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REGULATIONS AND STANDARDS
FOR
NEW JERSEY COMMUNITY COLLEGES



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September 1991

**A RESOLUTION CONCERNING REVISION OF REGULATIONS
FOR NEW JERSEY COMMUNITY COLLEGES**

- WHEREAS: Chapter Four of the Department of Higher Education's Administrative Code N.J.A.C. 9:4-1 et seq. will expire on November 2, 1986 in accordance with the provisions of Executive Order 66 (1978) that establishes a "sunset date" for administrative regulations of all state departments; and
- WHEREAS: Department of Higher Education staff, in consultation with the Council of County Colleges and the county college community, have reviewed the regulations in question, have proposed revisions and the renoticing of Section 9:4-1.5 (g) and (e); and
- WHEREAS: The Board of Higher Education has noticed the proposed revisions in the New Jersey Register; and
- WHEREAS: The Chancellor has reviewed the comments received and has revised the proposed regulations; now therefore be it
- RESOLVED: That N.J.A.C. 9:4-1.5 (f) and (g) be renoticed in the New Jersey Register for further comments; and be it further
- RESOLVED: That the remaining proposed attached regulations, as amended, be adopted.

October 17, 1986

This document supercedes "Regulations Governing County Community Colleges" dated September 19, 1969 and "Standards Governing County Community Colleges" dated June 1, 1970, and September 1983, and includes revisions made to:

- Section 9.4-1.5 (Chargeback) September 1988;
- Section 9:4-1.3 (b) (Appointment of Trustees) December 1989;
- Section 9:4-1.9 (Personnel) December 1989;

and the addition of:

- Section 9:4-1.10 (Presidential Search) and
- Section 9:4-2.1 to 2.5 (Code of Ethics) April 1990.

SUBCHAPTER 1. REGULATIONS FOR NEW JERSEY COMMUNITY COLLEGES

9:4-1.1 Authorizations

(a) The establishment and operation 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.

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 other 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.

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.

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 the aforesaid law 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 laws, 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 accepted 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 (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 rations, 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.

(1) 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.

9:4-1.6 Educational Programs

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

1. The associate in arts (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 applications, 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.

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 by-laws 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 Personnel

(a) Each community college shall establish written personnel policies governing professional and non-professional personnel.

(b) Each community college shall maintain personnel records for both administrative and faculty positions in such form as may be required by the Chancellor of Higher Education. Such records shall include transcripts testifying to academic preparation, and shall be available upon request of the Chancellor of Higher Education. The county college shall demonstrate upon such request that each member of the faculty has met the necessary requirements as established by the community college for the position held.

(c) Each community college shall maintain a program for orientation of new faculty and a continuing program of in-service training.

(d) Each community college shall file with the Chancellor of Higher Education a policy statement regarding academic freedom and shall make such statement available for faculty.

(e) Each community college shall establish a policy statement regarding performance evaluations for all employees, and shall make such statement available to all employees.

(f) Employment of faculty should include the following considerations:

1. Faculty members shall have earned Master's degrees or the equivalent in the subject or the fields to be taught. Relevant training and experience may be substituted for earned degrees.

2. So far as practicable, instruction should be given by faculty members who are employed full-time. The full-time faculty may be supplemented by equally competent part-time teachers serving under the supervision of full-time professional staff.

3. Professional personnel responsible for supervision should be employed on a full-time basis.

(g) Adequate secretarial and clerical staff should be available for faculty as well as sufficient laboratory and technical assistants to make laboratory and large-group instruction meaningful and efficient.

(h) Each college should publish its policies and criteria for promotion and dismissal.

(i) A compensation policy should establish salary ranges which should not exceed those established by the Board of Higher Education for the State colleges.

(j) The normal teaching load should not be less than the load in effect at the State colleges.

(k) The total institutional student-teaching faculty ratio should normally not exceed 25 students to one instructor on a full-time basis, excepting cases where self-instructional or differentiated staffing approaches are used, nor should it be below fifteen to one. In computing the ratio of students to teachers for the institution, the total number of full-time equated students should be divided by the total number of full-time equated teaching faculty members.

(l) The community college should devise means to evaluate the effectiveness of the instructional processes utilized in terms of student learning outcomes.

(m) The community college should establish specific standards and job designations for such chairmen and define their relationship to the faculty and administration, if such positions are provided for in the community college's pattern of organization.

(n) All personnel appointments in a county community college shall be made upon the written recommendation of the president to the board of trustees with the exceptions of the presidency itself, the board attorney, and an external auditor or auditing firm. All personnel appointments must be approved by the board of trustees.

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.

9:4-1.11 (Reserved)

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 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 or acquisition to the Board of Higher Education. Such application shall set forth the need for the construction 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 renovation, rehabilitation, or alteration of existing facilities, the total project cost of which does not exceed one percent of the net investment of the college's physical plant as reported in the college's current audited financial statements or \$100,000, whichever is less, and which is not financed in whole or in part by State funds may proceed with the approval of the college board of trustees.

9:4-1.13 (Reserved)

9:4-1.14 Admission Requirements

(a) 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. They 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.

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

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

"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.

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

"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.

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, employment 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);
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.

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.

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.

9:4-3.3 (Reserved)

9:4-3.4 (Reserved)

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 trustee 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 or associated 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)

9:4-3.8 (Reserved)

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.

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 non-fundable 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-hour 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.

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

(b) FTE enrollments from 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.

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.

9:4-3.13 Residency

(a) A student's residency status shall be determined pursuant to NJAC 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.

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. The tenth-day enrollment 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.

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 credit-hour 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 "pursuant to this subchapter" and has completed the enrollment audit in accordance with the rules and guidelines as outlined.

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.

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 as are defined in College and University Business Administration (1982) and revisions thereof "pursuant to this Sub Chapter".

(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.

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

9:4-3.57 (Reserved)

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

9:4-4.1 to 9:4-4.14 (Reserved)

SUBCHAPTER 4. (Reserved)

SUBCHAPTER 5. COUNTY COLLEGES REDUCTION IN FORCE RULES

9:4-5.1 Scope and purpose

These policies govern the procedures to be used by the county colleges when it becomes necessary to reduce the number of tenured faculty or multi-year contract employees of a college due to a fiscal crisis, a natural diminution in the number of students in a program or at the institution or a reduction of programs. The policies address the rights of employees at the county colleges of New Jersey under such circumstances. These regulations shall not apply to those persons laid off pursuant to non-renewal of contracts or early termination provisions.

9:4-5.2 Declaration of need for a reduction in force

The Board of Trustees of any county college may declare the need for a reduction in force for the county college by a majority vote of the voting members of the board.

9:4-5.3 Plans and recommendations

Once the need for a reduction in force is declared, the Board of Trustees shall direct the president to present a plan and recommendations to implement the reduction in force.

9:4-5.4 Consultation with college community

The president shall consult with the college community in developing the plan and recommendations to be presented to the Board of Trustees. Representatives of the college community shall upon request, be provided with class enrollment data, and financial data in a timely manner pursuant to the Right to Know Law (N.J.S.A. 47:1A-1). Nothing herein shall require a college to prepare such information in format not routinely utilized by the college. Representatives of the college community may present alternative plans to modify or avoid the reduction in force to the college president, provided that such plans are submitted within the time permitted the president to submit a plan to the trustees. The president shall forward any suggested alternative plans to the Board of Trustees along with his own recommendations.

9:4-5.5 Affirmative action

The president's plan and recommendations shall be developed in accordance with the State's commitment to affirmative action. The affirmative action officer of the college shall prepare an analysis of the affirmative action impact of any recommended personnel layoffs to assist the president in developing the recommendations.

9:4-5.6 Review of recommendations

(a) The Board of Trustees shall review the president's recommendations, which shall include the affirmative action officer's assessment of their impact, and may accept, reject, or modify such recommendations.

(b) If such recommendations as noted in (a) above include the layoff of employees, the board shall be guided by the following principles:

1. The determination by the Board of Trustees as to which areas are to be reduced shall be based on academic or administrative considerations.

2. If the board modifies the president's recommendations, it shall request an affirmative action analysis of its proposed action.

3. Consideration shall be given to foster those programs and functions which are of major instructional or administrative significance at the college.

4. Layoff units need not be coincident with established departments or other subdivisions or units, but may include identifiable programs or further subdivisions or specialities within academic programs or administrative functions as the board may determine appropriate.

5. To the extent it is not inconsistent with N.J.S.A. 18A:60-3 and the preservation of the institution's academic integrity and educational purpose, layoffs of tenured faculty within a faculty layoff unit shall be made in order of years of service within the layoff unit excluding unpaid leaves of absence, laying off tenured faculty with the fewest years of service first.

6. Where a reduction in force is caused by a natural diminution in enrollment and a partial academic teaching load is available for which a laid off faculty member is qualified, then such a faculty member shall be given the first opportunity to teach a partial load, at a salary proportionate to his or her full time compensation.

7. The use of adjuncts or full time faculty on overload to assume the equivalent of the full time academic load in the discipline of faculty who are to be laid off shall not be permitted. Nothing herein shall prevent a college from utilizing adjunct or overload faculty if no laid off faculty are qualified to teach the scheduled courses in the academic judgement of the president.

8. The qualifications of laid off faculty members shall be reviewed by the president of the college. If in the academic judgement of the president the faculty member is qualified to teach in another discipline, and a vacancy exists, or courses are being taught by an adjunct faculty member, or by another full time faculty member on an overload assignment, then the laid off faculty member shall be employed to fill the vacancy or to assume the course taught by adjunct or on an overload.

9:4-5.7 Notice requirements; time period

Upon the board determining the areas that may be affected by the layoff, it shall give notice to all individuals subject to the proposed layoff two weeks prior to the formal board action on said layoffs. After formal board action on said layoff, the Board of Trustees shall notify each employee who is to be laid off of such fact 120 days prior to the date of layoff for layoffs due to fiscal crisis and 210 days prior to the date of layoff for layoffs due to a natural diminution in the number of students in a program or a reduction of programs. Appeals of layoffs due to fiscal exigency shall be given emergent considerations if requested.

9:4-5.8 Reemployment lists; generally

(a) With respect to reemployment rights of tenured faculty and multi-year contract employees, the college president shall establish separate reemployment lists for academic and administrative positions, including the names and qualifications of all tenured faculty and multi-year contract employees on layoff status.

(b) The college shall not fill a vacancy in any faculty position in any layoff unit in which a layoff has occurred without first making a written offer of reemployment to those persons on the academic reemployment list whom the president believes, as a result of his academic judgment confirmed by the Board of Trustees, are qualified to fill the position.

(c) The college president shall not fill a vacancy in an administrative position in any layoff unit in which a layoff has occurred without first making a written offer of employment to the person on the administrative reemployment list whom the president in his administrative judgment confirmed by the Board of Trustees, believes is most qualified for the position.

(d) In the event that two or more persons on an academic reemployment list are equally qualified for a single faculty position, the college shall give reemployment preference in reverse of the order in which they were laid off; i.e. last laid off, first rehired. Where the president deems two or more persons on the administrative reemployment list to be equally qualified for an administrative position, the person with the longest employment within the layoff unit in which the vacancy exists shall be preferred.

(e) A person offered reemployment shall have two weeks from receipt to respond to an offer, which shall be sent by certified mail, return receipt requested, after which the offer shall be deemed to have expired and the person to have waived any rights to reemployment under these regulations. Persons on a reemployment list shall have the obligation to keep the college office designated by the president informed of current addresses.

(f) If a person offered reemployment cannot accept the reemployment offer immediately due to an ongoing professional contract with another employer, such person shall not be deemed to have waived any reemployment right, provided that he or she resumed employment with the college within one year of the date of notification of reemployment.

9:4-5.9 Reemployment lists; time period

(a) Faculty who are tenured on the date of layoff shall remain on the reemployment lists for a period of five years from the date of layoff.

(b) Employees serving under a multi-year contract on the date of layoff shall remain on the reemployment lists for the duration of the multi-year contract.

(c) Employees serving under an annual contract shall remain on the reemployment list until the end of the annual contract pursuant to which they were employed on the date of layoff.

(d) Notwithstanding the provisions of this subsection, a person who is offered and declines reemployment pursuant to N.J.A.C. 9:4-5.8(b) shall be removed from the reemployment list and waive all rights to reemployment.

9:4-5.10 Reappointment of laid-off employees

Any employee on layoff status who is reemployed after layoff shall be reappointed with a rank and salary equivalent to his or her rank and paid the salary earned when laid off, or the then current minimum of the salary range for the rank, whichever is greater.

9:4-5.11 Other colleges

Rights established under this subchapter for employees pertain only to the college at which they are employed. Therefore, an employee who is laid off at one college has no rights to reemployment at another college.

SUBCHAPTER 6. TENURE POLICIES

9:4-6.1 Preparation of a ten-year plan

(a) Each college board of trustees shall prepare an academic plan for its institution indicating the steps it plans to take to achieve a future balance of faculty in which no more than a reasonable proportion are ultimately tenured.

1. The academic plan established by each institutional trustee board shall include the proportion of tenured faculty projected each year during the plan's life.

(b) The college trustees shall report their plan to the Chancellor of Higher Education and shall inform the Chancellor each year of the progress being made in achieving their goals.

NOTE: The Board of Higher Education believes that by limiting the proportion of tenured faculty, the institution maintains the flexibility to respond to changing educational needs of future generations of students.

9:4-6.2 Establishment of internal policies

(a) Each community college Board of Trustees shall establish internal policies which indicate either that it will impose specific restrictions or more intensive and rigorous review procedures for any reappointment conferring tenure which brings the proportion of individuals in a department (or other major academic sub-unit) or in the college as a whole above its present level.

(b) Reappointments conferring tenure which raise the tenure rate above that level shall be made only when judged by the college Board of Trustees as being in the best interests of the college.

9:4-6.3 Reappointment

A reappointment conferring tenure may be offered only to faculty members who possess an appropriate degree or its equivalent, except under unusual circumstances when the granting of tenure to an individual not having these qualifications is judged by a college Board of Trustees as being in the best interest of the institution.

9:4-6.4 Performance during probationary period

Tenure should be awarded only to individuals whose performance during their probationary period gives clear evidence of the ability and willingness to make a significant and continuing contribution to the growth and development of the institution.

9:4-6.5 Positive evidence of excellence

Tenure should be awarded after presentation of positive evidence of excellence in teaching, scholarly achievement, contribution to college and community, and fulfillment of professional responsibilities, and not solely because negative evidence to the contrary is not presented.

9:4-6.6 Evaluation procedures

(a) Each community college board of trustees should establish a procedure which the college will employ to regularly evaluate the performance of tenured faculty members.

(b) Evaluations should occur not less frequently than each year. A comprehensive evaluation including the components set forth in subsection (c) of this section shall occur at least once every five years.

(c) These evaluations, which should include student input, should comprehend such factors as continued teaching competence, professional preparation and attainments which are directly related to teaching or administrative assignments, contributions to campus life beyond formal, assigned instructional activity and significant research, scholarly or community activity.

SUBCHAPTER 7. PROFESSIONAL EMPLOYEE POLICIES

9:4-7.1 Definitions

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

"Administrative position" or "administrative capacity" means positions which require the exercise of supervisory authority or involvement in the development of policy. However, for the purpose of these regulations, normal participation by members of the teaching staff in the process of institutional governance shall not affect their status as members of the "teaching staff".

"Professional person" or "professional staff member" means individuals serving in positions which at minimum require the individual to hold a bachelors degree or its equivalent.

"Teaching staff" means individuals appointed with the titles of instructor, assistant professor, associate professor and professor, who are actively serving in such positions.

9:4-7.2 Academic rank for nonteaching personnel

(a) "Faculty member" means any full-time member of the teaching staff appointed with academic rank. Pursuant to rules promulgated by the State Board of Higher Education, other full-time professional persons shall be considered faculty members if they concurrently hold academic rank.

(b) Eligibility for concurrent academic rank for nonteaching professional persons in the county colleges shall be limited to professional librarians who meet qualifications for rank, professional staff members engaged in student counseling related to the academic program who meet all qualifications for rank, and to other professional persons whose academic qualifications for rank, previous teaching and/or research experience, and possible assignment to future teaching responsibilities in an academic department* justified the granting of concurrent academic rank. Any nonteaching professional person granted concurrent academic rank prior to the effective date of this section shall retain such academic rank while employed by the college.

(c) Eligibility for concurrent academic rank for nonteaching professional persons in the community colleges may be determined by each college board of trustees, but may include only those categories of persons identified in subsection (b) of this Section.

(d) Persons receiving academic rank concurrent with a professional appointment shall be designated by their professional title (as reflected in their payroll title) and their academic rank, as for example, "head librarian and professor of library services" or "instructor, student counselling center and director of transfer and placement." The implementation of these regulations shall have no effect upon the salary and working schedules for such individuals. Such individuals will receive yearly appointments to both their professional position and (until tenure is earned) their academic rank.

Appointment and reappointment to professional positions may be made by the college board of trustees on the recommendation of the president. Appointment and reappointment to concurrent academic rank may be made by the board of trustees on the recommendation of the president.

(e) If tenure is awarded in a concurrent academic rank to an individual, appointments on an annual basis to his or her professional position may continue to be made by the board of trustees as indicated in subsection (d) of this Section.

(f) A college board of trustees shall have the authority to reassign any nonteaching professional employee with tenure in a concurrent academic rank to any professional position in the department or unit in which tenure is held. For example, a head librarian tenured as professor of library services may be reassigned to any professional library position, or a dean tenured as professor of English may be reassigned to responsibilities in the English department.

(g) Under no circumstances may tenure be earned in any administrative position.

(h) Notwithstanding the provisions of subsections (b) and (c) of this Section, a board at its discretion may grant concurrent academic rank in a department of instruction to a president who meets all qualifications for rank. Upon the recommendation of the president, a board at its discretion may grant concurrent academic rank to a vice president for academic affairs (or equivalent title), a dean or a departmental chairperson who meets all qualifications for rank.

(i) Except for the president of a community college, no person with concurrent academic rank may receive an administrative appointment for a term of more than one year, although yearly reappointments may be made without limit.

9:4-7.3 Contracts for professional staff (non faculty)

(a) Professional staff employees not holding faculty rank may be appointed by a board of trustees for one year terms for five consecutive academic years. For the purposes of this section, the academic year shall be defined as July 1 to June 30. Eligible professional staff employees whose initial agreement is after July 1, but prior to October 1, shall be given a term from the date of appointment to June 30 of the following year, and this appointment shall be considered as one full academic year of service for the purpose of this regulation. Eligible professional staff employees whose initial appointment is after October 1 shall be given an appointment until June 30 of the following year, but this appointment shall not be considered as a full academic year of service for the purpose of this section. Professional staff serving under such initial one year contracts shall be notified of reappointment or non-reappointment to a succeeding one year contract by March 15 of each academic year.

(b) A professional staff employee shall be eligible for, but not entitled to, reappointment to a multi-year term of two to five years, as well as reappointment to a one year term, after such employee's fifth consecutive full academic year of service. The college shall notify the professional staff employee by December 15 of the fifth consecutive contract year of the determination to reappoint or non-reappoint and in the instance of reappointment of the duration of said reappointment. During the period of any multi-term contract after five consecutive years of service, employees shall be subject to dismissal only in the manner prescribed by N.J.S.A. 18A:6-18.

(c) Subsequent to the fifth consecutive contract year professional staff employees who are appointed to one year contracts after five consecutive years of service shall be notified of reappointment or non-reappointment to a succeeding contract by December 15 of each academic year.

(d) Professional staff employees who are appointed to multi-year contracts shall be notified of appointment or non-reappointment to a succeeding contract one year prior to the expiration of such contracts.

(e) Any professional staff employee, whether serving under an annual contract or a multi-year contract, who is not notified of reappointment in accordance with the applicable provisions set forth above in this section, shall be entitled to reappointment for an additional one year term.

(f) A professional staff employee who has served longer than five consecutive academic years and whose contract, whether for a one-year term or a multi-year term, is due to expire at the end of the academic year may in accordance with the provisions of this section be reappointed to a one-year term, a multi-year term, or not reappointed, regardless of the duration of his or her current contract.

(g) Professional staff members serving under a multi-year contract may be assigned by the president to any professional position within their competence during the term of the contract, but their salary may not be reduced during the duration of the contract below that which they would have received had they continued in their original position, and they may be dismissed from the college during the term of the contract only for cause consistent with appropriate statutory provisions.

(h) The board of each college which offers multi-year contracts shall establish a formal procedure for considering and approving the offering of multi-year contracts and for determining whether the length of such contracts shall be two, four or five years. This procedure should encompass a thorough review of all personnel records including the reports of regular, systematic and formal evaluations conducted during the employment of the individual, as suggested in N.J.A.C. 9:4-7.3 (e).

9:4-7.4 Career development

(a) The board of trustees and the president of each State and community college, in conjunction with their faculty, shall establish a formal procedure for the career development of all members of the professional staff including,

but not limited to, a systematic and regular evaluation for the purpose of identifying any deficiencies, extending assistance for their correction and improving instruction.

(b) Members of the teaching staff and other professional employees serving for one-year appointments should be formally evaluated at least once each academic year. Professional employees with multi-year contracts should be formally evaluated at least once each five years.

(c) Formal procedures established for the evaluation of members of the teaching staff should include at minimum following:

1. Peer evaluation accomplished through classroom visitation, review of teaching materials and procedures or other appropriate means;
2. Student evaluation accomplished through systematic collection and analysis of student ratings or other appropriate means;
3. Administration evaluation accomplished through written reports by department chairmen, deans or other academic officers;
4. Written self-evaluation by the individual which may, for example, include a listing of specific activities undertaken during the period immediately preceding the evaluation.

(d) The formal evaluations suggested in subsection (c) of the Section should encompass, as appropriate to the source of the evaluation, teaching effectiveness, departmental or institutional service, administrative effectiveness, scholarly achievement, professional growth and relevant community service.

(e) Formal procedures established for the evaluation of professional persons other than members of the teaching staff should include the following:

1. Administrative evaluation as determined through written reports by deans, vice presidents or other administrative officers;
2. Written self-evaluation by the individual, including a listing of specific activities undertaken during the period immediately preceding the evaluation;
3. The use of peer evaluation, faculty evaluation or student evaluation programs may be included if considered as appropriate to the responsibilities of the position.

(f) Since the specific career development needs of each college may differ, no listing of components required in such a program can be developed. The following list of programs and activities is thus meant to be indicative, but not prescriptive or inclusive, of the elements which may appropriately be included in such a program:

1. Assignment of probationary faculty or new professional staff to one or more senior faculty or professional staff as advisors and consultants;

2. Establishment of the principle of opening all classrooms to faculty colleagues at all times to permit sharing of exemplary teaching and constructive criticism of teaching techniques and materials;
3. Support of team teaching by junior and senior faculty with full collegial exchange and sharing of responsibilities;
4. Support of seminars and colloquia on teaching, scholarly and professional problems;
5. Use of released time to support faculty interest in scholarly or institutional research and program development;
6. Exchange of faculty and professional staff among institutions on a regular basis;
7. Inservice seminars on teaching techniques and methodology such as the use of new media, simulation techniques and so forth;
8. Use of sabbatical leaves (where permitted by law) to strengthen teaching scholarly and professional abilities;
9. Support of paid travel for participation in professional and scholarly meetings;
10. Availability of audio-visual and other resources to support teaching and instruction in their use;
11. Establishing a formal procedures to inform new staff members of local resources for acquiring skill as a teacher or professional;
12. Encouraging interdisciplinary courses and programs;
13. Initiating an institutional center for teaching to provide assistance to faculty members wishing to improve their effectiveness;
14. Review of courses, programs and professional services by inside and outside peer teams;
15. Establishing calendar reforms permitting new teaching schedules which challenge routine and restlessness.

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.

