

1445

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to meetings of councils of state-operated institutions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 356 of the education law, as amended by chapter 552
2 of the laws of 1985, is amended to read as follows:
3 S 356. Councils of state-operated institutions; powers and duties. 1.
4 Subject to the general management, supervision and control of and in
5 accordance with rules established by the state university trustees, the
6 operations and affairs of each state-operated institution of the state
7 university shall be supervised locally by a council consisting of ten
8 members, nine of whom shall be appointed by the governor and one of whom
9 shall be elected by and from among the students of the institution. Such
10 voting members shall be subject to every provision of any general,
11 special or local law, ordinance, charter, code, rule or regulation
12 applying to the voting members of such board with respect to the
13 discharge of their duties including, but not limited to, those
14 provisions setting forth codes of ethics, disclosure requirements and
15 prohibiting business and professional activities. The election of the
16 student member shall be conducted in accordance with rules and regu-
17 lations promulgated by the respective representative campus student
18 association in accordance with guidelines established by the state
19 university trustees. One member shall be designated by the governor as
20 chairman. Where an undergraduate state-operated institution of the state
21 university is located adjacent to another institution of higher educa-
22 tion and students of such undergraduate state-operated institution are,
23 under arrangements made by the state university, taking a substantial
24 portion of their courses at such other institution, the president or
25 other head of such other institution shall be an ex-officio member of

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD07959-01-9

1 the council for such undergraduate state-operated institution. Initial
2 appointments, other than the student member and ex-officio members,
3 shall be for terms expiring July first, nineteen hundred fifty-four,
4 July first, nineteen hundred fifty-five, July first, nineteen hundred
5 fifty-six, July first, nineteen hundred fifty-seven, July first, nine-
6 teen hundred fifty-eight, July first, nineteen hundred fifty-nine, July
7 first, nineteen hundred sixty, July first, nineteen hundred sixty-one
8 and, where there is no ex-officio member, July first, nineteen hundred
9 sixty-two, respectively, and subsequent appointments, other than the
10 student member, shall be for a full term of nine years from the first
11 day of July of the calendar year in which the appointment is made. A
12 MEMBER OF THE COUNCIL APPOINTED BY THE GOVERNOR WHO HAS THREE OR MORE
13 ABSENCES FROM THE REGULAR MEETINGS HELD ANNUALLY AND DESCRIBED IN SUBDI-
14 VISION TWO OF THIS SECTION, WHICH HAVE NOT BEEN EXCUSED BY THE CHAIR,
15 SHALL BE CONSIDERED TO HAVE VACATED HIS OR HER MEMBERSHIP. WHEN APPLICA-
16 BLE, THE CHAIR SHALL NOTIFY THE GOVERNOR, IN WRITING, OF SUCH VACANCY.
17 Vacancies shall be filled for the unexpired term in the same manner as
18 original selections. The term of office for each council member
19 appointed on or after April first, nineteen hundred eighty-six shall be
20 seven years. The term of office for the student member shall be one year
21 commencing July first of the calendar year in which the election is
22 conducted, provided, however, that the term of the student member first
23 elected shall be nine months commencing October first, nineteen hundred
24 seventy-five and expiring June thirtieth, nineteen hundred seventy-six.
25 In the event that the student member ceases to be a student at the
26 institution, such member shall be required to resign. Members of such
27 councils appointed by the governor may be removed by the governor.
28 Members of such councils elected by the students of the institution may
29 be removed by such students in accordance with rules and regulations
30 promulgated by the respective representative campus student association
31 in accordance with guidelines promulgated by the state university trus-
32 tees. Members of such councils shall receive no compensation for their
33 services but shall be reimbursed for the expenses actually and necessar-
34 ily incurred by them in the performance of their duties hereunder.

35 2. The councils of state-operated institutions shall provide for regu-
36 lar meetings at least four times annually, and the chair, or any five
37 members by petition, may at any time call a special meeting of the coun-
38 cil and fix the time and place therefor. At least seven days notice of
39 every meeting shall be mailed to the usual address of each member,
40 unless such notice be waived by a majority of the council. Resolutions
41 for the consideration of the councils must be mailed to the usual
42 address of each council member no less than seven days prior to a meet-
43 ing, unless the chair shall make available in writing on the day of the
44 meeting the facts which necessitate an immediate vote. The agenda for
45 such meetings shall be available three days prior to the meetings and
46 shall be considered public records. Five members attending shall consti-
47 tute a quorum for the transaction of business and the act of a majority
48 of the members present at any meeting shall be the act of the council.

49 2-A. AT LEAST ONE OF THE FOUR REGULAR MEETINGS SET FORTH IN SUBDIVI-
50 SION TWO OF THIS SECTION SHALL BE CONDUCTED ON THE COLLEGE CAMPUS DURING
51 THE FALL SEMESTER. DURING SUCH MEETING THE PRESIDENT OF THE COLLEGE
52 SHALL REPORT TO THE COUNCIL ON THE STATE OF THE COLLEGE.

53 3. Subject to the general management, supervision, control and
54 approval of, and in accordance with rules established by the state
55 university trustees, the council of each state-operated institution

1 shall, with respect to the institution or institutions for which it
2 serves, exercise the following powers:

3 a. recommend to the state university trustees candidates for appoint-
4 ment by the state university trustees as head of such institution;

5 b. review all major plans of the head of such institution for its more
6 effective operation and make such recommendations with respect thereto
7 as it deems appropriate. Such plans shall be submitted for approval by
8 the state university trustees, together with the recommendations of the
9 council with respect thereto. The state university trustees shall deter-
10 mine what constitute such major plans, which are hereby generally
11 defined to include, among others, plans for the appraisal or improvement
12 of the faculty and other personnel, expansion or restriction of student
13 admissions, appraisal or improvement of academic programs and of stand-
14 ards for the earning of degrees, expansion of institutional plants and
15 appraisal or improvement of student activities and housing;

16 c. make regulations governing the care, custody and management of
17 lands, grounds, buildings and equipment;

18 d. review the proposed budget requests for such institution prepared
19 by the head thereof and recommend to the state university trustees a
20 budget for such institution;

21 e. foster the development of advisory citizens committees to render
22 such assistance as the council may request, and to appoint the members
23 of such citizens' committees. Members of such citizens' committees shall
24 receive no compensation for their services but shall be reimbursed for
25 the expenses actually and necessarily incurred by them in the perform-
26 ance of their duties;

27 f. name buildings and grounds;

28 g. make regulations governing the conduct and behavior of students;

29 h. prescribe for and exercise supervision over student housing and
30 safety;

31 i. make an annual report to the state university trustees on or before
32 September first of each year, and report to them from time to time on
33 any matter it believes requires their attention;

34 j. perform such other powers and duties as may be authorized or
35 required by the state university trustees by general rules or special
36 directives; and

37 k. make and establish, and from time to time alter and amend, such
38 regulations pertaining to the affairs of its institution, not inconsis-
39 tent with law or the rules of the state university trustees, as may be
40 necessary or appropriate to carry out effectively the foregoing powers
41 and duties.

42 4. SUBJECT TO THE RULES AND REGULATIONS ESTABLISHED BY THE BOARD OF
43 TRUSTEES, THE CHAIR OF EACH COLLEGE COUNCIL MAY ESTABLISH SUBCOMMITTEES
44 TO ASSIST IN CARRYING OUT THE DUTIES OF THE COUNCIL PURSUANT TO SUBDIVI-
45 SION THREE OF THIS SECTION.

46 S 2. This act shall take effect immediately.