

4902

2013-2014 Regular Sessions

I N S E N A T E

April 30, 2013

Introduced by Sen. AVELLA -- 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 creating a committee on nominations to the boards of trustees of the state university of New York and the city university of New York

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

1 Section 1. Section 353 of the education law is amended by adding a new  
2 subdivision 5 to read as follows:

3 5. EVERY MEMBER OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY  
4 SHALL, UPON INITIAL APPOINTMENT TO SUCH OFFICE, COMPLETE THE ORIENTATION  
5 PROGRAM ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION THIRTEEN  
6 HUNDRED FOUR OF THIS CHAPTER. FURTHERMORE, EVERY MEMBER OF THE BOARD OF  
7 TRUSTEES OF THE STATE UNIVERSITY SHALL COMPLETE THE COMPREHENSIVE  
8 CONTINUING EDUCATION PROGRAM, ESTABLISHED PURSUANT TO SUBDIVISION FIVE  
9 OF SECTION THIRTEEN HUNDRED FOUR OF THIS CHAPTER, IN ACCORDANCE WITH THE  
10 RULES AND REGULATIONS OF THE COMMITTEE ON UNIVERSITY BOARDS OF TRUSTEES  
11 NOMINATIONS.

12 S 2. The education law is amended by adding a new article 25 to read  
13 as follows:

14 ARTICLE 25

15 COMMITTEE ON UNIVERSITY BOARDS OF  
16 TRUSTEES NOMINATIONS

17 SECTION 1301. LEGISLATIVE INTENT.

18 1302. DEFINITIONS.

19 1303. COMMITTEE ON UNIVERSITY BOARDS OF TRUSTEES NOMINATIONS;  
20 ESTABLISHED.

21 1304. POWERS AND DUTIES.

22 1305. RECOMMENDATIONS.

23 1306. CANDIDATE QUALIFICATIONS.

24 1307. SUPPORT SERVICES.

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

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1 1308. CONFLICT OF INTEREST.

2 S 1301. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS THAT THERE  
3 HAS BEEN A NATIONWIDE TREND OF DECLINING QUALITY OF THE TRUSTEES OF  
4 PUBLIC INSTITUTIONS OF HIGHER EDUCATION. SEVERAL STATES HAVE TAKEN  
5 LEGISLATIVE OR EXECUTIVE ACTION TO ASSURE HIGHLY QUALIFIED APPOINTMENTS  
6 TO THE BOARDS OF TRUSTEES FOR THEIR RESPECTIVE PUBLIC UNIVERSITIES AND  
7 COLLEGES. SEVERAL STATES HAVE INITIATED EDUCATIONAL PROGRAMS FOR THEIR  
8 TRUSTEES BOTH FOR ORIENTATION AND CONTINUING EDUCATION. IN ORDER TO  
9 ASSURE THE CONTINUED SUCCESS AND HIGHEST STANDARDS OF PUBLIC HIGHER  
10 EDUCATION IN THE STATE OF NEW YORK, THE LEGISLATURE HEREBY ESTABLISHES  
11 THE COMMITTEE ON BOARDS OF TRUSTEES NOMINATIONS, AND ESTABLISHES A  
12 MANDATORY ORIENTATION AND CONTINUING EDUCATION REQUIREMENT FOR MEMBERS  
13 OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, CITY  
14 UNIVERSITY OF NEW YORK AND THE COLLEGE OF ENVIRONMENTAL SCIENCE AND  
15 FORESTRY OF THE STATE UNIVERSITY OF NEW YORK.

16 S 1302. DEFINITIONS. AS USED IN THIS ARTICLE:

17 1. "CITY UNIVERSITY" SHALL MEAN THE CITY UNIVERSITY OF NEW YORK.

18 2. "COLLEGE" SHALL MEAN THE COLLEGE OF ENVIRONMENTAL SCIENCE AND  
19 FORESTRY OF THE STATE UNIVERSITY OF NEW YORK.

20 3. "COMMITTEE" SHALL MEAN THE COMMITTEE ON UNIVERSITY BOARDS OF TRUS-  
21 TEES NOMINATIONS.

22 S 1303. COMMITTEE ON UNIVERSITY BOARDS OF TRUSTEES NOMINATIONS; ESTAB-  
23 LISHED. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE COMMITTEE  
24 ON UNIVERSITY BOARDS OF TRUSTEES NOMINATIONS. THE COMMITTEE SHALL  
25 CONSIST OF TWELVE MEMBERS EACH APPOINTED FOR A TERM OF SIX YEARS  
26 COMMENCING ON THE FIRST DAY OF DECEMBER. THE MEMBERS SHALL BE APPOINTED  
27 AS FOLLOWS:

28 A. FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

29 B. THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
30 SENATE;

31 C. THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

32 D. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;  
33 AND

34 E. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
35 BLY.

36 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
37 THE MEMBERS OF THE COMMITTEE WHOSE TERMS COMMENCE ON THE EFFECTIVE DATE  
38 OF THIS ARTICLE SHALL BE APPOINTED FOR THE FOLLOWING TERMS:

39 A. TWO YEARS: ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
40 SENATE, ONE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER  
41 APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER APPOINTED  
42 BY THE MINORITY LEADER OF THE ASSEMBLY;

43 B. FOUR YEARS: TWO MEMBERS APPOINTED BY THE GOVERNOR, ONE MEMBER  
44 APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE MEMBER  
45 APPOINTED BY THE SPEAKER OF THE ASSEMBLY; AND

46 C. SIX YEARS: TWO MEMBERS APPOINTED BY THE GOVERNOR, ONE MEMBER  
47 APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE MEMBER  
48 APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

49 3. THE TERMS OF ALL MEMBERS OF THE COMMITTEE SHALL END ON THE THIRTI-  
50 ETH DAY OF NOVEMBER IN THE YEAR THE MEMBER'S TERM EXPIRES. ALL SUCH  
51 MEMBERS SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR SUCCESSOR IS APPOINTED  
52 AND QUALIFIED. VACANCIES, OCCURRING OTHER THAN BY EXPIRATION OF THE TERM  
53 OF A MEMBER OF THE COMMITTEE, SHALL BE FILLED FOR THE REMAINDER OF THE  
54 UNEXPIRED TERM. THE MEMBERS OF THE COMMITTEE MAY BE REMOVED FROM OFFICE  
55 PURSUANT TO ARTICLE THREE OF THE PUBLIC OFFICERS LAW.

1 4. THE MEMBERS OF THE COMMITTEE SHALL RECEIVE NO COMPENSATION FOR  
2 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES  
3 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

4 S 1304. POWERS AND DUTIES. THE COMMITTEE SHALL HAVE THE FOLLOWING  
5 POWERS AND DUTIES:

6 1. TO ESTABLISH ADDITIONAL QUALIFICATION CRITERIA FOR CANDIDATES FOR  
7 THE BOARDS OF TRUSTEES OF THE STATE UNIVERSITY, CITY UNIVERSITY AND  
8 COLLEGE;

9 2. DEVELOP A STATEMENT OF ALL CRITERIA TO BE APPLIED AND A DESCRIPTION  
10 OF THE RESPONSIBILITIES AND DUTIES OF MEMBERS OF THE BOARDS OF TRUSTEES  
11 OF THE STATE UNIVERSITY, CITY UNIVERSITY AND COLLEGE, AND DISTRIBUTE  
12 SUCH STATEMENT AND DESCRIPTION TO PROSPECTIVE CANDIDATES FOR SUCH  
13 MEMBERSHIP;

14 3. FOR EACH VACANT POSITION ON THE BOARDS OF TRUSTEES OF THE STATE  
15 UNIVERSITY, CITY UNIVERSITY AND COLLEGE, IDENTIFY AND RECRUIT QUALIFIED  
16 CANDIDATES FOR SUCH POSITION, BASED UPON THE BACKGROUND AND EXPERIENCE  
17 OF THE CANDIDATE, AND THEIR POTENTIAL TO FULFILL THE RESPONSIBILITIES OF  
18 A TRUSTEE;

19 4. DEVELOP, IN COOPERATION WITH THE STATE UNIVERSITY, CITY UNIVERSITY  
20 AND COLLEGE, A COMPREHENSIVE ORIENTATION PROGRAM TO BE CONDUCTED BY EACH  
21 SUCH INSTITUTION FOR TRUSTEES WHO ARE INITIALLY BEING APPOINTED TO THE  
22 BOARD OF TRUSTEES. SUCH ORIENTATION PROGRAM SHALL INCLUDE, BUT NOT BE  
23 LIMITED TO, PRESENTATION OF INFORMATION RELATING TO THE APPROPRIATE  
24 INSTITUTION'S MISSION, BUDGET, PLANS, POLICIES, STRENGTHS AND WEAK-  
25 NESSES; AND

26 5. DEVELOP, IN COOPERATION WITH THE STATE UNIVERSITY, CITY UNIVERSITY  
27 AND COLLEGE, A COMPREHENSIVE CONTINUING EDUCATION PROGRAM TO BE  
28 CONDUCTED BY EACH SUCH INSTITUTION FOR ALL ITS TRUSTEES.

29 S 1305. RECOMMENDATIONS. THE COMMITTEE SHALL SUBMIT THE NAMES OF THREE  
30 CANDIDATES FOR EACH VACANCY ON THE BOARD OF TRUSTEES OF:

31 1. THE STATE UNIVERSITY OR THE COLLEGE TO THE GOVERNOR, AND

32 2. THE CITY UNIVERSITY TO THE MAYOR OF THE CITY OF NEW YORK.

33 THE GOVERNOR AND THE MAYOR OF THE CITY OF NEW YORK SHALL ONLY APPOINT  
34 AS MEMBERS OF A BOARD OF TRUSTEES FROM THOSE CANDIDATES SUBMITTED BY THE  
35 COMMITTEE.

36 S 1306. CANDIDATE QUALIFICATIONS. ALL CANDIDATES RECOMMENDED PURSUANT  
37 TO SECTION THIRTEEN HUNDRED FIVE OF THIS ARTICLE SHALL HAVE THE FOLLOW-  
38 ING QUALIFICATIONS:

39 1. GENERAL QUALIFICATIONS. ALL CANDIDATES RECOMMENDED BY THE COMMITTEE  
40 SHALL POSSESS UNIMPEACHABLE PERSONAL INTEGRITY, INDEPENDENCE, A STRONG  
41 COMMITMENT TO PUBLIC HIGHER EDUCATION, A WILLINGNESS TO DEVOTE THE  
42 NECESSARY TIME AND ENERGY TO THE APPROPRIATE BOARD OF TRUSTEES, AND A  
43 WILLINGNESS TO FOREGO ANY PARTISAN POLITICAL ACTIVITY THAT COULD BE  
44 DISRUPTIVE OR HARMFUL TO THE INSTITUTION OF HIGHER EDUCATION.

45 2. SPECIFIC QUALIFICATIONS. ALL RECOMMENDED CANDIDATES SHALL HAVE:

46 A. EARNED A HIGHER EDUCATION DEGREE, WITH A PREFERENCE GRANTED TO  
47 CANDIDATES WHOSE DEGREE WAS CONFERRED BY THE STATE UNIVERSITY OR THE  
48 CITY UNIVERSITY;

49 B. DEMONSTRATED EXPERIENCE, EITHER VOLUNTARY OR COMPENSATED, IN PUBLIC  
50 HIGHER EDUCATION;

51 C. DEMONSTRATED EXPERIENCE AS THE MEMBER OF A BOARD, COMMISSION OR  
52 SIMILAR ENTITY;

53 D. DEMONSTRATED EXPERIENCE OR EDUCATION RELATED TO THE IDENTIFICATION,  
54 INTERVIEWING AND SELECTION OF PERSONNEL;

55 E. EXPERIENCE OR EDUCATION SUFFICIENT TO ENABLE THE CANDIDATE TO  
56 UNDERSTAND PUBLIC HIGHER EDUCATION FINANCE ISSUES;

1 F. MET THE REQUIREMENTS ESTABLISHED FOR THE APPROPRIATE BOARD OF TRUS-  
2 TEES PURSUANT TO SECTION THREE HUNDRED FIFTY-THREE, SIX THOUSAND THREE  
3 OR SIXTY-TWO HUNDRED FOUR OF THIS CHAPTER; AND

4 G. MET SUCH ADDITIONAL CRITERIA AS THE COMMITTEE SHALL ESTABLISH BY  
5 RULE OR REGULATION.

6 S 1307. SUPPORT SERVICES. ALL EXPENSES OF THE COMMITTEE SHALL BE PAID  
7 AND ALL SUPPORT NEEDED BY THE COMMITTEE SHALL BE PROVIDED BY THE STATE  
8 UNIVERSITY AND THE CITY UNIVERSITY IN PROPORTION TO THE APPROPRIATIONS  
9 MADE TO EACH SUCH UNIVERSITY.

10 S 1308. CONFLICT OF INTEREST. NO MEMBER OF THE BOARD OF TRUSTEES OF  
11 THE STATE UNIVERSITY, CITY UNIVERSITY OR COLLEGE NOR ANY IMMEDIATE FAMI-  
12 LY MEMBER THEREOF SHALL BE EMPLOYED FOR COMPENSATION AT ANY INSTITUTION  
13 GOVERNED BY THE BOARD OF TRUSTEES OF WHICH SUCH MEMBER IS A MEMBER. WORK  
14 STUDY AND OTHER FORMS OF WORK RELATING TO A BONA FIDE COURSE OF STUDY OR  
15 FINANCIAL ASSISTANCE FOR SUCH COURSE OF STUDY SHALL NOT BE DEEMED TO BE  
16 EMPLOYMENT FOR COMPENSATION FOR THE PURPOSES OF THIS SECTION.

17 S 3. Section 6003 of the education law is amended by adding a new  
18 closing paragraph to read as follows:

19 EVERY MEMBER OF THE BOARD OF TRUSTEES SHALL, UPON INITIAL APPOINTMENT  
20 TO SUCH OFFICE, COMPLETE THE ORIENTATION PROGRAM ESTABLISHED PURSUANT TO  
21 SUBDIVISION FOUR OF SECTION THIRTEEN HUNDRED FOUR OF THIS CHAPTER.  
22 FURTHERMORE, EVERY MEMBER OF THE BOARD OF TRUSTEES SHALL COMPLETE THE  
23 COMPREHENSIVE CONTINUING EDUCATION PROGRAM ESTABLISHED PURSUANT TO  
24 SUBDIVISION FIVE OF SECTION THIRTEEN HUNDRED FOUR OF THIS CHAPTER, IN  
25 ACCORDANCE WITH THE RULES AND REGULATIONS OF THE COMMITTEE ON UNIVERSITY  
26 BOARDS OF TRUSTEES NOMINATIONS.

27 S 4. Section 6204 of the education law is amended by adding a new  
28 subdivision 4 to read as follows:

29 4. TRAINING OF TRUSTEES. EVERY MEMBER OF THE BOARD OF TRUSTEES SHALL,  
30 UPON INITIAL APPOINTMENT TO SUCH OFFICE, COMPLETE THE ORIENTATION  
31 PROGRAM ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION THIRTEEN  
32 HUNDRED FOUR OF THIS CHAPTER. FURTHERMORE, EVERY MEMBER OF THE BOARD OF  
33 TRUSTEES SHALL COMPLETE THE COMPREHENSIVE CONTINUING EDUCATION PROGRAM,  
34 ESTABLISHED PURSUANT TO SUBDIVISION FIVE OF SECTION THIRTEEN HUNDRED  
35 FOUR OF THIS CHAPTER, IN ACCORDANCE WITH THE RULES AND REGULATIONS OF  
36 THE COMMITTEE.

37 S 5. This act shall take effect on the first of December next succeed-  
38 ing the date on which it shall have become a law; provided, however, all  
39 members of the committee on university boards of trustees nominations  
40 shall be appointed pursuant to section 1303 of the education law, as  
41 added by section two of this act, on or before such effective date.