



## Mission, Goals, & Board Operations

### *Board of Trustees Policy*

<b>SUBJECT:</b>  Board of Trustee Bylaws	<b>NUMBER:</b>  1.5
	<b>DATE:</b>  March 21, 2016
	<b>SUPERSEDES:</b>  

### ARTICLE I

The powers, organization, and governance of the Board of Trustees is derived from the authority of the State of New York Title VII, Article 126. Nothing in these bylaws shall be interpreted to be in violation of these statutes or any other law of the State of New York.

### ARTICLE II: NAME, LOCATION AND SPONSORSHIP

1. Name: The official name of the College shall be SUNY Schenectady County Community College.
2. Sponsorship: The College is sponsored by Schenectady County (the County).

### ARTICLE III: BOARD OF TRUSTEES

1. Composition:

The SUNY Schenectady Board of Trustees (the Board of Trustees or the Board) consists of ten members who are appointed in compliance with Section 6306 of the New York State Education Law. (Appendix I).

## 2. Responsibilities and Duties:

- a. The duties and responsibilities of the Board are set forth in New York State Education Law, Section 6306, subdivisions 2 through 8-a (Appendix I) and 8NYCRR, Section 604.2 (Appendix II)
- b. Attendance at Board meetings is a responsibility of all Board members.

## 3. Conflicts of Interest:

The Board of Trustees shall comply with all applicable state and local laws dealing with conflicts of interest, including Sections 800-805 of the General Municipal Law and the County Code of Ethics. The Board of Trustees shall comply with all policies and procedures as adopted by the Board relevant to conflicts of interest.

## 4. Indemnification: Indemnification is provided to Board members pursuant to Section 6308 of the Education Law. (Appendix I).

# ARTICLE IV: OFFICERS

## 1. Designation of Officers:

- a. The Board of Trustees shall designate, from among its voting membership, officers who shall serve as Chair, Vice Chair and Secretary.
- b. The Chair, Vice Chair and Secretary shall be elected, by ballot, at the meeting of the Board of Trustees in June of each year, or when vacancies occur, and shall take office immediately upon the adjournment of the meeting at which such election was conducted. Such office shall be held until elected successors take office. A majority vote of the total membership of the Board shall be necessary for election, and vacancies in any office shall be filled by the Board.

## 2. Chair Duties:

The Chair shall:

- a. Preside at all meetings of the Board,
- b. Decide all questions of order, subject to appeal to the members present,
- c. Be a member ex-officio of all committees,
- d. Be entitled to vote at all meetings of the Board, and
- e. Appoint the membership of all standing and special committees and designate the Chair thereof; unless, by majority vote of the total

membership of the Board of Trustees, a Chair of a special committee is designated by the Board of Trustees.

- f. Be entitled to appoint, on ad hoc basis, from the membership of the Board, substitute members for the standing and special committees when, in the chair's judgment, such substitution is necessary for the timely consideration of resolutions and other items of business by the committees and the Board.

### 3. Vice Chair Duties:

The Vice Chair shall perform the duties of the Chair in the latter's absence and such other duties as the Chair may delegate to him/her from time to time or as otherwise provided by these rules.

### 4. Secretary Duties:

a. The Secretary, or his/her designee, shall call the roll and declare the presence of a quorum at all Board meetings. The Secretary, or his/her designee, shall be responsible for the minutes of the Board meetings and shall prepare and submit same to each member of the Board prior to the next regular meeting of the Board.

b. The Secretary, or his/her designee, shall give notice, pursuant to the notice provisions of the Open Meetings Law, of all meetings of the Board; have charge of all official records and papers belonging to the Board; and, shall perform such duties as may be assigned from time to time by the Chair or the Board of Trustees.

c. In keeping the minutes of each regular meeting and special meetings, the Secretary, or his/her designee, shall do so in accordance with applicable provisions of the Open Meetings Law. Minutes taken during an executive session of the Board shall reflect the final determination and the vote.

d. In the absence of the Chair or Vice Chair at a meeting of the Board, the Secretary shall call the roll and on the appearance of a quorum shall call the Board to order. A Chair pro tempore shall be elected by ballot, by a majority of the total membership of the Board present, who shall preside over the meeting until the arrival of the Chair or Vice Chair.

## **ARTICLE V: MEETINGS**

### 1. Schedule:

a. Regular meetings of the Board of Trustees shall be held on the third Monday of the month unless changed for good cause.

b. Special meetings shall be held on the call of the Chair or upon written request of four members of the Board of Trustees. Written notice shall be given not less than two days in advance of said special meeting and shall state the matter or matters to be presented to the Board for its consideration at such meeting. No other matters shall be considered except upon the consent of a majority of the total membership of the Board.

2. Quorum:

Six members of the Board of Trustees shall constitute a quorum. No resolution or any other action requiring a vote may be taken without a quorum.

3. Agenda:

All resolutions and other items of business to be considered and acted upon by the Board at regular Board meetings shall be proposed by any member of the Board by submitting same to the Secretary of the Board or his/her designee. The Secretary, or his/her designee, shall forward such items to the relevant committee or committees of the Board for consideration and the items may, after all backup information has been provided and considered, be submitted to the Board for action at a regular meeting of the Board upon recommendation of the Chair or Chairs of said committees.

4. Notification:

a. Notification of regular Board meetings shall comply with the provisions of the Open Meetings Law.

b. Mailings or email transmission for Board meetings shall include the meeting agenda, minutes from the previous meeting, all proposed resolutions, committee reports, and any other documentation to be considered by the Board at the meeting.

c. One week before each regular meeting of the Board of Trustees, the Secretary of the Board, or his/her designee, shall deliver a copy of the agenda or said regular meeting to the County Attorney and the Clerk of the County Legislature.

d. Notice for all other meetings including call meetings or special meetings, shall be provided pursuant to the provisions of the Open Meetings Law. Notice shall be given no fewer than two days before the date of the meeting. These notification provisions also apply to Board Committee meetings.

5. Voting:

a. Board members must be present in order to vote.

b. Board members may not vote by phone, proxy, email, or mail.

c. Videoconferencing may be used to conduct a meeting. The meeting notice shall indicate all videoconferencing locations for the meeting.

d. The public has the right to attend the meeting at any of the videoconferencing locations.

#### 6. Executive Sessions:

Executive sessions of the Board may be called to discuss those matters as set forth in Public Officers Law, Section 105 (see Appendix IV). The Board may vote during a properly convened executive session; however, any vote to appropriate public monies must be taken in public.

#### 7. Parliamentary Procedure:

Except as otherwise provided in these Bylaws, the Board shall operate pursuant to the most recent edition of *Robert's Rules of Order, Newly Revised*.

### **ARTICLE VI: COMMITTEES**

#### 1. Standing Committees

a. The Board of Trustees shall, by resolution, establish standing committees of the Board.

b. The standing committees and the Board of Trustees shall exercise such responsibilities as authorized by the Board, including those powers reasonably incidental to the implementation of the powers so delegated.

c. All standing committees shall be reconstituted by the Board from its membership at the annual meeting of the Board in September of each year. Members of standing committees shall be appointed by the Chair of the Board and for terms effective for the current fiscal year. A majority of the total membership of the committee, exclusive of the ex-officio member, shall constitute a quorum. Resolutions and any other items of business before the committee shall be approved only by a majority of the total membership of the committee. Vacancies in unexpired terms may be filled by the Chair at the next regular Board meeting.

d. The Chair of the Board shall be an ex-officio member of all standing committees.

e. Each standing committee shall appoint a secretary who shall maintain minutes of each meeting.

f. At the discretion of the Chair, standing committees may be required to file written reports with the Board at least annually, and such reports shall be circulated to Board members within seven business days after filing.

g. At every regular meeting of the Board, the Chair shall provide the chair of each standing committee an opportunity to report as necessary.

i. Ad hoc or special committees may be established as necessary, by the Board Chair or the Board of Trustees.

#### **ARTICLE VII: AMENDMENTS**

1. Amendments to the Bylaws may be facilitated as set forth in the most recent edition of *Roberts Rule of Order, Newly Revised*

2. The Bylaws may be suspended for good cause at any meeting of the Board upon the affirmative vote of seven members.

*APPENDIX I*  
*New York State Education Law*  
*Section 6306-6308*

**§6306. Administration of community colleges-boards of trustees.**

1. Each community college, except in the city of New York, shall be administered by a board of trustees of ten members, nine of whom shall be appointed for terms of seven years in annual rotation, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Five members shall be appointed by the local legislative body or board, or other appropriate governing agency, one of whom may be a member of such local legislative body or board, or other appropriate governing agency, four, 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 member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred seventy-five.

The student member shall be afforded the same parliamentary privileges as are conferred upon voting members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the members of such board with respect to the discharge of their duties including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign.

The governor's initial appointments shall be for terms of two, four, six and eight years respectively and those by local authorities for terms of one, three, five, seven and nine years respectively. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection.

The board shall select its own chairman 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.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees...

2. The board of trustees of each community college shall appoint a president for the college, subject to approval by the state university trustees, and it shall appoint or delegate to the president the appointment of other members of the staff. The staff of a community college shall consist of the professional service and the non-professional service. The professional service shall include positions requiring the performance of educational functions in agriculture, home economics, liberal and applied arts and sciences, engineering, technical skills, crafts, business education, medicine, dentistry, nursing, academic administration, library service, student activities, student personnel services, and other professions required to carry on the work of the community colleges. The non-professional service shall consist of all positions not in the professional service.

The board of trustees of each community college shall adopt curricula, subject to the approval of the state university trustees, prepare a budget and, with the exception of community college regional boards of trustees, submit such budget for approval by the local legislative body or board, or other appropriate governing agency and, subject to the general supervision of the state university trustees, discharge such other duties as may be appropriate or necessary for the effective operation of the college.

4. The board of trustees of each community college may acquire by deed, gift, devise, bequest or lease, real or personal property suitable for carrying out the program and purposes of the college, and pursuant to regulations prescribed by the state university trustees may apply any income that may be derived therefrom to the maintenance thereof; but no lands, grounds, buildings, facilities or equipment shall be purchased or leased unless an appropriation has been made, therefor, or unless otherwise authorized by law. Title to personal property so acquired shall vest in such board of trustees in its own name and such property shall be held and used by such board for college purposes. Title to real property so acquired shall vest in and be held by the local sponsor in trust for the uses and purposes of the community college. Where a community college region is the local sponsor of a community college, title to real and personal property shall vest in the community college regional board of trustees. The use of real or personal property given to the board of



trustees of any community college, or of the income therefrom, to provide any part of the local sponsor's share of capital or operating costs shall be subject to the consent of the state university trustees and such regulations as they may prescribe.

5. The board of trustees shall have the care, custody, control and management of the lands, grounds, buildings, facilities and equipment used for the purposes of such college and of all other property belonging to such college and used for carrying out its purposes, and it shall have power to protect, preserve and improve the same.

6. The board of trustees shall have such other powers and perform such other duties as may be provided by law or prescribed by the state university trustees.

7. Subject to the approval of the local sponsor acting through its local legislative body or board, or other appropriate governing agency, and pursuant to such regulations and limitations as may be established and prescribed by the state university trustees, the board of trustees of each community college may enter into any contract or agreement deemed necessary or appropriate for the effective operation of the college, (1) including contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder; provided, however, that the sponsor shall not be liable for any portion of any defaults which it has agreed to assume pursuant to any such agreement in an amount in excess of money appropriated or otherwise lawfully available therefor at the time the liability for payment arises, and (2) including contracts with nonprofit corporations organized by officers, employees, alumni or students of the college for the furtherance of its objects and purposes. Notwithstanding the provisions of any other law, general, special or local, such contracts entered into with such non-profit corporation shall not be subject to any requirement that contracts be let to the lowest responsible bidder after advertisement for bids. Nothing contained in this subdivision shall be deemed to diminish or impair any powers or authority otherwise vested in the board of trustees of any community college. The provisions of this subdivision shall not apply to community college regional boards of trustees.

8. Subject to the approval of the local sponsor acting through its local legislative body or board, or other appropriate governing agency, and pursuant to such regulations and limitations as may be established and prescribed by the state university trustees with the approval of the director of the budget, the board of trustees of each community college may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, boards of cooperative educational services, libraries, museums and join any cooperative association of such educational institutions formed as a corporation pursuant to section two hundred sixteen of this chapter. The provisions of this subdivision shall not apply to community college regional boards of trustees.

8-a. a. The board of trustees shall, on or before January first, two thousand, adopt and implement a plan providing for the investigation of any violent felony offense occurring at or on the grounds of each such institution, and providing for the investigation

of a report of any missing student. Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports.

b. As used in this subdivision; the following terms shall have the following meanings:

(i) "Local law enforcement agencies" means any agency or agencies employing peace

officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this subdivision.

(ii) "Missing student" means any student of an institution subject to the provisions of this subdivision, who resides in a facility owned or operated by such institution and who is reported to such institution as missing from his or her residence.

(iii) "Violent felony offense" means a violent felony offense as defined in subdivision

one of section 70.02 of the penal law.

9. In the case of colleges sponsored by community college regions, references in subdivisions two, four, five, six and eight-a of this section to the board of trustees of a community college shall mean the community college regional board of trustees

### **§6308. Defense and indemnification of community college trustees, Officers and employees.**

1. As used in this section, the term "employee" shall mean any person holding a position by appointment or employment in the service of a community college, whether or not compensated, or a volunteer expressly authorized to participate in a community college sponsored volunteer program, but shall not include an independent contractor. The term employee shall include a former employee, his estate or judicially appointed personal representative.

2. (a) Upon compliance by the employee with the provisions of subdivision four of this section, the local sponsor of a community college shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of section nineteen hundred eighty-one or nineteen hundred eighty-three of title forty-two of the United States code and the act or omission underlying the action occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the local sponsor.

(b) Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by the local sponsor provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the local sponsor determines based upon its

investigation and review of the facts and circumstances of the case that representation by the local sponsor would be inappropriate, or whenever a court of competent jurisdiction, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The local sponsor shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The local sponsor may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. The local sponsor shall certify to its chief fiscal officer that the employee or group of employees is entitled to representation by private counsel under the provisions of this section. Reasonable attorneys' fees and litigation expenses shall be paid by the local sponsor to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the board of trustees of the community college at which such employee is employed and upon the audit and warrant of the chief fiscal officer of the sponsor. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

(c) Where the employee delivers process and a request for a defense to the local sponsor as required by subdivision four of this section, the sponsor shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph (b) of this subdivision on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

3. (a) The local sponsor shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, or shall pay such judgment or settlement; provided, that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless or pay prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

(b) An employee represented by the local sponsor or by private counsel pursuant to this section shall cause to be submitted to the board of trustees of the community college at which he is employed any proposed settlement which may be subject to indemnification or payment by the local sponsor and if not inconsistent with the provisions of this section such board of trustees of the community college at which he is employed shall certify such settlement, and submit such settlement and certification to the local sponsor. The local sponsor shall review such proposed settlement as to form and amount, and shall give its approval if in its judgment the settlement is in the best interest of the local sponsor and the community college. Nothing in this subdivision shall be construed to authorize the local sponsor to indemnify and save harmless an employee with respect to a settlement or pay any such settlement not so reviewed and approved.

(c) Nothing in this subdivision shall authorize the local sponsor to indemnify and

save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to section fifty-one of the general municipal law; provided, however, that the local sponsor shall indemnify and save harmless its employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

(d) Upon entry of a final judgment against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the board of trustees of the community college at which he is employed; and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such board. If the local sponsor concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the chief fiscal officer of the local sponsor.

4. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery to the local sponsor at its main business office by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document, and (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the community college or local sponsor based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the local sponsor provide for his defense pursuant to this section.

5. The benefits of this section shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law.

6. The provisions of this section shall not in any way affect the obligation of any claimant to give notice to the local sponsor under any provision of law.

7. The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

8. The provisions of this section shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

9. Except as otherwise specifically provided in this section, the provisions of this section shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the sponsor or any other level of government, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provision of state or federal statutory or common law.

10. If any provision of this section or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court of

competent jurisdiction, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this section or the application of any such provision to any other person or circumstance.

11. In the case of colleges sponsored by community college regions, references in this section to the board of trustees of a community college shall mean the president of colleges sponsored by such regions.

## *APPENDIX II*

### **8 NYCRR PART 604**

#### ***Section 604.2***

### **ADMINISTRATION OF THE COLLEGE**

#### **§604.1 Responsibilities and duties of the local sponsor.**

(a) Establishment of the college. It is the responsibility of the sponsor to formulate a plan for the establishment of a community college in accordance with article 126 of the New York State Education Law.

(b) Financing of the college. The sponsor, in approving the college budget shall provide one half

(50%), or so much as may be necessary, of the amount of the capital costs, and at least one third (33.3%) or, in the case of a college implementing an approved plan of full opportunity, four fifteenths (26.7%), or so much as may be necessary, of the annual operating costs. Approval of the college budgets shall be in accordance with provisions of the standards and regulations of the State University trustees. The expenditure of budgeted funds shall be in accordance with the alternative auditing plans described in article 126 of the New York State Education Law. In addition, upon approval of the college's budget, the sponsor's governing body shall direct that payment of all sponsor appropriations for the community college be made within the college's fiscal year to the college's board of trustees for expenditure by the board and without further pre-audit by the sponsor.

(c) College property. The local board of trustees may acquire and shall control all real and personal property; however, title to all real property shall vest in and be held by the local sponsor in trust for the exclusive use and purposes of the college, as determined by the local board of trustees. Title to all personal property shall vest in the local board of trustees and shall be held and used by the board for college purposes, as determined by the local board of trustees.

## **§604.2 Responsibilities and duties of the college trustees.**

Under the time-honored practice of American colleges, trustees of colleges, as legal official bodies corporate, concentrate on establishing policies governing the college, and delegate responsibility for the administration and execution of those policies to their employed professional administrators. The college trustees, subject to the approval of the State University trustees, shall appoint a president (whether permanent, acting, or interim), approve curricula, prepare, approve and implement budgets, establish tuition and fees (within legal limits), approve sites and temporary and permanent facilities. Approval or disapproval of the appointment of a president by the State University trustees shall be made in accordance with the State University trustees guidelines for the selection and approval of such appointments. The guidelines shall include a procedure for the State University trustees to receive the recommendation of the Chancellor concerning such appointment. The college trustees shall provide for the awarding of certificates and diplomas, and the conferring of appropriate degrees on the recommendation of the president and the faculty. In addition, the college trustees upon the recommendation of the president shall appoint personnel, determine and implement salary and employee benefits schedules, and approve the organizational pattern of the college.

(a) The college trustees shall formulate and record the policies and procedures of appointment and conditions of employment of the president and other professional administrative personnel.

(b) The college trustees shall establish policies and delegate to the president or designee responsibility for implementation of the following:

(1) personnel policies, including the following:

- (i) appointments, promotions, tenure and dismissals of faculty and staff members;
- (ii) conditions of employment, leaves of absence and sabbatical leave;
- (iii) rules and regulations to which faculty and staff are expected to adhere;
- (iv) statements regarding academic freedom; and
- (v) subject to the local and State civil service regulations, the working conditions for

nonacademic personnel and fixed rates of compensation;

(2) creations of divisions, departments, and appropriate administrative and academic positions and definition of duties to carry out the objectives of the college;

(3) regulations governing the behavior and conduct of students and guiding the cocurricular program of the college;

(4) authorization and supervision of travel for the purposes of the college;

(5) care, custody, control and management of land, grounds, buildings, equipment and supplies used for the purposes of the college for carrying out its objectives;

- (6) use of college facilities for outside organizations;
- (7) admission of students;
- (8) preparation of a budget for operation of the college for submission to and approval by the local sponsor and the State University trustees;
- (9) preparation of capital equipment and capital construction budgets;
- (10) use of college facilities for research, consultation or other contractual services pursuant to the educational purposes of the college, in accordance with regulations of the college trustees and upon reimbursement to the college on a fair and equitable basis for the use of facilities or equipment; and
- (11) make available for inspection all college policies and procedures at the college for the convenience and information of members of the college constituency.

***APPENDIX III  
PUBLIC OFFICERS LAW  
Section 30, Paragraph 3***

- 3. When any member of a board, commission, committee or authority, holding office by appointment of the governor, fails to attend three consecutive regular meetings of such board, commission, committee or authority, unless such absence is for good cause and is excused by the chairman or other presiding officer thereof or in the case of such chairman or other presiding officer, by the governor, the office may be deemed vacant for purposes of the nomination and appointment of a successor.

***APPENDIX IV  
PUBLIC OFFICERS LAW  
Section 105***

***§ 105. Conduct of executive sessions***

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal

offense which would imperil effective law enforcement if disclosed;

d. discussions regarding proposed, pending or current litigation;

e. collective negotiations pursuant to article fourteen of the civil service law;

f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

g. the preparation, grading or administration of examinations; and

h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

2. Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.