

# 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:

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  
23 the commission shall hold any elected public office or office in any  
24 political party or shall be an employee of or under the supervision of  
25 any person who holds such elected public office or office of a political  
26 party. No member of the commission shall serve in any public or poli-

EXPLANATION--Matter in italics (underscored) 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.

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

22 § 6306-c. Rules of the commissions. 1. Each commission shall adopt,  
23 and may amend, written rules of procedure not inconsistent with law.

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

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

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

36 § 6306-d. Confidentiality of proceedings and records. 1. All communi-  
37 cations to each commission, and their proceedings, and all applications,  
38 correspondence, interviews, transcripts, reports and all other papers,  
39 files and records of each commission shall be confidential and privi-  
40 leged and, except for the purposes of article two hundred ten of the  
41 penal law, shall not be made available to any person except as otherwise  
42 provided in this article.

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

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

54 § 9. Subdivision 1 of section 6306 of the education law, as amended by  
55 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 trust-  
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.