S T A T E O F N E W Y O R K

772

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. LIFTON, DINOWITZ -- Multi-Sponsored by -- M. of A. CAHILL, CYMBROWITZ, GLICK, HOOPER, JACOBS, MILLMAN, PEOPLES-STOKES -- read once and referred 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:

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

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

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

ARTICLE 25

COMMITTEE ON UNIVERSITY BOARDS OF TRUSTEES NOMINATIONS

SECTION 1301. LEGISLATIVE INTENT.
1302. DEFINITIONS.
1303. COMMITTEE ON UNIVERSITY BOARDS OF TRUSTEES NOMINATIONS; ESTABLISHED.
1304. POWERS AND DUTIES.
1305. RECOMMENDATIONS.

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

LBD02411-01-3

1306. CANDIDATE QUALIFICATIONS.
1307. SUPPORT SERVICES.
1308. CONFLICT OF INTEREST.

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

S 1302. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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

3. "COMMITTEE" SHALL MEAN THE COMMITTEE ON UNIVERSITY BOARDS OF TRUSTEES NOMINATIONS.

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

A. FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

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

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

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

E. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

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

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

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

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

3. THE TERMS OF ALL MEMBERS OF THE COMMITTEE SHALL END ON THE THIRTIETH DAY OF NOVEMBER IN THE YEAR THE MEMBER'S TERM EXPIRES. ALL SUCH MEMBERS SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR SUCCESSOR IS APPOINTED AND QUALIFIED. VACANCIES, OCCURRING OTHER THAN BY EXPIRATION OF THE TERM OF A MEMBER OF THE COMMITTEE, SHALL BE FILLED FOR THE REMAINDER OF THE

UNEXPIRED TERM. THE MEMBERS OF THE COMMITTEE MAY BE REMOVED FROM OFFICE PURSUANT TO ARTICLE THREE OF THE PUBLIC OFFICERS LAW.

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

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

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

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

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

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

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

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

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

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

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

S 1306. CANDIDATE QUALIFICATIONS. ALL CANDIDATES RECOMMENDED PURSUANT TO SECTION THIRTEEN HUNDRED FIVE OF THIS ARTICLE SHALL HAVE THE FOLLOWING QUALIFICATIONS:

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

2. SPECIFIC QUALIFICATIONS. ALL RECOMMENDED CANDIDATES SHALL HAVE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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