Date: September 12, 1975

From: Office of the University Counsel
      and Vice Chancellor for Legal Affairs

Subject: Guidelines for election of non-voting student members
        of Councils and Boards of Trustees

The enclosed resolution will be submitted to the Board of
Trustees for consideration at their September 24, 1975 meeting.
The new legislation adding a non-voting student member to Boards
and Councils, copy attached, provides that the terms of office
for first incumbent student members begin on October 1, 1975.

Accordingly, the proposed guidelines are being distributed
prior to Board action in the interests of time. Since much will
depend on how expeditiously election regulations can be adopted
at each campus by the students themselves, the guidelines call
for an election prior to 1 October or "as soon thereafter as may
be practicable."

Some campus presidents have urged that student government
presidents should become the Board or Council member. The
statute adopts that plan in the case of the University Board of
Trustees where the Student Assembly President, ex officio, becomes
the non-voting Trustee. A similar arrangement obtains at CUNY.

In the case of community college Boards and Councils of
state-operated campuses, however, the statute provides that the
student member "shall be elected by and from among the students"
of the institution. This proviso does not preclude the possi-
bility that students may elect the president of a representative
campus student association, but that result is not required and,
in any event, cannot occur except by election.

The draftsmen of the statute did not contemplate the
possibility of more than one "representative campus student
association" at any given campus. Since the rules and regula-
tions governing the election are to be promulgated by a body
which the statute describes by this title, the question of
identification becomes important.
The statute offers no solution. However, the guidelines to be considered by the University Trustees prescribe that the intended "association" is the "duly recognized representative student governance organization." Where more than one such group exists at any campus, the guidelines require that "representatives of each shall advise, consult and share responsibility" for the promulgation of election rules and regulations.

This, perhaps, is not an ideal resolution but it seems consistent with the spirit of the statute which reserves to the University Trustees the limited duty of making "guidelines" while "rules and regulations" for the conduct of elections are vested in students at each campus.

Walter J. Relihan, Jr.

Attachments

This memorandum addressed to:

Presidents, State-operated campuses
Presidents, Community Colleges

Copies for information only to:

Deans, Statutory Colleges
President Rose
Mr. Barlow
MEMORANDUM

September 24, 1975

TO: Board of Trustees

FROM: Ernest L. Boyer

SUBJECT: Guidelines for promulgation of rules and regulations regarding election of non-voting student members of councils and boards of trustees

I recommend that the Board of Trustees adopt the following resolution:

Whereas Chapter 587 of the Laws of 1975 provides for the addition of a non-voting student member for a one year term to the council of each state-operated unit of the University and to the board of trustees of each community college operating under the program of the University; and

Whereas the law requires that the election of such additional non-voting student members shall be conducted in accordance with rules and regulations promulgated by the representative campus student association at each campus in accordance with guidelines established by the State University Trustees; now, therefore, be it

Resolved that Subchapter A of Chapter V of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York be, and hereby is, amended by adding thereto a new Part 312, as follows:

PART 312

Student Members of College Councils

Section 312.1 General procedures. The following guidelines shall govern the rules and regulations to be promulgated regarding the election of the non-voting student members of councils:
(a) The "representative campus student association", hereinafter referred to as the "association", shall mean the campus duly recognized representative student governance organization. Where more than one representative student governance organization has been recognized at any campus, representatives of each shall advise, consult and share responsibility for the preparation and promulgation of rules and regulations in such manner as may be mutually agreed upon.

(b) The association, or such organization as may be mutually agreed upon pursuant to (a) above in the case of multiple student governance organizations, prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the college council. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1 and each elected member shall serve for one calendar year.

312.2 Guidelines. The rules and regulations to be promulgated by the association, or in such manner as may be mutually agreed upon pursuant to (a) above in the case of multiple student governance organizations, shall fix and define the following:

(a) the time and place of such election;

(b) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full time students only;

(c) the manner of qualifying as a candidate for election;

(d) the form and content of notification to the electors of the time and place of the election and the duties of the office;

(e) the form of ballots, the location of polling places, the time such polls shall be open, the manner of casting ballots, the procedure for tallying and reporting the completed vote;

(f) the manner in which election irregularities, if any, may be expeditiously resolved;

(g) the manner in which an elected student member may be removed.
Resolved that Subchapter D of Chapter V of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, said Subchapter D constituting the Code of Standards and Procedures for the Administration and Operation of Community Colleges, as last amended on June 25, 1975, be, and hereby is, further amended by adding thereto a new section 605.4, as follows:

Section 605.4 Student members of boards of trustees.

(a) General procedures. The following guidelines shall govern the rules and regulations to be promulgated regarding the election of the non-voting student members of boards of trustees.

(1) The "representative campus student association", hereinafter referred to as the "association", shall mean the campus duly recognized representative student governance organization. Where more than one representative student governance organization has been recognized at any campus, representatives of each shall advise, consult and share responsibility for the preparation and promulgation of rules and regulations in such manner as may be mutually agreed upon.

(2) The association, or such organization as may be mutually agreed upon pursuant to (a) above in the case of multiple student governance organizations, prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the board of trustees. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1 and each elected member shall serve for one calendar year.

(b) Guidelines. The rules and regulations to be promulgated by the association, or in such manner as may be mutually agreed upon pursuant to (1) above in the case of multiple student governance organizations, shall fix and define the following:

(1) the time and place of such election;

(2) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full time students only;
(3) the manner of qualifying as a candidate for election;

(4) the form and content of notification to the electors of the time and place of the election and the duties of the office;

(5) the form of ballots, the location of polling places, the time such polls shall be open, the manner of casting ballots, the procedure for tallying and reporting the completed vote;

(6) the manner in which election irregularities, if any, may be expeditiously resolved.

Background

Legislation passed by the 1975 session of the Legislature and recently approved by the Governor amends, in pertinent part, those sections of the Education Law relating to the appointment and composition of the University Trustees, the college councils, and the boards of trustees of the community colleges under the program of State University. The legislation further requires that with respect to student membership on the college councils and the boards of trustees of community colleges the University Trustees establish guidelines which shall govern the promulgation of election rules and regulations.
STATE OF NEW YORK

Cal. No. 1203 8164—A

1975-1976 Regular Sessions

IN ASSEMBLY

May 1, 1975


AN ACT

to amend the education law, in relation to adding a non-voting student member to the board of trustees of the state university, to the council of each state-operated institution of the state university, to the board of higher education in the city of New York, and to the board of trustees of each community college

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

1 Section 1. Subdivisions one, two and five of section three hundred fifty-three of the education law, subdivision one as amended by chapter one hundred nineteen of the laws of nineteen hundred five is hereby amended to provide that the board of trustees of each such institution shall include a non-voting student member, appointed by the governing board of the state university or its institution respectively, whose term shall be for three years, who shall be chosen by the students of that state university or institution to which such board has been appointed and shall be eligible to serve a maximum of two terms. Such non-voting student member shall not have the right to vote on questions coming before the board of trustees, but shall have the right to participate in the discussion of such matters. The student member shall be selected from the candidates nominated by the students attending the state university or institution and shall be appointed by the governor upon recommendation of the president of the state university or superintendent of the state institution.

Explanation: Matter in italics is new; matter in brackets [ ] is old law to be omitted.
fifty-one, subdivision two as amended by chapter six hundred thirty-three of the laws of nineteen hundred fifty, subdivision five as added by chapter six hundred thirty-three of the laws of nineteen hundred fifty, are hereby amended to read, respectively, as follows:

1. The state university shall be governed and all of its corporate powers exercised by a board of trustees. Such board shall consist of sixteen members, fifteen of whom shall be appointed by the governor by and with the advice and consent of the senate, one of whom shall be designated by the governor as chairman and one as vice-chairman. They shall be designated by the governor as chairman and vice-chairman. The term of office of each trustee except the student member shall be for ten years provided, however, that the members first appointed, two shall be appointed for a term which shall expire on June thirtieth, nineteen hundred fifty-two; one for a term which shall expire on June thirtieth, nineteen hundred fifty-three; two for a term which shall expire on June thirtieth, nineteen hundred fifty-four; one for a term which shall expire on June thirtieth, nineteen hundred fifty-five; two for a term which shall expire on June thirtieth, nineteen hundred fifty-six; one for a term which shall expire on June thirtieth, nineteen hundred fifty-seven; two for a term which shall expire on June thirtieth, nineteen hundred fifty-eight; one for a term which shall expire on June thirtieth, nineteen hundred fifty-nine; two for a term which shall expire on June thirtieth, nineteen hundred sixty; and one for a term which shall expire on June thirtieth, nineteen hundred sixty-one. No person shall hold the office of trustee longer than until and including the last day of December in the year in which he shall be seventy years of age. Vacancies shall be filled for the unexpired term in the same manner as original appointments. 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.

2. The board may provide for regular meetings, and the chairman, or the vice-chairman, or any eight voting members by petition, may at any time call a special meeting of the board of trustees and fix the
time and place therefor; and at least ten days notice of every meeting
shall be mailed to the usual address of each trustee, unless such notice
be waived by a majority of the board. Eight voting trustees attending
shall be a quorum for the transaction of business and, unless a
greater number is required by the by-laws, the act of a majority of the
voting members present at any meeting shall be the act of the board.

5. The board may elect an executive committee of not less than five
members, who, in intervals between meetings of the board may
transact such business of the state university as the board may from
time to time authorize, except to grant degrees or to make removals
from office. The student member of the board shall be a non-voting
member of such committee. A majority of the whole of the executive
committee, but in any event not less than four voting members,
attending shall be a quorum for the transaction of business and the
act of a majority of the voting members of the executive committee
present at any meeting thereof shall be the act of such committee.

§ 2. Subdivisions one and three of section three hundred fifty-six
of such law, as added by chapter five hundred twenty-five of the laws
of nineteen hundred fifty-three, are hereby amended to read,
respectively, as follows:

1. Subject to the general management, supervision and control of
and in accordance with rules established by the state university
trustees, the operations and affairs of each state-operated institution
of the state university, other than the state institutes of applied arts
and sciences, shall be supervised locally by a council consisting of
[nine] ten members, nine of whom shall be appointed by the
governor and one of whom shall be elected by and from among the
students of the institution, who shall serve as a non-voting member of
the council. 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. One voting
member shall be designated by the governor as chairman. Where an
undergraduate state-operated institution of the state university is
located adjacent to another institution of higher education and
students of such undergraduate state-operated institution are, under
arrangements made by the state university, taking a substantial
portion of their courses at such other institution, the president or
other head of such other institution shall be an ex-officio member of
the council for such undergraduate state-operated institution. Initial
appointments, other than the student member and ex-officio
members, shall be for terms expiring July first, nineteen hundred
fifty-four, July first, nineteen hundred fifty-five, July first, nine-
teen hundred fifty-six, July first, nineteen hundred fifty-seven, July
first, nineteen hundred fifty-eight, July first, nineteen hundred
fifty-nine, July first, nineteen hundred sixty, July first, nineteen
hundred sixty-one and, where there is no ex-officio member, July
first, nineteen hundred sixty-two, respectively, and subsequent
appointments, other than the student member, shall be for a full term
of nine years from the first day of July of the calendar year in which
the appointment is made. No person shall serve as a member of such
council, except an ex-officio member, longer than until and including
the last day of December in the year in which he shall be seventy
years of age. Vacancies shall be filled for the unexpired term in the
same manner as original selections. The term of
office for the student member shall be one year commencing July
first of the calendar year in which the election is conducted,
provided, however, that the term of the student member first elected
shall be nine months commencing October first, nineteen hundred
seventy-five and expiring June thirtieth, nineteen hundred seventy-six. In the event that the student member ceases to be a student at
the institution, he shall be required to resign. Members of such
councils appointed by the governor may be removed by the governor.
Members of such councils elected by the students of the institution
may be removed by such students in accordance with rules and
regulations promulgated by the respective representative campus
student association in accordance with guidelines promulgated by
the state university trustees. Members of such councils shall receive
no compensation for their services but shall be reimbursed for the
expenses actually and necessarily incurred by them in the perfor-
mance of their duties hereunder.

3. The councils of state-operated institutions shall provide for
regular meetings, and the chairman, or any five voting members by
petition, may at any time call a special meeting of the council and
fix the time and place therefor. At least ten days notice of every
meeting shall be mailed to the usual address of each member, unless
such notice be waived by a majority of the council. Five voting members attending shall constitute a quorum for the transaction of business and the act of a majority of the members present at any meeting shall be the act of the council.

§ 3. Subdivisions one and two of section six thousand two hundred one of such law, as amended by chapter seven hundred eight of the laws of nineteen hundred seventy-three, are hereby amended to read, respectively, as follows:

(1) The board of higher education in the city of New York is hereby continued. Such board of higher education shall govern and administer that part of the public school system within the city which is of collegiate grade and which leads to academic, technical and professional degrees. Such board shall consist of [eleven] twelve members, seven of whom shall be appointed by the mayor of the city of New York, including one from each of the boroughs of such city, three of whom shall be appointed by the governor, by and with the advice and consent of the senate, [and] one of whom shall be the president of the board of education of such city, ex-officio, who shall serve as a non-voting member of such board, and one of whom shall be the chairperson of the university student senate of the city university of New York, ex-officio, who shall serve as a non-voting member of the board. Members, except the ex-officio [member] members, shall serve for a term of five years commencing on the first day of January, except that of the members first appointed, one of the members appointed by the mayor and one appointed by the governor shall serve for a term of five years, two of the members appointed by the mayor shall serve for four years, one of the members appointed by the mayor and one of the members appointed by the governor shall serve for three years, two of the members appointed by the mayor shall serve for two years, and one of the members appointed by the mayor and one of the members appointed by the governor shall serve for one year. Each member of the board of higher education appointed by the mayor or the governor shall take the oath of office required by the constitution of the state. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, a successor shall be chosen in the same manner as was the member whose office became vacant, to serve for the balance of the unexpired term. Any member
of the board appointed by the mayor may be removed by the mayor
and any member appointed by the governor may be removed by the
governor upon proof either of official misconduct or neglect of
official duties or of any conduct in any manner connected with his
official duties or otherwise which tends to discredit his office, or the
school system, or for mental or physical inability to perform his
duties, but before such removal he shall receive due and timely
notice in writing of the charges and a copy thereof and shall be
entitled to a hearing on like notice before the mayor or the governor
and to the assistance of counsel on such hearing.

(2) The mayor shall designate the chairman of the board from
among the voting members of the board who shall preside over all
meetings of the board and shall have such other duties as the voting
members of the board may direct. The governor shall designate the
vice-chairman of the board from among the voting members of the
board who shall preside over all meetings in the absence of the
chairman and shall have such other duties as the voting members of
the board may direct.

§ 4. Subdivision one of section six thousand three hundred six of
such law, as amended by chapter four hundred sixteen of the laws of
nineteen hundred sixty, is hereby amended to read as follows:

1. Each community college, except in the city of New York, shall
be administered by a board of trustees of [nine] ten members, nine
of whom shall be appointed for terms of nine years in annual
rotation, and one member elected as herein provided, except that
initial appointments shall be made for terms of one to nine years
respectively. Five members shall be appointed by the local legisla-
tive body or board, or other appropriate governing agency, one of
whom may be a member of such local legislative body or board, or
other appropriate governing agency, [and] four, from among
persons residing in the sponsoring community, by the governor and
one member elected by and from among the students of the college
who shall serve as a non-voting member of the board for a one-year
term, provided, however, that the term of the student member first
elected shall be nine months commencing October first, nineteen
hundred seventy-five. The election of the student member shall be
conducted in accordance with rules and regulations promulgated by
the respective representative campus student association in accor-
dance with guidelines established by the state university trustees.

In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be for terms of two, four, six and eight years respectively and those by local authorities for terms of one, three, five, seven and nine years respectively. Vacancies shall be filled for unexpired terms in the same manner as original appointments by the authority responsible for the original selection. The board shall select its own chairman from among its voting membership. Where two or more local sponsors join in the establishment of a community college, the apportionment of the appointments among them shall be made by the state university trustees. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to the board of trustees of any community college hereafter established shall take office immediately upon their selection and qualification, but for purposes of 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 the boards of trustees of community colleges heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended.

For the purpose of determining such year all initial terms of office of appointed members of the boards of trustees of community colleges heretofore established shall be deemed to have commenced on the first day of July of the year in which such colleges were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

In the case of community colleges in the city of New York the year in which any such college was established for the purposes of
this subdivision shall mean the year in which it was or may be determined that its board of trustees be appointed and serve in the manner provided by this subdivision.

§ 5. This act shall take effect immediately.

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