



THE STATE UNIVERSITY of NEW YORK

MEMORANDUM

Office of the
Chancellor

November 17, 2010

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To: Members of the Board of Trustees

From: Nancy L. Zimpher, Chancellor

Subject: Programs at the Southampton Campus of the Stony Brook University

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

Whereas, on September 20, 2005, the Board of Trustees approved the purchase of the Southampton Campus; and

Whereas, the minutes of the September 20, 2005 meeting reflect a statement of the Chancellor that the operation of the Southampton Campus contemplated external revenue including the support of the Legislature and Governor; and

Whereas, subsequently, the State's economic situation changed, resulting in reductions in State operating support for SUNY of \$214.8 million for FY 2008-09, \$210.5 million for FY 2009-10, and \$170 million for FY 2010-2011; and

Whereas, Campus Presidents, including the President of Stony Brook University, were directed to manage and absorb campus budget cuts, including \$59 million in cuts for Stony Brook since 2008-2009; and

Whereas, in early April 2010, the President of Stony Brook briefed the Chancellor on Stony Brook's intention to move certain sustainability majors and all residential housing services from the Southampton Campus to the Main Campus so as not to compromise the delivery of services to the 25,000 students on Main Campus; as well as on Stony Brook's intention to retain certain unique programs at Southampton; and to work towards repurposing the Southampton Campus with the goal of economic viability; and

Whereas, this action was concurred with by System Administration; and

Whereas, Education Law section 356 provides, in pertinent part, that subject to the general management, supervision, control and approval of the State University Board, a college council shall review major plans of the college president for the effective operation of the campus, and such plans and the recommendation of the college council shall be submitted to the State University Board for approval; and

Whereas, this type of programmatic change was not viewed by System Administration as a "major plan" under Education Law §356 and thus was not submitted to the Board, with the recommendation of the college council, for approval; and

Whereas, by memorandum decision dated August 30, 2010, the Supreme Court in Suffolk County deemed the Stony Brook University President's determination to be a "major plan" under Education Law §356, and by judgment dated September 17, 2010, the Court annulled the State University's determinations with respect to the Southampton Campus and enjoined implementation of such plans until compliance with Education Law section 356 occurs; and

Whereas, the Stony Brook Council has reviewed the plans of the President of Stony Brook with respect to the Southampton Campus and by resolution has set forth its recommendation; and

Whereas, in accordance with Education Law section 356, the President of Stony Brook has submitted such plan and recommendation (copies attached) to the State University Board; now, therefore, be it

Resolved, that the Board of Trustees approves, nunc pro tunc, pursuant to its general powers under Section 350 et seq. of Education Law, including Education Law §356, Stony Brook University's decision to relocate undergraduate sustainability majors and undergraduate housing services to the Stony Brook Main Campus, and the decision to continue the Masters of Fine Arts Program, the Summer Writing Program and Marine Sciences activities on the Southampton Campus, as well as any steps necessary to affect this outcome.

Background

By this resolution, the State University approves pursuant to Education Law section 356 the plans of the President of Stony Brook University with respect to the Southampton Campus to relocate undergraduate sustainability majors and undergraduate housing services to the Stony Brook Main Campus, and to continue the Masters of Fine Arts Program, the Summer Writing Program and Marine Sciences activities on the Southampton Campus, as well as any steps necessary to affect this outcome. The Supreme Court, Suffolk County, has enjoined implementation of determinations previously made with respect to the Southampton Campus pending compliance with Education Law section 356.

In May 2010, various student petitioners, among others, brought a proceeding against President Samuel Stanley, the State University of New York Board of Trustees and Stony Brook Council challenging Dr. Stanley's determination to "close Southampton Campus" and requesting judicial relief reopening the Southampton Campus. In a Judgment of the Supreme Court, Suffolk County, dated August 30, 2010, the Court annulled Stony Brook University President Samuel Stanley's "determination to close Southampton Campus ..." and ordered that the respondents, including the Board of Trustees, be "enjoined from proceeding with the plan to close the Southampton Campus of the State University of New York at Stony Brook until such time as they comply with the mandates of Education Law Section 356".

Educational Law section 356 is the provision of law that outlines the powers and duties of the college councils. According to Section 356(3)(b), subject to the general management, supervision, control and approval of the State University Trustees, the council is charged with reviewing "all major plans of the head of such institution" and with making recommendations with respect to those plans. Under the statute, the Board of Trustees determines what constitutes a major plan but the statute includes "plans for the appraisal or improvement of the faculty and other personnel, expansion or restriction of student admissions, appraisal or improvement of academic programs and of standards for the earning of degrees, expansion of institutional plans and appraisal or improvement of student activities and housing" as "major plans". The statute requires that, following review and recommendation of the college councils, major plans be submitted for approval by the State University Board of Trustees together with the recommendations of the college council.

President Stanley's determination was not to close the Southampton Campus. Instead, he determined to move all sustainability majors to the Main Campus and to close the residential housing services on the Southampton Campus. Certain specialized programs were to (and do) remain and until the Court's injunction, there was an ongoing effort to identify economically viable uses of the Southampton Campus. President Stanley's determination was

made in April, at which time the Chancellor was briefed by him. The Stony Brook college council was fully briefed on May 11, 2010 but did not generate a resolution codifying any recommendations. In August, the Court determined that Dr. Stanley's action was a "major plan" in part because there was a resolution by the Stony Brook council recommending the plan to acquire the Southampton Campus in 2005, and no "authority" or "evidence" that the 2010 action was not a major plan. Thus, the Court concluded that the matter was required to go through the procedures in Education Law Section 356.

The council met again on October 4, 2010, subsequent to the Court's determination, to reconsider the plan and generate recommendations. Those recommendations are set forth in a Resolution of the Stony Brook Council dated October 4, 2010 (attached hereto). Whether or not a programmatic decision by a campus president in response to the drastic budget cuts constitutes "a major plan" requiring the approval of this Board is not at issue today. Instead the Board is complying with the Court order to follow the tenets of Education Law §356 by reviewing the plan and the Council's Resolution and determining whether or not to approve it.

Attachments