

**CHAPTER 7****COMMUNITY COLLEGE PERSONNEL  
REGULATIONS****Authority**

N.J.S.A. 18A:3B-15.

**Source and Effective Date**

R.1996 d.310, effective July 1, 1996.  
See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).

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

Chapter 7, Community College Personnel Regulations, expires on July 1, 2001.

**Chapter Historical Note**

Pursuant to Executive Order No. 66(1978), Chapter 7, Community College Personnel Regulations, was readopted as R.1995 d.334, effective May 26, 1995. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a). As part of R.1995 d.334, Subchapter 2, Community College Reduction in Force Policies, was recodified from N.J.A.C. 9:4-5, Subchapter 3, Tenure Policies, was recodified from N.J.A.C. 9:4-6, and Subchapter 4, Professional Employees Policies, was recodified from N.J.A.C. 9:4-7, effective June 19, 1995.

Pursuant to Executive Order No. 66(1978), Chapter 7, Community College Personnel Regulations, expired on May 26, 1996. A new Chapter 7, Community College Personnel Regulations, was adopted as R.1996 d.310, effective July 1, 1996. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. GENERAL RULES**

9A:7-1.1 Teaching load; appointments

**SUBCHAPTER 2. COMMUNITY COLLEGE  
REDUCTION IN FORCE POLICIES**

- 9A:7-2.1 Scope and purpose
- 9A:7-2.2 Declaration of need for a reduction in force
- 9A:7-2.3 Plans and recommendations
- 9A:7-2.4 Consultation with college community
- 9A:7-2.5 Affirmative action
- 9A:7-2.6 Review of recommendations
- 9A:7-2.7 Notice requirements; time period
- 9A:7-2.8 Reemployment lists; generally
- 9A:7-2.9 Reemployment lists; time period
- 9A:7-2.10 Reappointment of laid off employees
- 9A:7-2.11 Other colleges

**SUBCHAPTER 3. TENURE POLICIES**

- 9A:7-3.1 Monitoring proportion of tenured faculty
- 9A:7-3.2 Establishment of internal policies
- 9A:7-3.3 Performance during probationary period
- 9A:7-3.4 Positive evidence of excellence
- 9A:7-3.5 Evaluation procedures

**SUBCHAPTER 4. PROFESSIONAL EMPLOYEE  
POLICIES**

- 9A:7-4.1 Definitions
- 9A:7-4.2 Academic rank for nonteaching personnel
- 9A:7-4.3 Contracts for professional staff (nonfaculty)

**SUBCHAPTER 1. GENERAL RULES****9A:7-1.1 Teaching load; appointments**

(a) The normal teaching load should not be less than the load in effect at the State colleges. This subsection shall expire effective the first day of the term of the first collective negotiations agreement between each county college and its representative unions negotiated after July 1, 1996.

(b) 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.

Recodified from 9:4-1.9 and amended by R.1995 d.334, effective June 19, 1995.

See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

Amended by R.1996 d.310, effective July 1, 1996.

See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).

**Case Notes**

Request to raise final grade given student at local college involved an essentially subjective academic appraisal and was properly denied. *Nussbaum v. Board of Trustees of Ramapo*, 95 N.J.A.R.2d (HED) 23.

Substantially proven charges of sexual harassment warranted dismissal of tenured community college teacher. *Matter of Tenure Charges Against Zaleski*, 95 N.J.A.R.2d (HED) 1, affirmed 96 N.J.A.R.2d (HED) 1, certification denied 143 N.J. 518, 673 A.2d 277.

**SUBCHAPTER 2. COMMUNITY COLLEGE  
REDUCTION IN FORCE POLICIES****9A:7-2.1 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.

**9A:7-2.2 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.

**9A:7-2.3 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 recommendation to implement the reduction in force.

**9A:7-2.4 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 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 a format not routinely used 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 or her own recommendations.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

**9A:7-2.5 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.

**9A:7-2.6 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 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 specialties 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 such 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 using 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 judgment 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 courses taught by the adjunct or by the full-time faculty member on an overload basis.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

**9A:7-2.7 Notice requirements; time period**

Upon the board's determining the areas that may be affected by the layoff, it shall give notice to all individuals subject to the proposed layoff two weeks before 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 before the date of layoff for layoffs due to fiscal crisis and 210 days before the date of layoff for layoffs due to a natural diminution in the number of students in a program or a reduction in programs. Appeals of layoffs due to fiscal exigency under this section shall be given prompt consideration if requested. This section shall expire effective the first day of the term of the first collective negotiations agreement between each county college and its representative unions negotiated after July 1, 1996.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).  
Amended by R.1996 d.310, effective July 1, 1996.  
See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).

**9A:7-2.8 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 reemployment 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.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

#### **9A:7-2.9 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 section, a person who is offered and declines reemployment pursuant to N.J.A.C. 9A:7-2.8(b) shall be removed from the reemployment list and waive all rights to reemployment.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).  
Amended by R.1996 d.310, effective July 1, 1996.  
See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).

#### **9A:7-2.10 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.

#### **9A:7-2.11 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 3. TENURE POLICIES**

#### **9A:7-3.1 Monitoring proportion of tenured faculty**

In order to maintain the flexibility of the institution to respond to the changing educational needs of future generations of students, each college board of trustees shall take appropriate steps to achieve a future balance of the proportion of faculty ultimately tenured. The board of trustees shall annually monitor the projected proportion of tenured faculty and the progress being made to achieve the institutional goal of limiting the proportion of tenured faculty.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

#### **9A:7-3.2 Establishment of internal policies**

(a) Each community college board of trustees shall establish internal policies which indicate that it will impose either 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 the level deemed necessary by the board of trustees to maintain an appropriate balance between tenured and non-tenured faculty.

(b) Reappointments conferring tenure which raise the proportion of tenured faculty above the level deemed appropriate by the board of trustees shall be made only when judged by the college board of trustees as being in the best interests of the college.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

#### **9A:7-3.3 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.

#### **9A:7-3.4 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.

**9A:7-3.5 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 (c) below 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 that are directly related to teaching or administrative assignments; contributions to campus life beyond formal, assigned instructional activity; and significant research, scholarly, or community activity.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

**Case Notes**

It was not procedurally impermissible for tenure guidelines to be adopted as emergency rules after commencement of challenging action. *Ass'n of New Jersey State College Faculties, Inc. v. Dungan*, 64 N.J. 338, 316 A.2d 425 (1974).

Writing instructor entitled to tenure upon employment at beginning of sixth academic year; instructor not estopped by agreement under which she sought staff appointment. *Dugan v. Stockton State College*, 92 N.J.A.R.2d (HED) 5.

## SUBCHAPTER 4. PROFESSIONAL EMPLOYEE POLICIES

**9A:7-4.1 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 personnel" means individuals serving in positions which at minimum require the individual to hold a bachelor's 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.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

**Case Notes**

Classification of registrar and director of financial aid positions as "Director II" positions was not arbitrary. *Buechler v. Board of Trustees of Montclair State College*, 92 N.J.A.R.2d (HED) 13.

**9A:7-4.2 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 New Jersey Commission on Higher Education, other full-time professional personnel shall be considered faculty members if they concurrently hold academic rank.

(b) Eligibility for concurrent academic rank for nonteaching professional personnel in the county colleges shall be limited to professional librarians who meet qualifications for rank, professional staff members engaged in student counseling related to an academic program who meet all qualifications for rank, and to other professional personnel as set forth in (h) below. Any nonteaching professional personnel granted concurrent academic rank before July 31, 1974 shall retain such academic rank while employed by the college.

(c) Concurrent academic rank for nonteaching professional personnel in the community colleges may be granted only by affirmative action of the college board of trustees, and shall be limited to those categories of personnel identified in (b) above and (h) below.

(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 counseling 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 positions and (until tenure is earned) their academic ranks. 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 (f) below.

(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 (b) and (c) above, 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 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.

Amended by R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).  
Amended by R.1996 d.310, effective July 1, 1996.  
See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).

#### **9A:7-4.3 Contracts for professional staff (nonfaculty)**

(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 before 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 nonreappointment 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 nonreappoint 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 subjected 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 nonreappointment 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 nonreappointment to a succeeding contract one year before the expiration of such contracts. Failure to so notify an employee shall entitle such employee to reappointment for a one-year term.

(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 that 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 (e) above.

(i) This section shall expire effective the first day of the term of the first collective negotiations agreement between each county college and its representative unions negotiated after July 1, 1996.

New Rule, R.1995 d.334, effective June 19, 1995.  
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).  
Amended by R.1996 d.310, effective July 1, 1996.  
See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).