 (Reserved)**

As amended, R.1982 d.100, eff. April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "fund groups" and promulgated rule concerning "system of accounts".

**Historical Note**

"System of accounts" was repealed effective December 1, 1986 as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

**9:4-3.4 (Reserved)**

As amended, R.1982 d.100, eff. April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "accrual accounting" and promulgated rule concerning "determination and categorization of assets to be capitalized".

Correction: 15 N.J.R. 700(b).

(d): "classified as capital expenditures, but are to be", was inserted.

**Historical Note**

"Determination and categorization of assets to be capitalized" was repealed effective December 1, 1986 as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

**9:4-3.5 Interfund expenditures, transfers and balances**

(a) Each community college board of trustees shall develop a written policy governing interfund expenditures and transfers.

(b) All expenditures or transfers by one fund for the benefit of another fund shall be in accordance with the above board of trustees policy.

(c) Interfund balances shall be temporary in nature and capable of being repaid by the fund receiving the advance in order to be so classified. For reporting purposes interfund balances shall be eliminated in so far as practicable by either bookkeeping entries or by actual cash transfers restoring the amounts to the fund group making the advances from the fund groups receiving the advances or benefits. If it is not possible to make such cash transfers, then the money advanced or loaned temporarily from one fund group to another shall be set forth in the balance sheet by showing the amount as assets of the fund groups making the advances and as liabilities of the fund groups receiving the advances.

#### 9:4-3.6 Consolidated reports

The financial statements of any development fund, foundation or other organization that is affiliated with, or controlled by, the college shall be combined with the financial statements of the college or presented separately. The financial activities of auxiliary enterprises managed and administered by a separate organization shall be included in the auxiliary enterprises section of the college's statement of current income and expenditures.

#### 9:4-3.7 (Reserved)

As amended, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "restricted and unrestricted funds" and promulgated rule concerning "Compliance with Local Public Contract Law."

R.1984 d.80, effective March 19, 1984.

See: 15 N.J.R. 1916(a), 16 N.J.R. 548(a).

Repealed rule containing rules on compliance with Local Public Contract Law.

#### 9:4-3.8 (Reserved)

As amended, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "reporting current restricted gifts and grants" and promulgated rule concerning "annual report of program costs".

#### Historical Note

This section, "annual report of program costs" was repealed effective December 1, 1986 as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

#### 9:4-3.9 Appropriated resources

A county college board of trustees shall not permit the expenditures or projected expenditures of a college to exceed appropriated resources. Appropriated resources shall be unrestricted revenues and unrestricted current fund balances appropriated to be expendable in a given budget period by the college board of trustees.

As amended, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "endowment income" and promulgated rule concerning "appropriated resources".

#### 9:4-3.10 State support

(a) When direct costs of instruction for courses, credit or non-credit, are properly classified as current unrestricted expenditures these costs are considered to be directly incurred by the college and the related credit and equivalent credit hours are eligible to be counted in determining State support, except as restricted by other policies and regulations.

(b) Direct cost of instruction will be developed by course. The direct costs are:

1. Salaries and benefits of instructors and paraprofessionals paid for the teaching and grading of courses;
2. Educational supplies used directly by the teacher or the students of a course; and
3. Contract educational services which are employed for a specific course.

(c) When direct costs of instruction for courses, credit or non-credit, are properly classified, according to the guidelines referenced above, as expenditures of the current restricted fund (expenditures restricted to specific purposes by outside sources), the costs are not incurred directly by the college and the related credit-hour and equivalent credit-hour enrollments are not eligible to be counted in determining State support.

(d) Where the total direct costs of instruction of an otherwise nonfundable course exceed the amount of restricted funds available for the course, the excess cost is considered as expended from the current unrestricted fund and a percentage of the credit-hours enrollments generated by the course are fundable. This percentage is equal to the proportion of direct expenditures not covered by the grant or contract divided by the total direct costs of the course.

As amended, R.1973 d.160, effective June 30, 1973.

See: 5 N.J.R. 143(c), 5 N.J.R. 223(d).

As amended, R.1977 d.483, effective December 23, 1977.

See: 9 N.J.R. 519(f), 10 N.J.R. 63(a).

As amended, R.1981 d.215, effective July 9, 1981.

See: 13 N.J.R. 218(a), 13 N.J.R. 412(a).

As amended, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Repealed rule concerning "interdepartmental transactions" and redefined rule concerning "work load data" from N.J.A.C. 9:4-3.57.

As amended, R.1982 d.218, effective July 19, 1982.

See: 14 N.J.R. 318(a), 14 N.J.R. 757(a).

Added (c).

As amended, R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

Old section deleted, new section completely amended.

#### 9:4-3.11 Calculation of full-time equivalent enrollments (FTE's)

(a) Annual full-time equivalent student enrollments (FTE's) for all session students shall be calculated by divid-

ing total annual credit-hour and equivalent credit-hour enrollments by 30.

(b) FTE enrollments form an academic term (for example, summer session) which is conducted over a fiscal year end, should be reported totally within the fiscal year in which the term is predominantly conducted.

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

#### 9:4-3.12 Noncredit courses

(a) Noncredit courses, for purposes of State funding, means remedial, developmental, general education development and adult basic education courses.

(b) Remedial courses are courses in reading, writing, and mathematic skills designed to raise student competence in these skills to the college level.

(c) Developmental courses are courses designed to develop occupational skills geared toward securing initial employment or upgrading occupational skills. In planning for the offering of developmental courses, colleges must formally assess the needs of their service area and the offerings of other public institutions.

(d) General education development courses are courses designed to prepare students for New Jersey high school equivalency diplomas.

(e) Adult basic education courses are courses designed to teach reading, writing, and mathematic skills to adults whose inability to speak, read, or write the English language constitutes a substantial impairment to obtaining or retaining employment commensurate with their ability.

(f) Noncredit programs generally eligible for State funding as defined in this section and offered jointly with another educational agency (public or private) will not be eligible for funding unless control of the courses and programs shall be vested with the county college.

1. "Control" means ultimate responsibility for development and implementation of curriculum (for example, course objectives, outlines, strategies, and teaching methods); responsibility for hiring, firing, evaluating, and supervising the faculty; and responsibility of the faculty member to a supervisor employed by the college.

(g) To be eligible for State funding, noncredit courses as defined in this section shall be in compliance with the Board of Higher Education tuition ceiling currently in effect.

1. Colleges may, as allowed for credit courses, institute course and/or laboratory fees where appropriate, as long as these fees are clearly differentiated from tuition in promotional material and invoices rendered to a student. Documentation of course, laboratory and other fees charged to all clients must be maintained by the college for audit purposes. Course, laboratory and other fees are not eligible for reimbursement under this section.

2. Colleges requesting State FTE support may charge course development fees. Such fees may be charged once for the development of a given course. Costs for the refinement of a course previously developed and for which fees have been charged are also allowable. All course development costs must be fully documented as actual course development costs. Colleges must forward to the Department semi-annual reports reflecting the course, clients, developmental costs and a minimal breakdown of those costs.

3. Tuition for training courses must be based upon the seats contractually reserved by the contracting agency. In no case, however, shall the State Full-Time Equivalent (FTE) support exceed the number of students actually attending a given course as determined pursuant to N.J.A.C. 9:4-3.14.

(h) For noncredit courses as defined in this section, instruction is to be given by a county college in an appropriate educational environment, students must be formally registered, attendance must be taken, degree credit may not be given upon completion, and the session or sessions to be funded must be entirely instructional in nature.

(i) The county college shall maintain documentation in accordance with state requirements for audit purposes including, but not limited to, student registration, student attendance, and course descriptions for noncredit courses eligible for state funding.

(j) Student registration records for noncredit courses eligible for State funding shall be by course and shall include, at a minimum, the student's name, address, and Social Security number.

(k) The equivalent credit-hour calculation for a noncredit course shall be based upon only those students who are formally registered and in attendance at the institutional session to be selected by the college for the equivalent credit-hour count. For noncredit courses with non-specified sessions, funding shall be based on a weekly student attendance. In order to qualify for attendance during any particular week, a student must attend a majority of the scheduled or available class sessions within a week.

(l) Course descriptions for noncredit courses eligible for State funding shall be made available to auditors who shall submit sample course descriptions to the Department of Higher Education with the year end audit.

1. The Department of Higher Education may review all the noncredit course descriptions on file at any college.

2. The county college shall have the burden of establishing that a noncredit course is a course eligible for State funding as defined in this section.

3. The decision to approve or reject a noncredit course as one which qualifies for State funding rests with the Department of Higher Education.

Repealed by R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

New Rule, R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

Amended by R.1993 d.172, effective April 19, 1993.

See: 25 N.J.R. 227(a), 25 N.J.R. 1763(a).

Added new (g)1 and 2; revised (k).

### 9:4-3.13 Residency

(a) A student's residency status shall be determined pursuant to N.J.A.C. 9:5-1.1 et seq.

(b) County residents means students maintaining a permanent domicile in the county or counties sponsoring the college for a period of at least six months prior to registration as evidenced by a certificate of residence.

(c) Any New Jersey resident student who moves intrastate from one county to another shall be charged no more than the prevailing in-county tuition rate by the county college located in the county to which the student has moved.

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

### 9:4-3.14 Enrollment data

(a) Enrollment data shall be accumulated and maintained by each college in a format and according to such differential categories as promulgated by the Department of Higher Education. Tenth-day enrollments shall be used for calculating enrollments during the academic year. The tenth-day enrollment shall be considered the tenth day of classes, excluding weekends and holidays. For summer and other sessions, a prorated point in time shall be used, based on the duration of the session.

(b) Equivalent credit hours for State fundable noncredit courses shall be calculated by dividing total contact hours by 15.

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

### 9:4-3.15 Audit rules

(a) In preparing the audited schedule of credit-hour enrollments and equivalent credit hours by differential category as required by this section, the audit firm must adhere to the following:

1. The auditor shall review the rules concerning enrollment data as found in this section and/or other referenced sections and in the audit instructions published by the Department of Higher Education.

2. The college shall maintain a clearly defined audit trail to enable the auditor to certify credit-hour and equivalent credit-hour counts by differential category reported by the college.

3. Student credit hours and equivalent credit hours shall be reconciled to tuition income, including cash received, accounts receivable, and waivers, exclusive of tuition income from non-credit, non-fundable enrollments.

4. The auditor shall send a confirmation letter to a statistically valid sample of students who are listed as having attended courses during the year under audit. The methodology and results of this sample shall be forwarded to the Department of Higher Education with the year end audit report.

5. The auditor shall follow the format for the audited enrollment schedule outlined in enrollment audit instructions provided by the Department of Higher Education.

i. If the auditor plans to deviate from any of the audit procedures, he or she shall obtain prior written approval from the Department of Higher Education.

ii. Such approval, if granted, shall be valid only for the audit in process.

6. Course outlines shall be made available to the auditors who shall submit sample course outlines along with the differential category classification assigned to these courses by the college.

i. The auditor shall certify that course outlines are on file for all of the college's State fundable course offerings and that these courses have been classified by differential category.

ii. The Department of Higher Education may review all course outlines on file at any college.

iii. The county college shall have the burden of establishing that a course has been properly classified.

iv. The decision to approve or reject a course's classification as proper rests with the Department of Higher Education.

7. The auditor shall examine the college's audit trail including the registration records, attendance records and course descriptions and certify that the audit trail is valid and adequate for certification of the schedule of credit-hour and equivalent enrollments by differential category.

i. The auditor shall further certify the accuracy of the schedule of credit-hour and equivalent credit-hour



enrollments by differential category submitted to the Department of Higher Education.

8. The auditor shall certify that the review of the documentation underlying the calculation of credit hours and equivalent credit hours is valid and adequate for the certification of the credit-hour enrollment schedule.

i. The auditor shall forward to the Department of Higher Education the methodology and results of a statistically valid sampling of registration and student attendance records with the year end audit report.

9. The auditor shall certify that all noncredit courses submitted for State funding are in compliance with the Board of Higher Education tuition ceiling for noncredit courses.

10. The auditor shall ascertain that the college has on file at the college a course description for each noncredit course eligible for State funding and shall submit a statistically valid sample of these course descriptions with the year end audit report.

11. The auditor shall additionally certify that he or she has reviewed and completed the enrollment audit in accordance with the rules and guidelines as outlined pursuant to this subchapter.

12. All certifications required shall be included in an opinion letter to the Department of Higher Education that shall accompany the schedule of credit-hour and equivalent credit-hour enrollments by differential category.

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

#### **9:4-3.16 Educational and general expenditure base defined**

(a) Educational and general expenditures are defined as all institutional current unrestricted fund expenditures and mandatory transfers are defined in College and University Business Administration (1982) and revisions thereof pursuant to this subchapter.

(b) Adjusted educational and general expenditures for the purposes of determining annual county college sector State funding requests shall be defined as total educational and general expenditures adjusted as outlined below:

1. Educational and general expenditures increased by such plant renewal and replacement expenditures that are funded from current unrestricted funds, and minor capital expenditures (see N.J.A.C. 9:4-1.5(g)).

2. Educational and general expenditures decreased by the following:

i. Direct expenditures for non-fundable enrollments.

ii. Direct expenditures for Public Service activities.

iii. Direct expenditures for activities that are provided exclusively for persons neither enrolled nor employed at the college and revenue-producing activities other than instruction for fundable enrollments.

iv. An amount equal to 10 percent of the total direct expenditures for non-fundable activities under 2i, ii, and iii above as non-fundable indirect expenditures.

(c) The accuracy of each college's calculation of adjusted educational and general expenditures shall be certified by its audit firm.

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

R.1984 d.236, effective June 18, 1984.

See: 16 N.J.R. 671(a), 16 N.J.R. 1595(b).

#### **9:4-3.17 through 9:4-3.56 (Reserved)**

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

#### **9:4-3.57 (Reserved)**

As amended, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

Recodified rule concerning "work load data" to N.J.A.C. 9:4-3.10.

#### **9:4-3.58 through 9:4-3.88 (Reserved)**

Repealed, R.1982 d.100, effective April 5, 1982.

See: 14 N.J.R. 26(b), 14 N.J.R. 343(a).

### **SUBCHAPTER 4. (RESERVED)**

#### **Historical Note**

This Subchapter "Uniform Manual of Accounts for State-Supported County Colleges" has been repealed effective December 1, 1986 as R.1986 d.466. See: 18 N.J.R. 1439(a), 18 N.J.R. 2382(a).

### **SUBCHAPTER 5. (RESERVED)**

#### **Historical Note**

Subchapter 5, County College Reduction in Force Policies, was readopted and recodified as 9A:7-2 effective May 26, 1995 by R.1995 d.334. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

### **SUBCHAPTER 6. (RESERVED)**

#### **Historical Note**

Subchapter 6, Tenure Policies, was readopted and recodified as 9A:7-3 effective May 26, 1995 by R.1995 d.334. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

## SUBCHAPTER 7. (RESERVED)

**Historical Note**

Subchapter 7, Professional Employee Policies, was readopted and recodified as 9A:7-4 by R.1995 d.334 effective May 26, 1995. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

---

SUBCHAPTER 8. RULES GOVERNING THE  
COUNTY COLLEGE CONTRACTS LAW**9:4-8.1 Extraordinary unspecifiable services and products**

(a) Any purchase, contract or agreement qualifying as an extraordinary unspecifiable service and product which is expected to exceed the total sum set forth in N.J.S.A. 18A:64A-25.3 in a single fiscal year shall be authorized by resolution at a public meeting of the County College Board of Trustees.

(b) Services or products which qualify as extraordinary unspecifiable services and products may not be combined in a contract with other services or products which are characterized as being biddable.

**9:4-8.2 Accounting procedures for contracts which do not coincide with a fiscal year**

All purchase agreements that extend over two fiscal years and which exceed the total sum set forth in N.J.S.A. 18A:64A-25.3 shall be awarded in accordance with the county college contract law. The colleges shall allocate funds between the two fiscal years in accordance with the American Institute of Certified Public Accountants guidelines.

**9:4-8.3 Contracts for food service management and food supplies**

Contracts or agreements for food service management or food vending machine services shall be made, negotiated or awarded by the College Board of Trustees after solicitation and receipt of the contract proposal for such services.

**9:4-8.4 Joint purchasing agreements**

All purchase agreements regarding joint purchasing which exceed the total sum set forth in N.J.S.A. 18A:64A-25.3 shall be approved by the County College Board of Trustees.