

STATE OF NEW YORK

8652

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. CAHILL -- 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 Assembly, do enact as follows:

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

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

15. "Candidate" means a person who has requested that the commission consider his or her qualifications to serve on the state 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.

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

§ 352-b. Organization of the commission. 1. A state 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 three each, by the speaker of the assembly and the temporary president of the senate, and one each by the chair of the state university of New York faculty senate and by the president of the student assembly of the state university of New York. 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 state 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 poli-

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

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1 tical office within one year of the member's period of service. The
2 members of the commission shall be residents of the state.

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

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

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

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

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

28 § 352-c. Functions of the commission. 1. The commission shall:

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

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

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

54 (d) Require from any court, department, division, board, bureau,
55 commission, or other agency of the state or political subdivision there-

1 of or any public authority such assistance, information and data, as
2 will enable it properly to evaluate the qualifications of candidates.

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

5 (f) Communicate with the governor concerning the qualifications of any
6 candidate whom it has recommended to the governor, and communicate with
7 the senate concerning the qualifications of any candidate appointed by
8 the governor.

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

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

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

33 § 352-d. Rules of the commission. 1. The commission shall adopt, and
34 may amend, written rules of procedure not inconsistent with law.

35 2. Rules of the commission shall be filed with the chancellor of the
36 state university of New York and shall be published in the official
37 compilation of codes, rules and regulations of the state. Upon request
38 of any person, the chancellor of the state university of New York shall
39 furnish a copy of the commission's rules without charge.

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

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

47 § 352-e. Confidentiality of proceedings and records. 1. All communi-
48 cations to the commission, and its proceedings, and all applications,
49 correspondence, interviews, transcripts, reports and all other papers,
50 files and records of the commission shall be confidential and privileged
51 and, except for the purposes of article two hundred ten of the penal
52 law, shall not be made available to any person except as otherwise
53 provided in this article.

54 2. The governor shall have access to all papers and information relat-
55 ing to persons recommended to him or her by the commission. The senate
56 shall have access to all papers and information relating to the person

1 appointed by the governor to fill a vacancy. All information that is not
2 publicly disclosed in accordance with subdivisions two and three of
3 section three hundred fifty-two-c of this article, or disclosed in
4 connection with the senate's confirmation of the appointment, shall
5 remain confidential and privileged, except for the purposes of article
6 two hundred ten of the penal law.

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

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

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

1 for their expenses actually and necessarily incurred by them in the
2 performance of their duties under this article.

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

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

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

13 § 5. The education law is amended by adding four new sections 6203-a,
14 6203-b, 6203-c and 6203-d to read as follows:

15 § 6203-a. Organization of the commission. 1. A city university of New
16 York independent commission on board of trustees' nominations is hereby
17 established. The commission shall consist of eleven members of whom
18 three shall be appointed by the governor and two selected by the mayor
19 of the city of New York, and two each, by the speaker of the assembly
20 and the temporary president of the senate, and one each by the chair of
21 the city university of New York faculty senate and by the chairperson of
22 the city university of New York student senate. Of the three members
23 appointed by the governor, no more than two shall be enrolled in the
24 same political party and two of such members shall be graduates of the
25 city university of New York. The two members appointed by the mayor
26 shall not be enrolled in the same political party and one of such
27 members shall be a graduate of the city university of New York. No
28 member of the commission shall hold any elected public office or office
29 in any political party or shall be an employee of or under the super-
30 vision of any person who holds such elected public office or office of a
31 political party. No member of the commission shall serve in any public
32 or political office within one year of the member's period of service.
33 The members of the commission shall be residents of the state.

34 2. The members first appointed by the governor shall have one, two and
35 three-year terms, respectively, as he or she shall designate. The
36 members first appointed by the mayor shall have two and three-year
37 terms, respectively, as he or she shall designate. The members first
38 appointed by the speaker of the assembly shall have two and three-year
39 terms, respectively, as he or she shall designate. The members first
40 appointed by the temporary president of the senate shall have two and
41 three-year terms, respectively, as he or she shall designate. The member
42 first appointed by the chair of the city university of New York faculty
43 senate shall have a two-year term as he or she shall designate. The
44 member first appointed by the president of the city university of New
45 York student senate shall have a one-year term as he or she shall desig-
46 nate. Each subsequent appointment shall be for a term of one year.

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

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

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

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

5 § 6203-b. Functions of the commission. 1. The commission shall:

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

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

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

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

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

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

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

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

48 2. Recommendations to the governor shall require the concurrence of a
49 quorum of the commission. The recommendations to the governor shall be
50 transmitted to the governor in a single written report, which shall be
51 released to the public by the commission at the time it is submitted to
52 the governor. The report shall be in writing, signed only by the chair-
53 person, and shall include the commission's findings relating to the
54 character, temperament, professional aptitude, experience, qualifica-
55 tions and fitness of each candidate who is recommended to the governor.

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

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

33 § 6203-c. Rules of the commission. 1. The commission shall adopt, and
34 may amend, written rules of procedure not inconsistent with law.

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

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

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

48 § 6203-d. Confidentiality of proceedings and records. 1. All communi-
49 cations to the commission, and its proceedings, and all applications,
50 correspondence, interviews, transcripts, reports and all other papers,
51 files and records of the commission shall be confidential and privileged
52 and, except for the purposes of article two hundred ten of the penal
53 law, shall not be made available to any person except as otherwise
54 provided in this article.

55 2. The governor and the mayor of the city of New York shall have
56 access to all papers and information relating to persons recommended to

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

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

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

15 (a) The board of trustees shall consist of seventeen trustees. Ten of
16 the trustees shall be appointed by the governor with the advice and
17 consent of the senate; provided, however, that no such trustees shall be
18 an employee of, or under the supervision of, any of such appointing
19 authorities. Five of the trustees shall be appointed by the mayor of
20 the city of New York with the advice and consent of the senate;
21 provided, however, that no such trustee shall be an employee of, or
22 under the supervision of, any of such appointing authorities. The senate
23 upon receiving the governor's nomination of a trustee to be considered
24 for confirmation shall consult with the chair of the senate higher
25 education committee and shall publicize its consideration of said nomi-
26 nee. The senate shall vote to confirm the nominee no earlier than twen-
27 ty-one days after the nominee's consideration has been publicized. One
28 ex-officio trustee shall be the chairperson of the university student
29 senate. One ex-officio non-voting trustee shall be the chairperson of
30 the university faculty senate. Such trustees, except the chairperson of
31 the university student senate, ex-officio, and the chairperson of the
32 faculty senate, ex-officio, must be recommended and approved by the city
33 university of New York's independent commission on board of trustees
34 nominations.

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

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

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

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

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

54 11. "Regional appointing authority." The regional legislative body or
55 board, or other appropriate governing agency authorized to appoint

1 members to a state university regional community college board of trus-
2 tees pursuant to section sixty-three hundred ten of this article.

3 § 8. The education law is amended by adding four new sections 6306-a,
4 6306-b, 6306-c and 6306-d to read as follows:

5 § 6306-a. Organization of the commissions. 1. For each community
6 college, excluding those in the city of New York except for the fashion
7 institute of technology, there is hereby established a state university
8 of New York community college independent commission on local board of
9 trustees nominations. Each commission shall consist of eleven members of
10 whom four shall be appointed by the governor, five members shall be
11 appointed by the local appointing authority, one member appointed by the
12 president of the faculty council of community colleges, and one member
13 elected by and from among the students of the college. Of the four
14 members appointed by the governor, no more than two shall be enrolled in
15 the same political party and two of such members shall be graduates of
16 the state university system. Of the five members appointed by the local
17 appointing authority no more than three shall be enrolled in the same
18 political party. No member of a commission shall hold any elected public
19 office or office in any political party or shall be an employee of or
20 under the supervision of any person who holds such elected public office
21 or office of a political party. No member of a commission shall serve in
22 any public or political office within one year of the member's period of
23 service. The members of each commission shall be residents of the state.

24 2. Of the members first appointed by the governor, two members shall
25 have a two-year term and two members shall have a three-year term as he
26 or she shall designate. Of the members first appointed by the local
27 appointing authority, two members shall be appointed for a two-year
28 term, two members shall be appointed for a three-year term and one
29 member shall be appointed for a four-year term, as such local appointing
30 authority shall designate. Each subsequent appointment by the governor
31 and the local appointing authority shall serve a term for four years.
32 The member first appointed by the president of the faculty council of
33 community colleges shall serve a two-year term. Each subsequent appoint-
34 ment by the president of the faculty council shall be for a term of four
35 years. The member first elected by and from among the students of the
36 college shall serve a one-year term. Each subsequent term for the
37 elected member shall be a one-year term.

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

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

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

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

51 § 6306-b. Functions of the commissions. 1. Each commission shall:

52 (a) Consider and evaluate the qualifications of candidates for
53 appointment to their state university community college local board of
54 trustees and, as vacancies occur on a local board, shall recommend to
55 the governor and local appointing authority persons who by their charac-
56 ter, temperament, professional aptitude and experience are well quali-

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

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

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

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

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

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

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

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

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

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

4. No person shall be recommended to the governor or a local appointing authority who has not consented to be a candidate, who has not been personally interviewed by a quorum of the membership of a commission as provided in subdivision six of section sixty-three hundred six-a of this article, and who has not filed a financial statement with a commission, on a form to be prescribed by the commission. The financial statement shall consist of a sworn statement of the candidate's assets, liabilities and sources of income, and any other relevant financial information, which a commission may require. Each commission shall transmit to the governor the financial statement filed by each candidate who is recommended to the governor. The governor shall make available to the public the financial statement filed by the candidate who is appointed to fill a vacancy. The financial statements filed by all other candidates recommended to the governor, but not appointed by him or her shall be confidential. The commission shall transmit to the local appointing authority the financial statement filed by each candidate who is recommended to the local appointing authority. The local appointing authority shall make available to the public the financial statement filed by the candidate who is appointed to fill a vacancy. The financial statements filed by all other candidates recommended to the local appointing authority, but not appointed by such authority, shall be confidential.

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

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

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

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

§ 6306-d. Confidentiality of proceedings and records. 1. All communications to each commission, and their proceedings, and all applications, correspondence, interviews, transcripts, reports and all other papers, files and records of each commission shall be confidential and privileged and, except for the purposes of article two hundred ten of the penal law, shall not be made available to any person except as otherwise provided in this article.

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

3. The members of each commission shall not publicly divulge the names of, or any information concerning, any candidate except as otherwise 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 1. Each community college, except in the city of New York, shall be
2 administered by a board of trustees of ten members, nine of whom shall
3 be appointed for terms of seven years in annual rotation, and one member
4 elected as herein provided, except that initial appointments shall be
5 made for terms of one to nine years respectively. Five members shall be
6 appointed by the local legislative body or board, or other appropriate
7 governing agency[~~, one of whom may be a member of such local legislative~~
8 ~~body or board, or other appropriate governing agency, four,~~]; provided,
9 however, that such trustees, except the one member elected by and from
10 among the students of the college, have been approved by the state
11 university of New York's community college independent commission on
12 local board of trustees nominations. No such trustee, except the one
13 member elected by and from among the students of the college, shall be
14 an employee of, or under the supervision of, any of such appointing
15 authorities. Four members shall be appointed from among persons residing
16 in the sponsoring community, by the governor [~~and one~~]; provided, howev-
17 er, that such trustees, except the one member elected by and from among
18 the students of the college, have been approved by the state university
19 of New York's community college independent commission on local board of
20 trustees nominations. No such trustee, except the one member elected by
21 and from among the students of the college, shall be an employee of, or
22 under the supervision of, any of such appointing authorities. One member
23 shall be elected by and from among the students of the college who shall
24 serve as a member of the board for a one-year term, provided, however,
25 that the term of the student member first elected shall be nine months
26 commencing October first, nineteen hundred seventy-five. The student
27 member shall be afforded the same parliamentary privileges as are
28 conferred upon voting members, including but not limited to the right to
29 make and second motions and to place items on the agenda. Such student
30 member shall be subject to every provision of any general, special or
31 local law, ordinance, charter, code, rule or regulation applying to the
32 members of such board with respect to the discharge of their duties
33 including, but not limited to, those provisions setting forth codes of
34 ethics, disclosure requirements and prohibiting business and profes-
35 sional activities. The election of the student member shall be conducted
36 in accordance with rules and regulations promulgated by the respective
37 representative campus student association in accordance with guidelines
38 established by the state university trustees. In the event that the
39 student member ceases to be a student at the institution, he shall be
40 required to resign. The governor's initial appointments shall be for
41 terms of two, four, six and eight years respectively and those by local
42 authorities for terms of one, three, five, seven and nine years respec-
43 tively. Vacancies shall be filled for unexpired terms in the same manner
44 as original selections by the authority responsible for the original
45 selection. The board shall select its own [~~chairman~~] chairperson from
46 among its voting membership. Where two or more local sponsors join in
47 the establishment of a community college, the apportionment of the
48 appointments among them shall be made by the state university trustees.
49 Trustees shall receive no compensation for their services but shall be
50 reimbursed for their expenses actually and necessarily incurred by them
51 in the performance of their duties under this article. Members initially
52 appointed or elected under this subdivision to the board of trustees of
53 any community college hereafter established shall take office immediate-
54 ly upon their selection and qualification, but for purposes of determin-
55 ing the expiration of their respective terms and the commencement of the
56 terms of their successors, the term of office of each such initial

1 member shall be deemed to have commenced on the first day of July of the
2 year in which such college was established. The terms of office of all
3 members of the boards of trustees of community colleges heretofore
4 established, appointed or elected as provided in this subdivision, shall
5 terminate on the thirtieth day of June of the calendar year within which
6 such terms expire under the provisions of this subdivision as hereby
7 amended. For the purpose of determining such year all initial terms of
8 office of appointed members of the boards of trustees of community
9 colleges heretofore established shall be deemed to have commenced on the
10 first day of July of the year in which such colleges were established
11 and the terms of their successors for full terms, if any, shall be
12 deemed to have commenced upon the expiration of the number of years from
13 such date for which such initial appointments were made.

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

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

25 § 10. The education law is amended by adding four new sections 6310-a,
26 6310-b, 6310-c and 6310-d to read as follows:

27 § 6310-a. Organization of regional commissions. 1. For each community
28 college region and community college sponsored by such region, there is
29 hereby established a state university of New York regional community
30 college independent commission on local board of trustees nominations.
31 Each commission shall consist of eleven members of whom four shall be
32 appointed by the governor, five members shall be appointed by the
33 regional appointing authority, one member appointed by the president of
34 the faculty council of community colleges and one member elected by and
35 from among the students of the college. Of the four members appointed by
36 the governor, no more than two shall be enrolled in the same political
37 party and two of such members shall be graduates of the state university
38 system. Of the five members appointed by the regional appointing author-
39 ity no more than three shall be enrolled in the same political party. No
40 member of a regional commission shall hold any elected public office or
41 office in any political party or shall be an employee of or under the
42 supervision of any person who holds such elected public office or office
43 of a political party. No member of a regional commission shall serve in
44 any public or political party. No member of a regional commission shall
45 serve in any public or political office within one year of the member's
46 period of service. The members of each regional commission shall be
47 residents of the state.

48 2. Of the members first appointed by the governor, two members shall
49 serve a two-year term and two members shall serve a three-year term as
50 he or she shall designate. Of the members first appointed by the
51 regional appointing authority, two members shall serve a two-year term,
52 two members shall serve a three-year term and one member shall serve a
53 four-year term, as such local appointing authority shall designate. Each
54 subsequent appointment by the governor and the regional appointing
55 authority shall be for a term of four years. The member first appointed
56 by the president of the faculty council of community colleges shall

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

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

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

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

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

19 § 6310-b. Functions of regional commissions. 1. Each regional commis-
20 sion:

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

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

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

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

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

55 (f) Communicate with the governor concerning the qualifications of any
56 candidate whom it has recommended to the governor and communicate with

1 the senate concerning the qualifications of any candidate appointed by
2 the governor.

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

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

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

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

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

50 § 6310-c. Rules of regional commissions. 1. Each regional commission
51 shall adopt, and may amend, written rules of procedure not inconsistent
52 with law.

53 2. Rules of each regional commission shall be filed with the chancel-
54 lor of the state university of New York and shall be published in the
55 official compilation of codes, rules and regulations of the state. Upon
56 request of any person, the chancellor of the state university of New

1 York shall furnish a copy of any regional commission's rules without
2 charge.

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

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

12 § 6310-d. Confidentiality of proceedings and records. 1. All communi-
13 cations to each regional commission, and their proceedings, and all
14 applications, correspondence, interviews, transcripts, reports and all
15 other papers, files and records of each regional commission shall be
16 confidential and privileged and, except for the purposes of article two
17 hundred ten of the penal law, shall not be made available to any person
18 except as otherwise provided in this article.

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

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

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

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

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

49 Membership in a community college regional board of trustees shall be
50 apportioned among the counties participating in such board in accordance
51 with the number of full-time equivalent students attending a community
52 college sponsored by such regional board who are residents of the
53 respective participating counties, and in accordance with such further
54 regulations as may be prescribed by the state university trustees. Six
55 members shall be appointed by the governor [and one]; provided, however,
56 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 regional 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 eighty-four. The student member shall be afforded the same parliamentary privileges as are conferred upon 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 as follows: (a) two individuals shall be appointed for terms of two and four years respectively; (b) two individuals for terms of six years and two individuals for terms of eight years. Appointments by local authorities shall be as follows: (a) three individuals for terms of one, three and five years, respectively; (b) two individuals for terms of seven years, and two individuals for terms of nine years. 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. 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 any community college regional board of trustees hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of community college regional boards of trustees 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 community college regional board of trustees heretofore established shall be deemed to have commenced on the first day of July of the year in which such community college regions 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

1 promulgated by the respective representative campus student association
2 in accordance with guidelines promulgated by the state university trus-
3 tees.

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