

*The materials below consist of regulations of the State University of New York Board of Trustees. However, it is not the Official Compilation of the Codes, Rules, and Regulations of the State of New York. Readers are advised to refer to the Official Compilation ( 8 NYCRR Part et seq )in case of questions.*

## **PART 313**

### **PROCEDURES FOR DECLARATORY RULINGS**

Sec.

313.1            General procedures

#### **§ 313.1 General procedures.**

(a) Petitions for the discretionary issuance of a declaratory ruling concerning (1) the applicability to any person, property, or state of facts of any rule or statute enforceable by the university, or (2) whether any action by the university should be taken pursuant to a rule, shall be in writing and subscribed by the petitioner. The petitioner shall specify the applicable rule or statute and shall provide a complete statement of the facts and circumstances prompting the petition, together with a full disclosure of petitioner's interest. Any facts alleged in the petition shall be verified under oath by the petitioner. Petitions shall be addressed to the chancellor of the university by certified mail, return receipt requested. The returned post office receipt shall constitute proof of service, which shall be deemed effective on the day such petition is received.

(b) The university counsel shall review such petitions and recommend responsive declaratory rulings or advise that an application should be declined as incomplete, ambiguous, inappropriate or unnecessary under the facts and circumstances recited in the petition. Declaratory rulings shall be reviewed and approved by the chancellor and shall be reported to the board of trustees. With respect to a petition described in paragraph (a)(2) of this section, the university shall issue, within 60 days of receipt of such petition, either a declaratory ruling or a statement declining to issue a declaratory ruling.

(c) Any declaratory ruling issued by the university shall be available for public inspection at the office of the university records access officer in accordance with Part 311 of this Title.