

# STATE OF NEW YORK

118

2017-2018 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. LUPARDO,  
PERRY, WEPRIN -- read once and referred to the Committee on Higher  
Education

AN ACT to amend the education law, in relation to trustees of the state  
university of New York, city university of New York, and community  
colleges

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 350 of the education law is amended by adding two  
2 new subdivisions 14 and 15 to read as follows:

3 14. "Commission" means the state university of New York's independent  
4 commission on board of trustee's nominations.

5 15. "Candidate" means a person who has requested that the commission  
6 consider his or her qualifications to serve on the state university of  
7 New York board of trustees; or (a) who has been recommended for consid-  
8 eration by the commission by another person, including a community or  
9 professional organization; or (b) who has agreed to be considered by the  
10 commission at the commission's request.

11 § 2. The education law is amended by adding four new sections 352-b,  
12 352-c, 352-d and 352-e to read as follows:

13 § 352-b. Organization of the commission. 1. A state university of New  
14 York independent commission on board of trustees' nominations is hereby  
15 established. The commission shall consist of eleven members of whom  
16 three shall be appointed by the governor and three each, by the speaker  
17 of the assembly and the temporary president of the senate, and one each  
18 by the chair of the state university of New York faculty senate and by  
19 the president of the student assembly of the state university of New  
20 York. Of the three members appointed by the governor, no more than two  
21 shall be enrolled in the same political party and two of such members  
22 shall be graduates of the state university of New York. No member of

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

LBD01417-01-7

1 the commission shall hold any elected public office or office in any  
2 political party or shall be an employee of or under the supervision of  
3 any person who holds such elected public office or office of a political  
4 party. No member of the commission shall serve in any public or poli-  
5 tical office within one year of the member's period of service. The  
6 members of the commission shall be residents of the state.

7 2. The members first appointed by the governor shall have one, two and  
8 three-year terms, respectively, as he or she shall designate. The  
9 members first appointed by the speaker of the assembly shall have one,  
10 two, and three-year terms, respectively, as he or she shall designate.  
11 The member first appointed by the temporary president of the senate  
12 shall have one, two and three-year terms, respectively, as he or she  
13 shall designate. The member first appointed by the chair of the state  
14 university of New York faculty senate shall have a two-year term as he  
15 or she shall designate. The member first appointed by the president of  
16 the student assembly of the state university of New York shall have a  
17 one-year term as he or she shall designate. Each subsequent appointment  
18 shall be for a term of one year.

19 3. A vacancy shall be deemed to occur immediately upon the appointment  
20 or election of any member to an office that would disqualify him or her  
21 for appointment to, or membership on, the commission. A vacancy occur-  
22 ring for any reason other than by expiration of term shall be filled by  
23 the appointing authority for the remainder of the unexpired term pursu-  
24 ant to the provisions of this section.

25 4. The members of the commission shall designate one member to serve  
26 as chairperson for a period of two years or until his or her term of  
27 office expires, whichever period is shorter.

28 5. Each member of the commission shall be entitled to receive his or  
29 her actual and necessary expenses incurred in the discharge of his or  
30 her duties.

31 6. Seven members of the commission shall constitute a quorum.

32 § 352-c. Functions of the commission. 1. The commission shall:

33 (a) Consider and evaluate the qualifications of candidates for  
34 appointment to the state university of New York board of trustees and,  
35 as vacancies occur on such board, the commission shall recommend to the  
36 governor persons who by their character, temperament, professional apti-  
37 tude and experience are well qualified to be a member of such board.  
38 Such qualifications shall include, but not be limited to: (1) a bacca-  
39 laureate degree as the minimum educational criteria; (2) familiarity  
40 with addressing policy issues in a unionized environment; (3) under-  
41 standing of public sector intergovernmental relations as they relate to  
42 higher education institutions; (4) understanding of and familiarity with  
43 the kinds of issues arising in large complex organizations; (5) current  
44 interest in the institution; (6) a commitment to public higher educa-  
45 tion; (7) a general background that would allow them to make decisions  
46 in the best interests of the institution; (8) an ability to recognize  
47 the sometimes ambiguous distinction between management and governance;  
48 and (9) an actual and perceived independence from political interference  
49 in the governance of the institution.

50 (b) Establish procedures to assure that persons who may be well quali-  
51 fied for appointment to the state university of New York board of trus-  
52 tees, other than those who have requested consideration or who have been  
53 recommended for consideration by others be encouraged to agree to be  
54 considered by the commission.

1 (c) Require the production of any books, records, documents or other  
2 evidence that it may deem relevant or material to its evaluation of  
3 candidates.

4 (d) Require from any court, department, division, board, bureau,  
5 commission, or other agency of the state or political subdivision there-  
6 of or any public authority such assistance, information and data, as  
7 will enable it properly to evaluate the qualifications of candidates.

8 (e) Require the appearance of any candidate before it and interview  
9 any person concerning the qualifications of any candidate.

10 (f) Communicate with the governor concerning the qualifications of any  
11 candidate whom it has recommended to the governor, and communicate with  
12 the senate concerning the qualifications of any candidate appointed by  
13 the governor.

14 (g) Do all other things necessary and convenient to carry out its  
15 functions pursuant to this article.

16 2. A recommendation to the governor shall require the concurrence of a  
17 quorum of the commission. The recommendations to the governor shall be  
18 transmitted to the governor in a single written report, which shall be  
19 released to the public by the commission at the time it is submitted to  
20 the governor. The report shall be in writing, signed only by the chair-  
21 person, and shall include the commission's findings relating to the  
22 character, temperament, professional aptitude, experience, qualifica-  
23 tions and fitness of each candidate who is recommended to the governor.

24 3. No person shall be recommended to the governor who has not  
25 consented to be a candidate, who has not been personally interviewed by  
26 a quorum of the membership of the commission as provided for in subdivi-  
27 sion six of section three hundred fifty-two-b of this article, and who  
28 has not filed a financial statement with the commission, on a form to be  
29 prescribed by the commission. The financial statement shall consist of a  
30 sworn statement of the candidate's assets, liabilities and sources of  
31 income, and any other relevant financial information, which the commis-  
32 sion may require. The commission shall transmit to the governor the  
33 financial statement filed by each candidate who is recommended. The  
34 governor shall make available to the public the financial statement  
35 filed by the candidate who is appointed to fill a vacancy. The financial  
36 statements filed by all other candidates recommended to the governor,  
37 but not appointed by him or her, shall be confidential.

38 § 352-d. Rules of the commission. 1. The commission shall adopt, and  
39 may amend, written rules of procedure not inconsistent with law.

40 2. Rules of the commission shall be filed with the chancellor of the  
41 state university of New York and shall be published in the official  
42 compilation of codes, rules and regulations of the state. Upon request  
43 of any person, the chancellor of the state university of New York shall  
44 furnish a copy of the commission's rules without charge.

45 3. Rules of the commission may prescribe forms and questionnaires to  
46 be completed and, if required by the commission, verified by candidates.

47 4. Rules of the commission shall provide that upon the completion by  
48 the commission of its consideration and evaluation of the qualifications  
49 of a candidate, there shall be no reconsideration of such candidate for  
50 the vacancy for which he or she was considered, except with the concu-  
51 rence of a quorum of the commission.

52 § 352-e. Confidentiality of proceedings and records. 1. All communi-  
53 cations to the commission, and its proceedings, and all applications,  
54 correspondence, interviews, transcripts, reports and all other papers,  
55 files and records of the commission shall be confidential and privileged  
56 and, except for the purposes of article two hundred ten of the penal

1 law, shall not be made available to any person except as otherwise  
2 provided in this article.

3 2. The governor shall have access to all papers and information relat-  
4 ing to persons recommended to him or her by the commission. The senate  
5 shall have access to all papers and information relating to the person  
6 appointed by the governor to fill a vacancy. All information that is not  
7 publicly disclosed in accordance with subdivisions two and three of  
8 section three hundred fifty-two-c of this article, or disclosed in  
9 connection with the senate's confirmation of the appointment, shall  
10 remain confidential and privileged, except for the purposes of article  
11 two hundred ten of the penal law.

12 3. The members of the commission shall not publicly divulge the names  
13 of, or any information concerning, any candidate except as otherwise  
14 provided in this article.

15 § 3. Subdivision 1 of section 353 of the education law, as amended by  
16 chapter 268 of the laws of 2011, is amended to read as follows:

17 1. The state university shall be governed, and all of its corporate  
18 powers exercised, by a board of trustees. Such board shall consist of  
19 eighteen members, fifteen of whom shall be appointed by the governor  
20 with the advice and consent of the senate, one of whom shall be the  
21 president of the student assembly of the state university, ex-officio  
22 and voting, one of whom shall be the president of the university faculty  
23 senate, ex-officio and non-voting, and one of whom shall be the presi-  
24 dent of the faculty council of community colleges, ex-officio and non-  
25 voting; provided, however, that such trustees, except the president of  
26 the student assembly of the state university, ex-officio, have been  
27 recommended and approved by the state university of New York's independ-  
28 ent commission on board of trustees nominations. No such trustee, except  
29 the president of the student assembly of the state university serving as  
30 an ex-officio member, shall be an employee of, or under the supervision  
31 of such appointing authorities. The senate upon receiving the governor's  
32 nomination of a trustee to be considered for confirmation shall consult  
33 with the chair of the senate higher education committee and shall publi-  
34 cize its consideration of said nominee. The senate shall vote to confirm  
35 the nominee no earlier than twenty-one days after the nominee's consid-  
36 eration has been publicized. Such ex-officio members shall be subject to  
37 every provision of any general, special, or local law, ordinance, char-  
38 ter, code, rule, or regulation applying to the voting members of such  
39 board with respect to the discharge of their duties, including, but not  
40 limited to, those provisions setting forth codes of ethics, disclosure  
41 requirements, and prohibiting business and professional activities. One  
42 member of the board shall be designated by the governor as chairperson  
43 and one as vice-chairperson. Of the members first appointed, two shall  
44 be appointed for a term which shall expire on June thirtieth, nineteen  
45 hundred fifty-two; one for a term which shall expire on June thirtieth,  
46 nineteen hundred fifty-three; two for a term which shall expire on June  
47 thirtieth, nineteen hundred fifty-four; one for a term which shall  
48 expire on June thirtieth, nineteen hundred fifty-five; two for a term  
49 which shall expire on June thirtieth, nineteen hundred fifty-six; one  
50 for a term which shall expire on June thirtieth, nineteen hundred  
51 fifty-seven; two for a term which shall expire on June thirtieth, nine-  
52 teen hundred fifty-eight; one for a term which shall expire on June  
53 thirtieth, nineteen hundred fifty-nine; two for a term which shall  
54 expire on June thirtieth, nineteen hundred sixty; and one for a term  
55 which shall expire on June thirtieth, nineteen hundred sixty-one. Vacan-  
56 cies shall be filled for the unexpired term in the same manner as

original appointments. The term of office of each trustee appointed on or after April first, nineteen hundred eighty-six shall be seven years, except those of the student member and the faculty members. 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.

§ 4. Section 6202 of the education law is amended by adding two new subdivisions 10 and 11 to read as follows:

10. "Commission" means the city university of New York's independent commission on board of trustees' nominations.

11. "Candidate" means a person who has requested that the commission consider his or her qualifications to serve on the city university of New York board of trustees; or (a) who has been recommended for consideration by the commission by another person, including a community or professional organization; or (b) who has agreed to be considered by the commission at the commission's request.

§ 5. The education law is amended by adding four new sections 6203-a, 6203-b, 6203-c and 6203-d to read as follows:

§ 6203-a. Organization of the commission. 1. A city university of New York independent commission on board of trustees' nominations is hereby established. The commission shall consist of eleven members of whom three shall be appointed by the governor and two selected by the mayor of the city of New York, and two each, by the speaker of the assembly and the temporary president of the senate, and one each by the chair of the city university of New York faculty senate and by the chairperson of the city university of New York student senate. Of the three members appointed by the governor, no more than two shall be enrolled in the same political party and two of such members shall be graduates of the city university of New York. The two members appointed by the mayor shall not be enrolled in the same political party and one of such members shall be a graduate of the city university of New York. No member of the commission shall hold any elected public office or office in any political party or shall be an employee of or under the supervision of any person who holds such elected public office or office of a political party. No member of the commission shall serve in any public or political office within one year of the member's period of service. The members of the commission shall be residents of the state.

2. The members first appointed by the governor shall have one, two and three-year terms, respectively, as he or she shall designate. The members first appointed by the mayor shall have two and three-year terms, respectively, as he or she shall designate. The members first appointed by the speaker of the assembly shall have two and three-year terms, respectively, as he or she shall designate. The members first appointed by the temporary president of the senate shall have two and three-year terms, respectively, as he or she shall designate. The member first appointed by the chair of the city university of New York faculty senate shall have a two-year term as he or she shall designate. The member first appointed by the president of the city university of New York student senate shall have a one-year term as he or she shall designate. Each subsequent appointment shall be for a term of one year.

3. A vacancy shall be deemed to occur immediately upon the appointment or election of any member to an office that would disqualify him or her for appointment to, or membership on, the commission. A vacancy occurring for any reason other than by expiration of term shall be filled by the appointing authority for the remainder of the unexpired term pursuant to the provisions of this section.



1     4. The members of the commission shall designate one member to serve  
2 as chairperson for a period of two years or until his or her term of  
3 office expires, whichever period is shorter.

4     5. Each member of the commission shall be entitled to receive his or  
5 her actual and necessary expenses incurred in the discharge of his or  
6 her duties.

7     6. Seven members of the commission shall constitute a quorum.

8     § 6203-b. Functions of the commission. 1. The commission shall:

9     (a) Consider and evaluate the qualifications of candidates for  
10 appointment to the city university of New York board of trustees and, as  
11 vacancies occur on such board, shall recommend to the governor and the  
12 mayor of the city of New York, persons who by their character, temper-  
13 ament, professional aptitude and experience are well qualified to be a  
14 member of such board. Such qualifications shall include, but not be  
15 limited to: (1) a baccalaureate degree as the minimum educational crite-  
16 ria; (2) familiarity with addressing policy issues in a unionized envi-  
17 ronment; (3) understanding of public sector intergovernmental relations  
18 as they relate to higher education institutions; (4) understanding of  
19 and familiarity with the kinds of issues arising in large complex organ-  
20 izations; (5) current interest in the institution; (6) a commitment to  
21 public higher education; (7) a general background that would allow them  
22 to make decisions in the best interests of the institution; (8) an abil-  
23 ity to recognize the sometimes ambiguous distinction between management  
24 and governance; and (9) an actual and perceived independence from poli-  
25 tical interference in the governance of the institution.

26     (b) Establish procedures to assure that persons who may be well quali-  
27 fied for appointment to the city university of New York board of trus-  
28 tees, other than those who have requested consideration or who have been  
29 recommended for consideration by others be encouraged to agree to be  
30 considered by the commission.

31     (c) Require the production of any books, records, documents or other  
32 evidence that it may deem relevant or material to its evaluation of  
33 candidates.

34     (d) Require from any court, department, division, board, bureau,  
35 commission, or other agency of the state or political subdivision there-  
36 of or any public authority such assistance, information and data, as  
37 will enable it properly to evaluate the qualifications of candidates.

38     (e) Require the appearance of any candidate before it and interview  
39 any person concerning the qualifications of any candidate.

40     (f) Communicate with the governor concerning the qualifications of any  
41 candidate whom it has recommended to the governor and communicate with  
42 the senate concerning the qualifications of any candidate appointed by  
43 the governor.

44     (g) Communicate with the mayor of the city of New York concerning the  
45 qualifications of any candidate whom it has recommended to the mayor of  
46 the city of New York, and communicate with the senate concerning the  
47 qualifications of any candidate appointed by the mayor of the city of  
48 New York.

49     (h) Do all other things necessary and convenient to carry out its  
50 functions pursuant to this article.

51     2. Recommendations to the governor shall require the concurrence of a  
52 quorum of the commission. The recommendations to the governor shall be  
53 transmitted to the governor in a single written report, which shall be  
54 released to the public by the commission at the time it is submitted to  
55 the governor. The report shall be in writing, signed only by the chair-  
56 person, and shall include the commission's findings relating to the

1 character, temperament, professional aptitude, experience, qualifica-  
2 tions and fitness of each candidate who is recommended to the governor.

3 3. Recommendations to the mayor of the city of New York shall require  
4 the concurrence of a quorum of the commission. Recommendations to the  
5 mayor of the city of New York shall be transmitted to the mayor of the  
6 city of New York in a single written report, which shall be released to  
7 the public by the commission at the time it is submitted to the mayor of  
8 the city of New York. The report shall be in writing, signed only by  
9 the chairperson, and shall include the commission's findings relating to  
10 the character, temperament, professional aptitude, experience, quali-  
11 fications and fitness of each candidate who is recommended to the mayor  
12 of the city of New York.

13 4. No person shall be recommended to the governor or the mayor of the  
14 city of New York who has not consented to be a candidate, who has not  
15 been personally interviewed by a quorum of the membership of the commis-  
16 sion as provided for in subdivision six of section sixty-two hundred  
17 three-a of this article, and who has not filed a financial statement  
18 with the commission, on a form to be prescribed by the commission. The  
19 financial statement shall consist of a sworn statement of the candi-  
20 date's assets, liabilities and sources of income, and any other relevant  
21 financial information, which the commission may require. The commission  
22 shall transmit to the governor the financial statement filed by each  
23 candidate who is recommended to the governor. The governor shall make  
24 available to the public the financial statement filed by the candidate  
25 who is appointed to fill a vacancy. The financial statements filed by  
26 all other candidates recommended to the governor, but not appointed by  
27 him or her shall be confidential. The commission shall transmit to the  
28 mayor of the city of New York the financial statement filed by each  
29 candidate who is recommended to the mayor of the city of New York. The  
30 mayor of the city of New York shall make available to the public the  
31 financial statement filed by the candidate who is appointed to fill a  
32 vacancy. The financial statements filed by all other candidates recom-  
33 ended to the mayor of the city of New York, but not appointed by him or  
34 her shall be confidential.

35 § 6203-c. Rules of the commission. 1. The commission shall adopt, and  
36 may amend, written rules of procedure not inconsistent with law.

37 2. Rules of the commission shall be filed with the chancellor of the  
38 city university of New York and shall be published in the official  
39 compilation of codes, rules and regulations of the city and the adminis-  
40 trative code of the city of New York. Upon request of any person, the  
41 chancellor of the city university of New York shall furnish a copy of  
42 the commission's rules without charge.

43 3. Rules of the commission may prescribe forms and questionnaires to  
44 be completed and, if required by the commission, verified by candidates.

45 4. Rules of the commission shall provide that upon the completion by  
46 the commission of its consideration and evaluation of the qualifications  
47 of a candidate, there shall be no reconsideration of such candidate for  
48 the vacancy for which he or she was considered, except with the concu-  
49 rence of a quorum of the commission.

50 § 6203-d. Confidentiality of proceedings and records. 1. All communi-  
51 cations to the commission, and its proceedings, and all applications,  
52 correspondence, interviews, transcripts, reports and all other papers,  
53 files and records of the commission shall be confidential and privileged  
54 and, except for the purposes of article two hundred ten of the penal  
55 law, shall not be made available to any person except as otherwise  
56 provided in this article.

2. The governor and the mayor of the city of New York shall have access to all papers and information relating to persons recommended to him or her by the commission. The senate shall have access to all papers and information relating to the person appointed by the governor and the mayor of the city of New York to fill a vacancy. All information that is not publicly disclosed in accordance with subdivisions two, three and four of section sixty-two hundred three-b of this article, or disclosed in connection with the senate's confirmation of the appointment, shall remain confidential and privileged, except for the purposes of article two hundred ten of the penal law.

3. The members of the commission shall not publicly divulge the names of, or any information concerning, any candidate except as otherwise provided in this article.

§ 6. Paragraph (a) of subdivision 2 of section 6204 of the education law, as added by chapter 305 of the laws of 1979, is amended to read as follows:

(a) The board of trustees shall consist of seventeen trustees. Ten of the trustees shall be appointed by the governor with the advice and consent of the senate; provided, however, that no such trustees shall be an employee of, or under the supervision of, any of such appointing authorities. Five of the trustees shall be appointed by the mayor of the city of New York with the advice and consent of the senate; provided, however, that no such trustee shall be an employee of, or under the supervision of, any of such appointing authorities. The senate upon receiving the governor's nomination of a trustee to be considered for confirmation shall consult with the chair of the senate higher education committee and shall publicize its consideration of said nominee. The senate shall vote to confirm the nominee no earlier than twenty-one days after the nominee's consideration has been publicized. One ex-officio trustee shall be the chairperson of the university student senate. One ex-officio non-voting trustee shall be the chairperson of the university faculty senate. Such trustees, except the chairperson of the university student senate, ex-officio, and the chairperson of the faculty senate, must be recommended and approved by the city university of New York's independent commission on board of trustees nominations.

§ 7. Section 6301 of the education law is amended by adding five new subdivisions 7, 8, 9, 10 and 11 to read as follows:

7. "Commissions." The state university of New York's community college independent commission on local board of trustees nominations.

8. "Regional commissions." The state university of New York's regional community college independent commissions on local board of trustees nominations.

9. "Candidate." A person who has requested that the commission or the regional commission consider his or her qualifications to serve on the local board of trustees of a state university of New York community college or regional community college; or (a) who has been recommended for consideration by the commission or regional commission by another person, including a community or professional organization; or (b) who has agreed to be considered by the commission or regional commission at such commission's request.

10. "Local appointing authority." The local legislative body or board, or other appropriate governing agency authorized to appoint members to a state university community college board of trustees pursuant to section sixty-three hundred six of this article.



11. "Regional appointing authority." The regional legislative body or board, or other appropriate governing agency authorized to appoint members to a state university regional community college board of trustees pursuant to section sixty-three hundred ten of this article.

§ 8. The education law is amended by adding four new sections 6306-a, 6306-b, 6306-c and 6306-d to read as follows:

§ 6306-a. Organization of the commissions. 1. For each community college, excluding those in the city of New York except for the fashion institute of technology, there is hereby established a state university of New York community college independent commission on local board of trustees nominations. Each commission shall consist of eleven members of whom four shall be appointed by the governor, five members shall be appointed by the local appointing authority, one member appointed by the president of the faculty council of community colleges, and one member elected by and from among the students of the college. Of the four members appointed by the governor, no more than two shall be enrolled in the same political party and two of such members shall be graduates of the state university system. Of the five members appointed by the local appointing authority no more than three shall be enrolled in the same political party. No member of a commission shall hold any elected public office or office in any political party or shall be an employee of or under the supervision of any person who holds such elected public office or office of a political party. No member of a commission shall serve in any public or political office within one year of the member's period of service. The members of each commission shall be residents of the state.

2. Of the members first appointed by the governor, two members shall have a two-year term and two members shall have a three-year term as he or she shall designate. Of the members first appointed by the local appointing authority, two members shall be appointed for a two-year term, two members shall be appointed for a three-year term and one member shall be appointed for a four-year term, as such local appointing authority shall designate. Each subsequent appointment by the governor and the local appointing authority shall serve a term for four years. The member first appointed by the president of the faculty council of community colleges shall serve a two-year term. Each subsequent appointment by the president of the faculty council shall be for a term of four years. The member first elected by and from among the students of the college shall serve a one-year term. Each subsequent term for the elected member shall be a one-year term.

3. A vacancy shall be deemed to occur immediately upon the appointment or election of any member to an office that would disqualify him or her for appointment to, or membership on, a commission. A vacancy occurring for any reason other than by expiration of term shall be filled by the appointing authority for the remainder of the unexpired term pursuant to the provisions of this section.

4. The members of a commission shall designate one member to serve as chairperson for a period of two years or until his or her term of office expires, whichever period is shorter.

5. Each member of a commission shall be entitled to receive his or her actual and necessary expenses incurred in the discharge of his or her duties.

6. Seven members of a commission shall constitute a quorum.

§ 6306-b. Functions of the commissions. 1. Each commission shall:

(a) Consider and evaluate the qualifications of candidates for appointment to their state university community college local board of trustees and, as vacancies occur on a local board, shall recommend to

1 the governor and local appointing authority persons who by their charac-  
2 ter, temperament, professional aptitude and experience are well quali-  
3 fied to be a member of such state university community college local  
4 board of trustees. Such qualifications shall include, but not be limited  
5 to: (1) a baccalaureate degree as the minimum educational criteria; (2)  
6 familiarity with addressing policy issues in a unionized environment;  
7 (3) understanding of public sector intergovernmental relations as they  
8 relate to higher education institutions; (4) understanding of and famil-  
9 iarly with the kinds of issues arising in large complex organizations;  
10 (5) current interest in the institution; (6) a commitment to public  
11 higher education; (7) a general background that would allow them to make  
12 decisions in the best interests of the institution; (8) an ability to  
13 recognize the sometimes ambiguous distinction between management and  
14 governance; and (9) an actual and perceived independence from political  
15 interference in the governance of the institution.

16 (b) Establish procedures to assure that persons who may be well quali-  
17 fied for appointment to a state university community college local board  
18 of trustees, other than those who have requested consideration or who  
19 have been recommended for consideration by others be encouraged to agree  
20 to be considered by the commission.

21 (c) Require the production of any books, records, documents or other  
22 evidence that it may deem relevant or material to its evaluation of  
23 candidates.

24 (d) Require from any court, department, division, board, bureau,  
25 commission, or other agency of the state, local government or munici-  
26 pality, or political subdivision thereof or any public authority such  
27 assistance, information and data, as will enable it properly to evaluate  
28 the qualifications of candidates.

29 (e) Require the appearance of any candidate before it and interview  
30 any person concerning the qualifications of any candidate.

31 (f) Communicate with the governor concerning the qualifications of any  
32 candidate whom it has recommended to the governor and communicate with  
33 the senate concerning the qualifications of any candidate appointed by  
34 the governor.

35 (g) Communicate with the local appointing authority concerning the  
36 qualifications of any candidate whom it has recommended to the local  
37 appointing authority.

38 (h) Do all other things necessary and convenient to carry out its  
39 functions pursuant to this article.

40 2. A recommendation to the governor shall require the concurrence of a  
41 quorum of a commission. The recommendations to the governor shall be  
42 transmitted to the governor in a single written report, which shall be  
43 released to the public by the commission at the time it is submitted to  
44 the governor. The report shall be in writing, signed only by the chair-  
45 person, and shall include the commission's findings relating to the  
46 character, temperament, professional aptitude, experience, qualifica-  
47 tions and fitness of each candidate who is recommended to the governor.

48 3. A recommendation to a local appointing authority shall require the  
49 concurrence of a quorum of a commission. Recommendations to a local  
50 appointing authority shall be transmitted to the local appointing  
51 authority in a single written report, which shall be released to the  
52 public by the commission at the time it is submitted to the local  
53 appointing authority. The report shall be in writing, signed only by the  
54 chairperson, and shall include the commission's findings relating to the  
55 character, temperament, professional aptitude, experience, qualifica-

1 tions and fitness of each candidate who is recommended to the local  
2 appointing authority.

3 4. No person shall be recommended to the governor or a local appoint-  
4 ing authority who has not consented to be a candidate, who has not been  
5 personally interviewed by a quorum of the membership of a commission as  
6 provided in subdivision six of section sixty-three hundred six-a of this  
7 article, and who has not filed a financial statement with a commission,  
8 on a form to be prescribed by the commission. The financial statement  
9 shall consist of a sworn statement of the candidate's assets, liabil-  
10 ities and sources of income, and any other relevant financial informa-  
11 tion, which a commission may require. Each commission shall transmit to  
12 the governor the financial statement filed by each candidate who is  
13 recommended to the governor. The governor shall make available to the  
14 public the financial statement filed by the candidate who is appointed  
15 to fill a vacancy. The financial statements filed by all other candi-  
16 dates recommended to the governor, but not appointed by him or her shall  
17 be confidential. The commission shall transmit to the local appointing  
18 authority the financial statement filed by each candidate who is recom-  
19 ended to the local appointing authority. The local appointing authority  
20 shall make available to the public the financial statement filed by the  
21 candidate who is appointed to fill a vacancy. The financial statements  
22 filed by all other candidates recommended to the local appointing  
23 authority, but not appointed by such authority, shall be confidential.

24 § 6306-c. Rules of the commissions. 1. Each commission shall adopt,  
25 and may amend, written rules of procedure not inconsistent with law.

26 2. Rules of each commission shall be filed with the chancellor of the  
27 state university of New York and shall be published in the official  
28 compilation of codes, rules and regulations of the state. Upon request  
29 of any person, the chancellor of the state university of New York shall  
30 furnish a copy of any commission's rules without charge.

31 3. Rules of each commission may prescribe forms and questionnaires to  
32 be completed and, if required by any commission, verified by candidates.

33 4. Rules of each commission shall provide that upon the completion by  
34 the commission of its consideration and evaluation of the qualifications  
35 of a candidate, there shall be no reconsideration of such candidate for  
36 the vacancy for which he or she was considered, except with the concu-  
37 rence of a quorum of the commission.

38 § 6306-d. Confidentiality of proceedings and records. 1. All communi-  
39 cations to each commission, and their proceedings, and all applications,  
40 correspondence, interviews, transcripts, reports and all other papers,  
41 files and records of each commission shall be confidential and privi-  
42 leged and, except for the purposes of article two hundred ten of the  
43 penal law, shall not be made available to any person except as otherwise  
44 provided in this article.

45 2. The governor shall have access to all papers and information relat-  
46 ing to candidates recommended to him or her by each commission. A local  
47 appointing authority shall have access to all papers and information  
48 relating to candidates recommended to it by a commission. All informa-  
49 tion that is not publicly disclosed in accordance with subdivisions two,  
50 three and four of section sixty-three hundred six-b of this article,  
51 shall remain confidential and privileged, except for the purposes of  
52 article two hundred ten of the penal law.

53 3. The members of each commission shall not publicly divulge the names  
54 of, or any information concerning, any candidate except as otherwise  
55 provided in this article.

§ 9. Subdivision 1 of section 6306 of the education law, as amended by chapter 268 of the laws of 2003, is amended to read as follows:

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,];~~ provided, however, that such trustees, except the one member elected by and from among the students of the college, have been approved by the state university of New York's community college independent commission on local board of trustees nominations. No such trustee, except the one member elected by and from among the students of the college, shall be an employee of, or under the supervision of, any of such appointing authorities. Four members shall be appointed from among persons residing in the sponsoring community, by the governor ~~[and one];~~ provided, however, that such trustees, except the one member elected by and from among the students of the college, have been approved by the state university of New York's community college independent commission on local board of trustees nominations. No such trustee, except the one member elected by and from among the students of the college, shall be an employee of, or under the supervision of, any of such appointing authorities. One member shall be 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]~~ chairperson 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 determin-

ing 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.

§ 10. The education law is amended by adding four new sections 6310-a, 6310-b, 6310-c and 6310-d to read as follows:

§ 6310-a. Organization of regional commissions. 1. For each community college region and community college sponsored by such region, there is hereby established a state university of New York regional community college independent commission on local board of trustees nominations. Each commission shall consist of eleven members of whom four shall be appointed by the governor, five members shall be appointed by the regional appointing authority, one member appointed by the president of the faculty council of community colleges and one member elected by and from among the students of the college. Of the four members appointed by the governor, no more than two shall be enrolled in the same political party and two of such members shall be graduates of the state university system. Of the five members appointed by the regional appointing authority no more than three shall be enrolled in the same political party. No member of a regional commission shall hold any elected public office or office in any political party or shall be an employee of or under the supervision of any person who holds such elected public office or office of a political party. No member of a regional commission shall serve in any public or political party. No member of a regional commission shall serve in any public or political office within one year of the member's period of service. The members of each regional commission shall be residents of the state.

2. Of the members first appointed by the governor, two members shall serve a two-year term and two members shall serve a three-year term as he or she shall designate. Of the members first appointed by the regional appointing authority, two members shall serve a two-year term, two members shall serve a three-year term and one member shall serve a four-year term, as such local appointing authority shall designate. Each subsequent appointment by the governor and the regional appointing



1 authority shall be for a term of four years. The member first appointed  
2 by the president of the faculty council of community colleges shall  
3 serve a two-year term. Each subsequent appointment by the president of  
4 the faculty council shall serve for a term of four years. The member  
5 first elected by and from among the students of the college shall serve  
6 a one-year term. Each subsequent term for the elected member shall be a  
7 one-year term.

8 3. A vacancy shall be deemed to occur immediately upon the appointment  
9 or election of any member to an office that would disqualify him or her  
10 for appointment to, or membership on, a regional commission. A vacancy  
11 occurring for any reason other than by expiration of term shall be  
12 filled by the regional appointing authority for the remainder of the  
13 unexpired term pursuant to the provisions of this section.

14 4. The members of each regional commission shall designate one member  
15 to serve as chairperson for a period of two years or until his or her  
16 term of office expires, whichever period is shorter.

17 5. Each member of a regional commission shall be entitled to receive  
18 his or her actual and necessary expenses incurred in the discharge of  
19 his or her duties.

20 6. Seven members of a regional commission shall constitute a quorum.

21 § 6310-b. Functions of regional commissions. 1. Each regional commis-  
22 sion:

23 (a) Shall consider and evaluate the qualifications of candidates for  
24 appointment to their state university regional community college local  
25 board of trustees and, as vacancies occur on a regional local board,  
26 shall recommend to the governor and regional appointing authority  
27 persons who by their character, temperament, professional aptitude and  
28 experience are well qualified to be a member of such state university  
29 regional community college local board of trustees. Such qualifications  
30 shall include, but not be limited to: (1) a baccalaureate degree as the  
31 minimum educational criteria; (2) familiarity with addressing policy  
32 issues in a unionized environment; (3) understanding of public sector  
33 intergovernmental relations as they relate to higher education insti-  
34 tutions; (4) understanding of and familiarity with the kinds of issues  
35 arising in large complex organizations; (5) current interest in the  
36 institution; (6) a commitment to public higher education; (7) a general  
37 background that would allow them to make decisions in the best interests  
38 of the institution; (8) an ability to recognize the sometimes ambiguous  
39 distinction between management and governance; and (9) an actual and  
40 perceived independence from political interference in the governance of  
41 the institution.

42 (b) Establish procedures to assure that persons who may be well quali-  
43 fied for appointment to a state university regional community college  
44 local board of trustees, other than those who have requested consider-  
45 ation or who have been recommended for consideration by others, are  
46 encouraged to agree to be considered by the regional commission.

47 (c) Require the production of any books, records, documents or other  
48 evidence that it may deem relevant or material to its evaluation of  
49 candidates.

50 (d) Require from any court, department, division, board, bureau,  
51 commission, or other agency of the state, local government or munici-  
52 pality, or political subdivision thereof or any public authority such  
53 assistance, information and data, as will enable it properly to evaluate  
54 the qualifications of candidates.

55 (e) Require the appearance of any candidate before it and interview  
56 any person concerning the qualifications of any candidate.

1 (f) Communicate with the governor concerning the qualifications of any  
2 candidate whom it has recommended to the governor and communicate with  
3 the senate concerning the qualifications of any candidate appointed by  
4 the governor.

5 (g) Communicate with the regional appointing authority concerning the  
6 qualifications of any candidate whom it has recommended to the regional  
7 appointing authority.

8 (h) Do all other things necessary and convenient to carry out its  
9 functions pursuant to this article.

10 2. A recommendation to the governor shall require the concurrence of a  
11 quorum of a regional commission. The recommendations to the governor  
12 shall be transmitted to the governor in a single written report, which  
13 shall be released to the public by the commission at the time it is  
14 submitted to the governor. The report shall be in writing, signed only  
15 by the chairperson, and shall include the commission's findings relating  
16 to the character, temperament, professional aptitude, experience, quali-  
17 fications and fitness of each candidate who is recommended to the gover-  
18 nor.

19 3. A recommendation to a regional appointing authority shall require  
20 the concurrence of a quorum of a regional commission. Recommendations to  
21 a regional appointing authority shall be transmitted to the regional  
22 appointing authority in a single written report, which shall be released  
23 to the public by the regional commission at the time it is submitted to  
24 the regional appointing authority. The report shall be in writing,  
25 signed only by the chairperson, and shall include the regional commis-  
26 sion's findings relating to the character, temperament, professional  
27 aptitude, experience, qualifications and fitness of each candidate who  
28 is recommended to a regional appointing authority.

29 4. No person shall be recommended to the governor or a regional  
30 appointing authority who has not consented to be a candidate, who has  
31 not been personally interviewed by a quorum of the membership of a  
32 regional commission as provided for by subdivision six of section  
33 sixty-three hundred ten-a of this article, and who has not filed a  
34 financial statement with a regional commission, on a form to be  
35 prescribed by the regional commission. The financial statement shall  
36 consist of a sworn statement of the candidate's assets, liabilities and  
37 sources of income, and any other relevant financial information, which a  
38 regional commission may require. Each regional commission shall transmit  
39 to the governor the financial statement filed by each candidate who is  
40 recommended to the governor. The governor shall make available to the  
41 public the financial statement filed by the candidate who is appointed  
42 to fill a vacancy. The financial statements filed by all other candi-  
43 dates recommended to the governor, but not appointed by him or her shall  
44 be confidential. The regional commission shall transmit to the regional  
45 appointing authority the financial statement filed by each candidate who  
46 is recommended to the regional appointing authority. The regional  
47 appointing authority shall make available to the public the financial  
48 statement filed by the candidate who is appointed to fill a vacancy. The  
49 financial statements filed by all other candidates recommended to the  
50 regional appointing authority, but not appointed by such authority,  
51 shall be confidential.

52 § 6310-c. Rules of regional commissions. 1. Each regional commission  
53 shall adopt, and may amend, written rules of procedure not inconsistent  
54 with law.

55 2. Rules of each regional commission shall be filed with the chancel-  
56 lor of the state university of New York and shall be published in the

1 official compilation of codes, rules and regulations of the state. Upon  
2 request of any person, the chancellor of the state university of New  
3 York shall furnish a copy of any regional commission's rules without  
4 charge.

5 3. Rules of each regional commission may prescribe forms and question-  
6 naires to be completed and, if required by any regional commission,  
7 verified by candidates.

8 4. Rules of each regional commission shall provide that upon the  
9 completion by the regional commission of its consideration and evalu-  
10 ation of the qualifications of a candidate, there shall be no reconsid-  
11 eration of such candidate for the vacancy for which he or she was  
12 considered, except with the concurrence of a quorum of the regional  
13 commission.

14 § 6310-d. Confidentiality of proceedings and records. 1. All communi-  
15 cations to each regional commission, and their proceedings, and all  
16 applications, correspondence, interviews, transcripts, reports and all  
17 other papers, files and records of each regional commission shall be  
18 confidential and privileged and, except for the purposes of article two  
19 hundred ten of the penal law, shall not be made available to any person  
20 except as otherwise provided in this article.

21 2. The governor shall have access to all papers and information relat-  
22 ing to candidates recommended to him or her by each regional commission.  
23 A regional appointing authority shall have access to all papers and  
24 information relating to candidates recommended to it by a regional  
25 commission. All information that is not publicly disclosed in accordance  
26 with subdivisions two, three and four of section sixty-three hundred  
27 ten-b of this article, shall remain confidential and privileged, except  
28 for the purposes of article two hundred ten of the penal law.

29 3. The members of each regional commission shall not publicly divulge  
30 the names of, or any information concerning, any candidate except as  
31 otherwise provided in this article.

32 § 11. Subdivision 1 of section 6310 of the education law, as amended  
33 by chapter 268 of the laws of 2003, is amended to read as follows:

34 1. Each community college region and community college sponsored by  
35 such region shall be administered by a single board of trustees of four-  
36 teen members, thirteen of whom shall be appointed for terms of seven  
37 years, as set forth in this subdivision, and one member elected as here-  
38 in provided, except that initial appointments shall be made for terms of  
39 one to nine years respectively. Seven members shall be appointed by the  
40 local legislative bodies or boards of those counties eligible to appoint  
41 members to the community college regional board of trustees; provided,  
42 however, that such trustees, except the one member elected by and from  
43 among the students of the college, have been recommended and approved by  
44 the state university of New York's regional independent commission on  
45 local board of trustees nominations. No such trustee, except the one  
46 member elected by and from among the students of the college, shall be  
47 an employee of, or under the supervision of such appointing authorities.

48 ~~[The seven locally appointed members of such board may include one~~  
49 ~~member from the local legislative body or board of each county eligible~~  
50 ~~to appoint members to the community college regional board of trustees.]~~

51 Membership in a community college regional board of trustees shall be  
52 apportioned among the counties participating in such board in accordance  
53 with the number of full-time equivalent students attending a community  
54 college sponsored by such regional board who are residents of the  
55 respective participating counties, and in accordance with such further  
56 regulations as may be prescribed by the state university trustees. Six

1 members shall be appointed by the governor [~~and one~~]; provided, however,  
2 that such trustees, except the one member elected by and from among the  
3 students of the college, have been approved by the state university of  
4 New York's regional community college independent commission on local  
5 board of trustees nominations. No such trustee, except the one member  
6 elected by and from among the students of the college, shall be an  
7 employee of, or under the supervision of, any of such appointing author-  
8 ities. One member shall be elected by and from among the students of the  
9 college who shall serve as a member of the board for a one-year term,  
10 provided, however, that the term of the student member first elected  
11 shall be nine months commencing October first, nineteen hundred eighty-  
12 four. The student member shall be afforded the same parliamentary privi-  
13 leges as are conferred upon members, including but not limited to the  
14 right to make and second motions and to place items on the agenda. Such  
15 student member shall be subject to every provision of any general,  
16 special or local law, ordinance, charter, code, rule or regulation  
17 applying to the members of such board with respect to the discharge of  
18 their duties including, but not limited to, those provisions setting  
19 forth codes of ethics, disclosure requirements and prohibiting business  
20 and professional activities. The election of the student member shall be  
21 conducted in accordance with rules and regulations promulgated by the  
22 respective representative campus student association in accordance with  
23 guidelines established by the state university trustees. In the event  
24 that the student member ceases to be a student at the institution, he  
25 shall be required to resign. The governor's initial appointments shall  
26 be as follows: (a) two individuals shall be appointed for terms of two  
27 and four years respectively; (b) two individuals for terms of six years  
28 and two individuals for terms of eight years. Appointments by local  
29 authorities shall be as follows: (a) three individuals for terms of one,  
30 three and five years, respectively; (b) two individuals for terms of  
31 seven years, and two individuals for terms of nine years. Vacancies  
32 shall be filled for unexpired terms in the same manner as original  
33 selections by the authority responsible for the original selection. The  
34 board shall select its own [~~chairman~~] chairperson from among its voting  
35 membership. Trustees shall receive no compensation for their services  
36 but shall be reimbursed for their expenses actually and necessarily  
37 incurred by them in the performance of their duties under this article.  
38 Members initially appointed or elected under this subdivision to any  
39 community college regional board of trustees hereafter established shall  
40 take office immediately upon their selection and qualification, but for  
41 purposes of determining the expiration of their respective terms and the  
42 commencement of the terms of their successors, the term of office of  
43 each such initial member shall be deemed to have commenced on the first  
44 day of July of the year in which such college was established. The terms  
45 of office of all members of community college regional boards of trus-  
46 tees heretofore established, appointed or elected as provided in this  
47 subdivision, shall terminate on the thirtieth day of June of the calen-  
48 dar year within which such terms expire under the provisions of this  
49 subdivision as hereby amended. For the purpose of determining such year  
50 all initial terms of office of appointed members of the community  
51 college regional board of trustees heretofore established shall be  
52 deemed to have commenced on the first day of July of the year in which  
53 such community college regions were established and the terms of their  
54 successors for full terms, if any, shall be deemed to have commenced  
55 upon the expiration of the number of years from such date for which such  
56 initial appointments were made.

1     The one member elected by and from among the students of the college  
2     may be removed by such students in accordance with rules and regulations  
3     promulgated by the respective representative campus student association  
4     in accordance with guidelines promulgated by the state university trus-  
5     tees.

6     § 12. This act shall take effect on the one hundred eightieth day  
7     after it shall have become a law and shall apply to appointments made on  
8     or after such effective date.