§ 6306. Administration of community colleges--boards of trustees. 1. Each community college, except in the city of New York, shall be administered by a board of trustees of ten members, nine of whom shall be appointed for terms of seven years in annual rotation, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Five members shall be appointed by the local legislative body or board, or other appropriate governing agency, one of whom may be a member of such local legislative body or board, or other appropriate governing agency, four, from among persons residing in the sponsoring community, by the governor and one member elected by and from among the students of the college who shall serve as a member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred seventy-five. The student member shall be afforded the same parliamentary privileges as are conferred upon voting members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the members of such board with respect to the discharge of their duties including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be for terms of two, four, six and eight years respectively and those by local authorities for terms of one, three, five, seven and nine years respectively. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select its own chairman from among its voting membership. Where two or more local sponsors join in the establishment of a community college, the apportionment of the appointments among them shall be made by the state university trustees. Trustees shall receive no compensation for their services but shall be

reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to the board of trustees of any community college hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of the boards of trustees of community colleges heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year all initial terms of office of appointed members of the boards of trustees of community colleges heretofore established shall be deemed to have commenced on the first day of July of the year in which such colleges were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees. In the case of community colleges in the city of New York the year in which any such college was established for the purposes of this subdivision shall mean the year in which it was or may be determined that its board of trustees be appointed and serve in the manner provided by this subdivision.

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

1-a. Notwithstanding the provisions of subdivision one of this section, the term of office of a member of the board of trustees of

Rockland Community College appointed by the local legislative body or board shall be five years.

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

3. In the city of New York, upon the establishment of a community college sponsored by the board of education, the sponsoring board shall be the trustees and shall be vested with the powers of a board of trustees of a community college, or upon the application of the sponsoring board, approved by the state university trustees, the board of trustees of such community college may be appointed and serve in the manner provided by subdivision one of this section; and upon the establishment and continuance of a community college sponsored by the city of New York, the local sponsor may designate the board of education

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

3-a. (a) Notwithstanding the provisions of subdivisions one and three of this section, effective July first, two thousand eight, the fashion institute of technology shall be administered by a board of trustees of twelve members. Six members shall be appointed by the local sponsor, one of whom may be a member of such sponsor; five members shall be appointed by the governor from among persons who reside in the city of New York; and one member shall be elected by and from among the students of the fashion institute of technology.

(b) The provisions of subdivisions one and three of this section notwithstanding, effective July first, two thousand nine, the fashion institute of technology shall be administered by a board of trustees of fourteen members. Seven members shall be appointed by the local sponsor, one of whom may be a member of such sponsor; six members shall be appointed by the governor from among persons who reside in the city of New York; and one member shall be elected by and from among the students of the fashion institute of technology.

(c) The provisions of subdivisions one and three of this section notwithstanding, effective July first, two thousand ten, the fashion institute of technology shall be administered by a board of trustees of sixteen members. Eight members shall be appointed by the local sponsor, one of whom may be a member of such sponsor; seven members shall be appointed by the governor from among persons who reside in the city of

New York; and one member shall be elected by and from among the students of the fashion institute of technology.

3-b. The board of trustees of each community college, and those provided for in the city of New York by subdivision three of this section, shall adopt a policy for admission of students who have completed an online high school program located within the United States consistent with the provisions of subparagraph eleven of paragraph h of subdivision two of section three hundred fifty-five of this chapter.

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

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

5-a. a. The board of trustees of each community college shall have the

authority to appoint security officers for the community college and, in its discretion, to designate or to revoke the designation of one or more than one security officer as a peace officer. A security officer so designated shall have the powers of a peace officer as set forth in section 2.20 of the criminal procedure law. A security officer designated as a peace officer must have satisfactorily completed or complete, within one year of the date of such designation, a course of law enforcement training prescribed by the municipal police training council in consultation with the state university board of trustees. A peace officer so designated may possess and carry a firearm as a part of on duty employment only if authorized to do so by the president of the community college. The geographical area of employment of a peace officer so designated is the campus and other property of the community college at which the peace officer serves, including that portion of a public highway which crosses or abuts such property, and residential or other facilities owned, operated, or maintained by a not-for-profit entity associated with the community college for which such community college provides security.

b. The appointment of security officers at a community college shall be governed by and conform with civil service laws, rules and regulations, if applicable to the community college and its employees. The designation of a security officer as a peace officer shall be based on qualifications established by the community college board of trustees, and in accordance with seniority. For purposes of this subdivision, "seniority" means total employment service with the community college making such designation.

c. A security officer who has been designated a peace officer may have such designation suspended or removed pursuant to procedures established by the community college or in compliance with any local collective bargaining agreement, if applicable to the community college and its employees.

d. The designation of peace officers pursuant to this subdivision shall not be deemed to supersede in any way the authority of other peace officers and police officers.

e. Nothing contained in this section shall be construed to: (i) alter any existing collective bargaining agreement; (ii) diminish the rights of employees pursuant to an existing collective bargaining agreement; (iii) affect existing law with respect to an application to the public employment relations board seeking designation by the board that certain persons are managerial or confidential; or (iv) alter or restrict the power of a county or community college sponsor or employee organization to negotiate with respect to an alternate method of appointment or promotion of security officers.

5-b. Subject to the approval of the board of regents, the board of trustees shall have the authority to grant honorary associate degrees.

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

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

after advertisement for bids. Nothing contained in this subdivision shall be deemed to diminish or impair any powers or authority otherwise vested in the board of trustees of any community college. The provisions of this subdivision shall not apply to community college regional boards of trustees.

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

8-a. a. The board of trustees shall, on or before January first, two thousand, adopt and implement a plan providing for the investigation of any violent felony offense occurring at or on the grounds of each such institution, and providing for the investigation of a report of any missing student. Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports and a requirement that the institution shall notify the appropriate law enforcement agency as soon as practicable but in no case more than twenty-four hours after a report of a violent felony or that a student who resides in housing owned or operated by such institution is missing; provided that each institution shall: (1) inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police; (2) inform the victim of a sexual offense of the right to report or not to report such offense to the local law enforcement agencies; and (3) offer the option to be assisted by campus

authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f).

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

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

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

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

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

10. The boards of trustees of the state university of New York community colleges shall consult with boards of cooperative educational services (BOCES) to identify new or existing programs offered to students that would allow a student to pursue an associate of occupational studies (AOS) degree from a community college upon high school graduation. Once identified, BOCES in collaboration with the community college boards of trustees shall make such path, identified programs, and AOS degree options known to ensure that students are aware that such options exist. Such notification shall begin in the eighth grade, and include the provision of materials on AOS degree options to school counselors in each school district in such region. Provided however, that such boards and BOCES shall not take any action to direct

or suggest that a student should pursue a particular degree or pathway.

11. The board of trustees of each community college shall adopt written policies requiring that all public single-occupancy bathroom facilities be designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. Such gender neutral bathroom facilities shall be clearly designated by the posting of such on or near the entry door of each facility. For purposes of this section, "single-occupancy bathroom" shall have the same meaning as paragraph (d) of subdivision one of section one hundred forty-five of the public buildings law.

* 12. (a) The use of artificial intelligence systems, as defined by section one hundred three-e of the state technology law, shall not affect (i) the existing rights of employees pursuant to a collective bargaining agreement; or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

(b) The use of such artificial intelligence systems shall not result in the: (i) discharge, displacement or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of collective bargaining agreements; or

(ii) transfer of existing duties and functions currently performed by employees of each community college to an artificial intelligence system.

(c) The use of an artificial intelligence system shall not alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership status of all existing employees of each community college shall be preserved and protected.

* NB Repealed July 1, 2028