



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Erin M. O'Grady-Parent

SUBJECT: Proposed Amendment of section 3.2 of the Rules of the Board of Regents, relating to the Membership of a Chancellor Emeritus on the Regents Standing Committees

DATE: February 18, 2010

STRATEGIC GOAL: Goals 5 and 6

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt as a permanent rule, the proposed amendment of section 3.2 of the Rules of the Board of Regents to provide for the ex officio membership of a Chancellor Emeritus on each standing committee of the Board of Regents?

Reasons for Consideration

Review of policy.

Proposed Handling

The proposed amendment will come before the Full Board for adoption as a permanent rule at the March 2010 Regents meeting. A second emergency adoption is also necessary at the March meeting to ensure that the emergency rule adopted at the December 2009 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule. A Statement of Facts and Circumstances Which Necessitate Emergency Action is attached.

Procedural History

The proposed amendment was adopted as an emergency rule at the December 2009 Regents meeting.

Background Information

The proposed amendment is needed to clarify in the Regents Rules that a Chancellor Emeritus, who is also a current member of the Board of Regents, is an ex officio member of each standing committee of the Board of Regents. This provision is appropriate and necessary to assist the Board of Regents to effectively meet its responsibilities to govern the University of the State of New York, determine the educational policies of the State and oversee the State Education Department.

A Notice of Proposed Rule Making concerning the proposed amendment was published in the State Register on December 23, 2009.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That subdivision (b) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 31, 2010, and it is further

VOTED: That subdivision (b) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 22, 2010, as an emergency action, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the December 2009 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

Timetable for Implementation

The December emergency took effect on December 22, 2009 and will expire on March 21, 2010. If adopted at the March Regents meeting, the second emergency rule will take effect on March 22, 2010 and the permanent rule will take effect on March 31, 2010.

Attachment

AMENDMENT OF SECTION 3.2(b) OF THE RULES OF THE BOARD OF REGENTS
PURSUANT TO EDUCATION LAW SECTION 207, RELATING TO MEMBERSHIP OF
A CHANCELLOR EMERITUS ON REGENTS STANDING COMMITTEES

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

The proposed amendment is needed to clarify in the Regents Rules that a Chancellor Emeritus, who is also a current member of the Board of Regents, is an ex officio member of each standing committee of the Board of Regents.

The Board of Regents has determined that this provision is appropriate and necessary to assist the Board of Regents to effectively meet its responsibilities to govern the University of the State of New York, determine the educational policies of the State and oversee the State Education Department.

The proposed amendment was adopted as an emergency rule at the December 2009 Regents meeting, effective December 22, 2009. The proposed amendment was adopted as a permanent rule at the March 8-9, 2010 Regents meeting. Pursuant to the State Administrative Procedure Act, the earliest the permanent rule can become effective is March 31, 2010, the date a Notice of Adoption will be published in the State Register. However, the December emergency rule will expire on March 21, 2010.

The proposed amendment is being adopted as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the December 2009 Regents meeting remains continuously in effect until the effect date of its adoption

as a permanent rule, and thereby prevent any disruption in the privileges and duties of the Chancellor Emeritus as an ex-officio member of the Regents standing committees.

AMENDMENT OF SECTION 3.2(b) OF THE RULES OF THE BOARD OF REGENTS

Pursuant to section 207 of the Education Law

Subdivision (b) of section 3.2 of the Rules of the Board of Regents is amended, effective March 31, 2010, as follows:

(b) The chancellor, [and] the vice chancellor, and any chancellor emeritus who is also a current member of the Board of Regents shall be ex officio members of each standing committee.

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