

Article 8.

State University and State Financial Assistance for Higher Education

§ 350. Definitions

As used in this article, unless the context shall otherwise require, the following terms shall mean:

1. "State university." The state university created by this article.
2. "Community colleges." Colleges established and operated pursuant to the provisions of article one hundred twenty-six, and providing two-year post secondary programs in general and technical educational subjects and receiving financial assistance from the state.
3. "Statutory or contract colleges." Colleges furnishing higher education, operated by independent institutions on behalf of the state pursuant to statute or contractual agreements; provided, that an institution not otherwise a statutory or contract college shall not become a statutory or contract college because of its receipt of state funds or financial assistance pursuant to section three hundred fifty-eight hereof, or by entering into any contract pursuant to that section.
4. "State-operated institutions." Institutions comprising the state university as provided for in subdivision three of section three hundred fifty-two hereof, but not including statutory or contract colleges.
5. "State university health care facility" shall mean a hospital, as defined in section twenty-eight hundred one of the public health law, operated by the state university, or a clinic, as defined in subdivision six of this section, of a state university health sciences center at Brooklyn, Buffalo, Stony Brook and Syracuse, or the College of Optometry.
6. "Clinic" shall mean a facility located either within or outside of a state university health care facility providing services related to the medical education mission of the university, but shall not include state university student health services.
7. [Expires and deemed repealed Dec. 1, 2016, pursuant to L.2011, c. 260, § 16.] "University centers" shall mean the university centers at Albany, Binghamton, Buffalo and Stony Brook.
8. [Expires and deemed repealed Dec. 1, 2016, pursuant to L.2011, c. 260, § 16] "NY-SUNY 2020 challenge grant program" ("NY-SUNY 2020") shall mean a long-term economic and academic plan, which shall include a financial aid program, submitted by each state university of New York university center, subject to the approval by the governor and the chancellor of the state university of New York.

§ 351. State university mission

The mission of the state university system shall be to provide to the people of New York educational services of the highest quality, with the broadest possible access, fully representative of all segments of the population in a complete range of academic, professional and vocational postsecondary programs including such additional activities in pursuit of these objectives as are necessary or customary. These services and activities shall be offered through a geographically distributed comprehensive system of diverse campuses which shall have differentiated and designated missions designed to provide a comprehensive program of higher education, to meet the needs of both traditional and non-traditional students and to address local, regional and state needs and goals. In fulfilling this mission, the state university shall exercise care to develop and maintain a balance of its human and physical resources that:

- a. recognizes the fundamental role of its responsibilities in undergraduate education and provides a full range of graduate and professional education that reflects the opportunity for individual choice and the needs of society;
- b. establishes tuition which most effectively promotes the university's access goals;
- c. encourages and facilitates basic and applied research for the purpose of the creation and dissemination of knowledge vital for continued human, scientific, technological and economic advancement;
- d. strengthens its educational and research programs in the health sciences through the provision of high quality general comprehensive and specialty health care, broadly accessible at reasonable cost, in its hospitals, clinics and related programs and through networks and joint and cooperative relationships with other health care providers and institutions, including those on a regional basis;
- e. shares the expertise of the state university with the business, agricultural, governmental, labor and nonprofit sectors of the state through a program of public service for the purpose of enhancing the well-being of the people of the state of New York and in protecting our environmental and marine resources;
- e-1. encourage, support and participate through facility planning and projects, personnel policies and programs with local governments, school districts, businesses and civic sectors of host communities regarding the health of local economies and quality of life;
- f. promotes appropriate program articulation between its state-operated institutions and its community colleges as well as encourages regional networks and cooperative relationships with other educational and cultural institutions for the purpose of better fulfilling its mission of education, research and service.

§ 352. State university of New York established

1. There is hereby created in the state education department and within the university of the state of New York as established under the board of regents a corporation to be known as the state university of New York which shall be responsible for the planning, supervision and

administration of facilities and programs in accordance with the plan proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter. The state university shall provide for higher education supported in whole or in part with state moneys in accordance with the provisions of section three hundred fifty-eight hereof, and shall perform such other duties as may be entrusted to it by the provisions of this article and any other law. Subject to the terms of any agreement to which it is a party, such corporation shall have the care, custody, control and management of the lands, grounds, buildings, facilities and equipment used for the purposes of the state-operated institutions of the state university, and it shall have power to protect, preserve and improve the same.

2. Whenever such corporation acquires, absorbs, merges or consolidates with or becomes the successor to any higher educational institution, all the right, title and interest in real property held by such predecessor institution shall vest in and be held and enjoyed by the people of the state of New York and state university of New York shall thereupon be deemed to be vested with and become the successor to all right, title and interest in any personal property, or any beneficial interest therein, or any other rights and powers possessed by such institution, whether derived by gift, grant, devise or bequest, in trust or otherwise.

3. The state university shall consist of the four university centers at Albany, Binghamton, Buffalo and Stony Brook, the designated colleges of arts and sciences at Brockport, Buffalo, Cortland, Fredonia, Geneseo, New Paltz, Old Westbury, Oneonta, Oswego, Plattsburgh, Potsdam and Purchase, empire state college, the agricultural and technical colleges at Alfred, Canton, Cobleskill, Delhi, Farmingdale and Morrisville, downstate medical center, upstate medical center, the college of optometry, the college of environmental science and forestry, maritime college, the college of technology at Utica/Rome, the statutory or contract colleges at Cornell university and Alfred university, and such additional universities, colleges and other institutions, facilities and research centers as have been or hereafter may be acquired, established, operated or contracted to be operated for the state by the state university trustees.

§ 352-a. Maritime college; admissions program

1. There shall be created an admissions program for the state university of New York maritime college as established pursuant to section three hundred fifty-two of this article in which certain elected officials shall nominate students for placement in such college's regimental/cadet degree system.

2. (a) Maritime college shall have a total of two hundred eighty-four vacancy positions set aside for applicants who are nominated by the governor, a state senator or a member of the assembly. Such vacancy nominations shall increase or decrease based upon the number of senate districts authorized pursuant to article three of the New York state constitution. An applicant who receives such a nomination, is accepted for admission into the college and participates in the regimental program shall receive a tuition scholarship equal to the amount of the state tuition charge after the deduction of any available grant aid for the four consecutive years following his or her admission into the program provided, however, that the student remains in the regimental/cadet degree program and remains at all times in good academic standing as determined by the maritime college administration. In no event shall a student lose his or her scholarship based upon legislative reapportionment or changes in legislative composition or membership. Nothing herein shall be construed to limit or reduce the number of vacancies available to the general population.

(b) To be eligible to receive such nomination and tuition scholarship, the applicant must be a resident of the state. For purposes of this section, a state resident shall be defined as a person who has resided in the state of New York for a period of at least one year prior to the time of nomination, is a graduate or within one year of graduation from an approved high school or has attained a New York state high school equivalency diploma or its equivalent as determined by the commissioner.

3. The vacancy nominations shall be distributed as follows: five for the governor, five for the majority leader of the senate, five for the speaker of the assembly, two for each state senator other than the majority leader of the senate and one for each member of the assembly other than the speaker of the assembly. The governor and each member of the legislature shall provide one principal and three alternative nominations for consideration for admission. Final admission decisions shall remain with the college and within administrative procedures and criteria.

4. The state university of New York shall provide annually by the first day of July and upon request of the chairperson of the senate higher education committee or the chairperson of the assembly higher education committee a report detailing the total vacancies filled, the total vacancies expected for the upcoming academic year, what vacancies each elected official is expected to have pursuant to the provisions of subdivision three of this section and a summary of the previous year's total student enrollment and participation in the program.

5. The tuition scholarships authorized by this section shall be made available so long as funds are made available for such purposes.

6. Any individual receiving a tuition scholarship pursuant to this section shall apply for all other available state, federal, or other educational grant aid at the time of enrollment. Any grant aid or financial assistance received shall be utilized to offset the cost of tuition to the maximum extent possible, except that nothing shall require that aid or assistance received which may be used towards costs other than that of tuition shall be applied toward the cost of tuition.

7. The state university of New York is hereby authorized to promulgate any rules and regulations necessary for the implementation of the provisions of this section.

§ 353. State university trustees

1. The state university shall be governed, and all of its corporate powers exercised, by a board of trustees. Such board shall consist of eighteen members, fifteen of whom shall be appointed by the governor with the advice and consent of the senate, one of whom shall be the president of the student assembly of the state university, ex-officio and voting, one of whom shall be the president of the university faculty senate, ex-officio and non-voting, and one of whom shall be the president of the faculty council of community colleges, ex-officio and non-voting. Such ex-officio members shall be subject to every provision of any general, special, or local law, ordinance, charter, code, rule, or regulation applying to the voting 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. One member of the board shall be designated by the governor as chairperson and one as vice-chairperson. Of 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. Vacancies shall be filled for the unexpired term in the same manner as original appointments. The term of office of each trustee appointed on or after April first, nineteen hundred eighty-six shall be seven years, except those of the student member and the faculty members. 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. a. The board may provide for regular meetings, and the chairman, or the vice-chairman, or any eight 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 seven 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. Resolutions for the consideration of the board of trustees must be mailed to the usual address of each trustee no less than seven days prior to a meeting, unless the chair shall make available in writing on the day of the meeting the facts which necessitate an immediate vote. Eight 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 members present at any meeting shall be the act of the board. The board shall hold at least two public hearings each year. One public hearing shall be held during the spring semester and one public hearing shall be held in the fall semester. The purpose of such hearings shall be to receive testimony and statements from concerned individuals about university issues. The board shall fix the time, place, duration and format of each hearing. At least three members of the board shall attend each hearing. At least thirty days notice of the hearing shall be given by the chairman of the board to all members of the board, to all presidents of state operated campuses, to the chair of faculty-senate bodies of state operated campuses, to all student government presidents of state operated campuses, to the certified or recognized employee organizations representing employees of the state university and to the media. Such notice shall contain the time and place of the public hearing.

b. The agenda for any such meeting of the board of trustees shall be electronically available on the state university of New York website three days prior to the meetings unless an executive committee meeting has been called in which an agenda must be available twenty-four hours in advance, and shall be considered a public record. A summary of resolutions and board actions for any such meeting of the board of trustees shall be electronically available on the state university of New York website no later than seven days after the meeting and shall be considered a public record. The approved minutes, attendance, voting record and either transcripts or video record for any such meeting must be posted no later than seven days following their approval by the board or executive committee. Information posted on the state university of New York website regarding board of trustee meetings shall remain on the site as archived data for a minimum of ten years.

c. Any such meeting of the board of trustees shall be conducted in accordance with article seven of the public officers law.

3. The board shall appoint its own officers and staff, prescribe the duties of such employees, and fix their compensation within the appropriations prescribed therefor. Other than those positions included in section one hundred sixty-nine of the executive law, the board shall fix the compensation and benefits of employees in positions in the professional service in the state university which are designated, stipulated or excluded from negotiating units as managerial or confidential as defined pursuant to article fourteen of the civil service law.

4. a. 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 member of such committee. A majority of the whole of the executive committee, but in any event not less than four members, attending shall be a quorum for the transaction of business and the act of a majority of the members of the executive committee present at any meeting thereof shall be the act of such committee.

b. The agenda for any meeting of any committee and subcommittee of the board of trustees shall be available electronically on the state university of New York website three days prior to the meeting unless an executive committee meeting has been called, in which case an agenda must be available twenty-four hours in advance, and shall be considered a public record. A summary of resolutions and actions by the committee or subcommittee for any such meeting shall be electronically available on the state university of New York website no later than seven days after the meeting and shall be considered a public record. The approved minutes, attendance, voting record, and either transcripts or video record, for any such meeting must be posted no later than seven days following the approval by the board, committee or subcommittee. Information posted on the state university of New York website regarding such meetings shall remain on the site as archived data for a minimum of ten years.

c. Any such meeting of a committee or subcommittee of the board of trustees shall be conducted in accordance with article seven of the public officers law.

§ 354. Powers and duties of state university trustees--planning functions

1. The state university trustees shall, once every four years, formulate a long-range state university plan or general revision thereof and make recommendations to the board of regents and the governor for the organization, development, coordination and expansion of the state university and for the establishment of community colleges in areas suitable for and in need of such institutions, which plan and recommendations shall include the following:

a. plans for new curricula;

b. plans for new facilities;

c. plans for change in policies with respect to student admissions;

d. projected student enrollments; and

e. comments upon its relationship to other colleges and universities, public, independent and proprietary, within the state.

f. For informational purposes only, projection standards and overall expenditure projections of capital and operating costs. Prior to transmitting their long-range state university plan or general revision thereof to the board of regents and the governor the state university trustees may, after giving due notice, conduct one or more hearings on such plan.

1-a. The state university trustees shall organize or cause to be organized at a university or college of the state university an annual conference on the role of the universities, colleges and other facilities on the local economies, social conditions and quality of life of host cities, towns and villages. Such conference shall rotate amongst the individual universities and colleges and shall include but not be limited to:

a. a review of significant partnering between universities, colleges and other institutions of the state university with their host communities;

b. presentations utilizing the expertise of the state university on types of projects, programs and administrative actions that could support the state university's mission stated in subdivision e-1 of section three hundred fifty-one of this article; and

c. roundtable discussions between state university trustees, officers and faculty with county, city, town and local officials, business and civic leaders relating to the purposes of the annual conference.

Each sponsoring university or college shall prepare and distribute a report on the annual conference.

2. During the calendar year nineteen hundred sixty-four and each fourth year thereafter the state university trustees shall transmit their proposed plan or general revision thereof to the board of regents and the governor on or before the first day of June in each such year. Such plan shall be reviewed by the board of regents and shall be subject to approval by such board. As approved by the board of regents and incorporated into the regents plan or general revision thereof for the development of higher education in the state and, upon approval thereafter by the governor, such plan shall guide and determine the development of the state university and its community colleges until such plan is modified or revised in the manner provided herein.

3. By the first day of June in nineteen hundred seventy-four and every fourth year thereafter, the state university trustees shall report in writing to the board of regents, to the governor and to the legislature on the progress made in carrying out their responsibilities under such plan and their general recommendations with respect to public higher education, including recommendations as to modifications of such plan which the trustees deem essential to meet the then current demands upon public higher education. The state university trustees may also at any other time propose modifications which they then deem essential or desirable with respect to such plan. They may, after giving due notice, conduct one or more hearings on such modifications and shall transmit their recommendations therefor to the board of regents and the governor. Such modifications shall be subject to approval by the regents and thereafter by the governor in the same manner as such plan or general revisions thereof.

§ 355. Powers and duties of trustees--administrative and fiscal functions

1. Subject to the provisions of the plan or general revision thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter, the state university trustees shall be responsible for:

a. The over-all central administration, supervision and coordination of state-operated institutions and the general supervision and coordination of the statutory or contract colleges in the state university.

b. The supervision and coordination of state-aided programs in institutions providing higher education pursuant to the provisions of section three hundred fifty-eight hereof.

c. The approval of the establishment of community colleges and four year colleges authorized by article one hundred twenty-six of this chapter, in conformance with the master plan; the provision of standards and regulations covering the organization and operation of their programs, courses and curricula, financing arrangements, state financial assistance, tuition charges and fees, and such other matters as may be involved in the operation of such colleges.

d. The establishment of health and medical centers, four year liberal arts colleges, professional and graduate schools, research centers and other facilities, as provided in this article.

e. The approval of the appointment of the head of each statutory or contract college and community college by the respective boards of trustees or other governing bodies of such institutions.

f. The promotion of and participation in inter-institutional arrangements among independent and public institutions of higher education and health care facilities and providers and other health-related organizations on a geographical or topical basis to encourage responsible and cost effective use of facilities and academic and health care resources for the enhancement and enrichment of educational experiences and opportunities and promoting high quality health care services in support of the state university's educational mission.

2. The state university trustees are further authorized and empowered, subject to the provisions of the plan or general revisions thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter:

a. [Eff. until June 30, 2016, pursuant to L.2011, c. 58, pt. D, subpt. A, § 4, eff. March 31, 2011. See, also, par. a below.] To take, hold and administer on behalf of the state university or any institution therein, real and personal property or any interest therein and the income thereof either absolutely or in trust for any educational or other purpose within the jurisdiction and corporate purposes of the state university. The trustees may acquire property for such purposes by purchase, appropriation or lease and by the acceptance of gifts, grants, bequests and devises, and, within appropriations made therefor, may equip and furnish buildings and otherwise improve property owned, used or occupied by the state university or any institution therein. The trustees may acquire property by the acceptance of conditional gifts, grants, devises or bequests, the provisions of section eleven of the state finance law notwithstanding. Where real property is to be acquired by purchase or appropriation, such acquisition shall be in

accordance with the provisions of section three hundred seven of this chapter except that the powers and duties in said section mentioned to be performed by the commissioner shall be performed by the state university trustees.

a. [Eff. June 30, 2016. See, also, par. a above.] To take, hold and administer on behalf of the state university or any institution therein, real and personal property or any interest therein and the income thereof either absolutely or in trust for any educational or other purpose within the jurisdiction and corporate purposes of the state university. The trustees may acquire property for such purposes by purchase, appropriation or lease and by the acceptance of gifts, grants, bequests and devises, and, within appropriations made therefor, may equip and furnish buildings and otherwise improve property owned, used or occupied by the state university or any institution therein. Where real property is to be acquired by purchase or appropriation, such acquisition shall be in accordance with the provisions of section three hundred seven of this chapter except that the powers and duties in said section mentioned to be performed by the commissioner of education shall be performed by the state university trustees.

b. To make and establish and from time to time alter and amend such rules and regulations, not inconsistent with law, for the government of the state university and the institutions therein.

c. To provide for the care, custody and management of the lands, grounds, structures, buildings, equipment and facilities of the state university and the institutions therein.

d. To visit and inspect the institutions in the state university, and to distribute to or expend or administer for them such property and funds as the state may appropriate therefor, or as the state university trustees may hold in trust, or as may otherwise come into their possession.

e. To merge any higher educational corporation into the state university with the approval of the governing body of such corporation and statutory approval of the legislature. Any higher educational corporation is authorized and empowered to merge into the state university. Upon the approval of an agreement of merger by the board of regents and subsequent statutory approval by the legislature, and the filing thereof with the regents, the merger shall be deemed complete and all the right, title and interest in real property held by such merged higher educational corporation shall vest in and be held and enjoyed by the people of the state of New York and all the other estate, property, rights, privileges and franchises of such merged higher educational corporation shall vest in and be held and enjoyed by the state university, as fully and entirely and without change or diminution as the same were before held and enjoyed by such merged corporation, and be managed and controlled by the state university, but subject to all liabilities and obligations of such merged corporation and the rights of all creditors thereof; except that the state university shall not thereby acquire power to engage in any activity or to exercise any right, privilege or franchise of a kind which it could not otherwise lawfully engage in or exercise. The state university shall cause a copy of the agreement of merger, certified by the board of regents to be a true and correct copy of the original filed in their office, to be filed in the office of the secretary of state and in the office of the clerk of the county in which the certificate of incorporation of the merged corporation was filed, in each case in which the certificate of incorporation of the merged corporation was filed in the office of the secretary of state; and shall cause a like copy of the merger agreement with the certificate of the board of regents to be recorded in the office of the recording officer of each county in which is located any real property in or to which the merged corporation had any right, title or interest at the time of the merger; and it shall be the duty of each such recording officer to record such copy and certificate in his

office in the books used for the recording of deeds and to index the same against the merged corporation as grantor and the people of the state of New York as grantees. Neither the secretary of state nor the county clerk or the recording officer of any county shall be entitled to demand or collect any fee for filing or recording any such copy of an agreement of merger.

f. To grant all degrees, diplomas and certificates which heretofore have been granted or have been authorized to be granted upon the completion of courses of study in any state-operated institution which now is or hereafter may be in the state university, prior to the acquisition of such institution by the state university, and also such other degrees as the regents may hereafter specifically authorize them to grant. In testimony thereof the state university trustees may give suitable diplomas or certificates under the state university seal including honorary degrees. Every diploma or certificate so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas or certificates of corresponding grade granted by any institution of learning.

g. To appoint the head of each state-operated institution in the state university upon the recommendation made to them by the council of such institution in accordance with the rules and standards established by the state university trustees; or if such recommendation is not made or does not comply with such rules and standards, then to make such appointment as is by them deemed necessary; to prescribe the functions, powers, and duties of the head of each such institution; and to appoint or provide for the appointment of the members of the instructional and administrative staffs, and such other employees as may be necessary, at each state-operated institution upon the recommendation of the head thereof and prescribe or provide for the prescription of their duties.

h. To regulate the admission of students, prescribe the qualifications for their continued attendance, regulate tuition charges where no provision is otherwise made therefor by law, and regulate other fees and charges, curricula and all other matters pertaining to the operation and administration of each state-operated institution in the state university.

(1) Notwithstanding the provisions of any other general, special or local law, rule or regulation, such regulations may permit persons sixty years of age or over to audit courses given therein without tuition, examination, grading or credit therefor upon a space available basis, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at a state-operated institution by an individual who is otherwise qualified under the regulations promulgated pursuant to this section.

(2) Such regulations shall also provide that upon request by a student who is an eligible veteran the payment of tuition and other fees and charges, less the amounts payable for such purposes from scholarships or other financial assistance awarded said veteran pursuant to article thirteen of this chapter, article one hundred thirty of this chapter or any other state or federal aid program, shall be deferred in such amounts and until such times as the several payments of veterans' benefits under the Veterans' Readjustment Benefit Act of 1966, as amended, are received by the veteran, provided that the veteran has filed a claim for such benefits and presents to the state university proof of eligibility, extent of entitlement to benefits and the need for deferral until the receipt of such benefits.

(3) Such regulations shall further provide that the payment of tuition and fees by any student in any state-operated institution of the state university who is a member or the spouse or the

dependent of a member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of the state, shall be paid at a rate or charge no greater than that imposed for students thereat who are residents of this state.

(4) [Eff. until July 1, 2016, pursuant to L.2011, c. 260, § 16. See, also, subpar. (4) below.] The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(ii) On or before November thirtieth, two thousand eleven, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand fifteen, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a five year period commencing with the semester following the semester in which the governor and the chancellor of the state university of New York approve the NY-SUNY 2020 proposal for such university.

(iii) The state shall appropriate annually and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available to the state university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand twelve--two thousand thirteen

and thereafter, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(iv) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.

(4) [Eff. July 1, 2016, pursuant to L.2011, c. 260, § 16. See, also, subpar. (4) above.] The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. The trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget.

(5) The trustees shall further provide standards for the granting of advanced standing to veterans applying for college admissions at the state university, who have successfully completed United States Armed Forces Institute or other comparable course work.

(6) 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 state university trustees may permit the students of such undergraduate state-operated institution, subject to such conditions or limitations as they deem advisable, to participate in the extra-curricular activities and utilize services of such other institution if those privileges are extended by such other institution.

(7) In formulating the curriculum of each state-operated institution in the state university for professional education in medicine there shall be required and included in such curriculum and in the plans and recommendations of the state university trustees formulated and transmitted in pursuance of the provisions of section three hundred fifty-four of this chapter, courses and facilities, which in the judgment of the trustees shall be best suited to encourage and to implement the study and preparation, by students desiring the same, for the family practice of

medicine. Such courses and facilities shall include: the establishment and maintenance of a department of family practice under the direction of a qualified family practitioner, courses of study under the supervision of qualified family practitioners, a family care program of study and clinical experience, a program of preceptorships, and a program of internships or family practice residencies in the hospital or hospitals affiliated with such respective school.

(8) Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

(9) The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues.

i. To lease to alumni associations of institutions of the state university a portion of the grounds occupied by any institution of the state university, for the erection thereon of dormitories to be used by students in attendance at such institutions. The terms of any lease and the character of the building to be erected shall be determined by the state university trustees. Such lease, prior to its execution, shall be submitted to the attorney general for his approval as to its form, contents and legal effect. Nothing contained in this paragraph shall affect the provisions of any lease heretofore executed by a board of visitors of any state-operated institution pursuant to law. The state university trustees may similarly enter into an agreement with an alumni association of an institution of the state university to furnish heat from a central heating plant to any dormitory erected by such alumni association. Any such dormitory shall not be subject to taxation for any purpose.

j. To enter into a boundary line agreement for, on behalf of, and in the name of the people of the state of New York whenever a mistake has been made or an honest dispute exists as to the

location of the division line between land owned by the state, which is under the jurisdiction, care, custody or control of the state university trustees, and adjoining land not owned by the state. Such an agreement shall fix and determine the division line between such lands, subject to the approval of the attorney general as to form, content and manner of execution.

k. To enlist and accept the cooperation of municipal authorities in obtaining the use of public buildings, lands, property and other facilities, or portions thereof, under the jurisdiction of such municipal authorities, for the purposes of the state university. Such appropriate municipal authorities are hereby authorized to permit the use of public buildings, lands, property and other facilities or portions thereof under their jurisdiction for the purposes of the state university, with or without rental or other charges.

l. To appoint university police officers who shall have the powers of police officers and to remove such police officers at pleasure; provided, however, that any person appointed a police officer must have satisfactorily completed or complete within one year of the date of his appointment a course of law enforcement training approved by the municipal police training council in consultation with the university. It shall be the duty of such police officers to preserve law and order on the campuses and other property of the university, including any portion of a public highway which crosses or abuts such property.

Subject to the approval of the chancellor, the president of each state-operated campus of the state university shall enter into a written agreement with adjoining law enforcement agencies establishing protocols for the exercise of authority by such university police officer off-campus, including mutual aid and assistance. Such written protocols shall not be deemed to supersede the authority of other police officers. The provisions of this paragraph shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.

m. To name and rename any state-operated institution of the state university after consultation with its council.

n. To enter into a contract with the board of education of a city or school district in which a state-operated institution is located for the education by such college, for such period of time as may be agreed upon, of all or part of the children of legal school age residing in such city or school district. A board of education in such a city or school district is hereby authorized and empowered to enter into such contracts with the state university trustees, subject to the approval of the commissioner of education, and to perform all necessary acts to carry out the purposes of this paragraph.

o. To conduct or authorize the conduct of research and experiments at state-operated institutions of the state university in the field or, pursuant to agreements therefor, in industrial and commercial plants, in connection with the educational programs of the state university, including projects involving the care, preservation, utilization and management of natural resources and the disposition of crops and other products incidental thereto.

p. To perform such other acts as may be necessary or appropriate to carry out effectively the objects and purposes of the state university as specified in this article.

q. To prepare and adopt, within the amounts appropriated therefor, plans for land acquisition, state university development and expansion, space needs and uses and for the construction, acquisition, reconstruction, rehabilitation and improvement of academic buildings, dormitories and other facilities required or to be required for the state-operated institutions and the statutory or contract colleges, and for such planning functions to retain or employ private architects, engineers and artists, or firms thereof, or other and different consultants for proposed projects and for the preparation of space requirements, cost estimates, preliminary plans, budgetary justifications, and construction standards. During the selection of projects for such plans, the trustees shall, where applicable, give due consideration to projects that support improvements in environmental protection, energy and resource management, solar energy and conservation with particular consideration given to a project's potential to generate cost savings over time.

r. To cooperate with and assist the state university construction fund in the construction, acquisition, reconstruction, rehabilitation and improvement of academic buildings, dormitories and other facilities pursuant to article eight-A of this chapter, and to approve the architectural concept of all such construction projects.

s. To lease or make available to the state university construction fund, the dormitory authority or other public benefit corporation, the New York state teachers' retirement system or the New York state employees' retirement system a portion of the grounds or real property occupied by a state-operated institution or statutory or contract college for the construction, acquisition, reconstruction, rehabilitation or improvement of academic buildings, dormitories or other facilities thereon pursuant to article eight-A of this chapter and for the purpose of facilitating such construction, acquisition, reconstruction, rehabilitation or improvement, to enter into leases and agreements for the use of any such academic building, dormitory or other facility in accordance with the provisions of section three hundred seventy-eight of this chapter; provided, however, that nothing herein contained shall affect the provisions of any lease or agreement heretofore executed by the state university with the dormitory authority. The state university trustees may also enter into agreements with the state university construction fund, the dormitory authority or other public benefit corporation, the New York state teachers' retirement system or the New York state employees' retirement system to furnish heat from a central heating plant to any academic building, dormitory or other facility erected by them or with moneys supplied by them. Any such academic building, dormitory or other facility shall not be subject to taxation for any purpose.

t. The trustees shall have the power to lease or make available to a not-for-profit corporation or political subdivision of the state, or the state, or the office for the aging, for the purposes set forth in section sixteen hundred seventy-seven of the public authorities law; pertaining to the use of dormitory authority facilities by the aged, facilities or portions thereof located on the grounds or real property occupied by a state-operated institution or statutory or contract college, which facilities are owned by or mortgaged to the dormitory authority. Such leases and agreements shall be upon such terms and conditions as may be agreed upon between the parties thereto, provided that any such lease or agreement shall be subject to the approval of the dormitory authority. Nothing herein contained shall affect the provisions of any lease or agreement heretofore executed by the state university with the dormitory authority, or any other agency.

u. To establish a water conservation program for academic buildings, dormitories and other facilities of the state university. Such program shall include a survey of water use and conservation in such buildings.

v. To cooperate with and assist the state university construction fund in the construction of academic incubator facilities. "Academic incubator facilities" as used in this chapter shall mean facilities providing low-cost space, technical assistance, support services and educational opportunities, including but not limited to central services shared by tenants of the facility, to new high technology companies in the formative stages of development through a partnership with the state university and shall be state university educational facilities under subdivision twenty-eight of section sixteen hundred seventy-six of the public authorities law. Academic incubator facilities shall promote job creation, entrepreneurship, technology transfer and provide support services to incubator tenants, including, but not limited to, business planning, management assistance, financial-packaging, linkages to financing sources, and coordination with other sources of assistance.

w. When authorized by law, to cooperate with and assist the state university construction fund in the acquisition and development of sites for university-related economic development facilities as defined in section three hundred seventy-two-a of this title.

x. To enter into one or more agreements with the dormitory authority to provide financial assistance on behalf of the state, as provided in subdivision eight of section six thousand three hundred four of this chapter, to the local sponsors of community colleges for the design, acquisition, construction, reconstruction, rehabilitation or improvement of one or more facilities for locally sponsored community colleges including the furnishing and equipping of such facilities pursuant to section six thousand three hundred four of this chapter. Each such agreement shall provide for annual payments to the dormitory authority from the state aid or other financial assistance provided to the local sponsors of such community colleges and paid into the community college tuition and instructional fund pursuant to paragraph (iii) of subdivision two of section ninety-seven-p of the state finance law, and may contain such other terms and conditions as may be agreed upon by the parties thereto, including, but not limited to, provisions relating to the establishment of reserve funds and indemnities. Each such agreement shall be subject to the approval of the director of the budget.

3. The state university trustees shall adopt and implement a patent policy for research conducted in university facilities which is consistent with the university's mission of education, scholarly research and public service. Such policy shall be designed to encourage research activities which produce new knowledge which is of benefit to the public and which may result in the development of new products and processes which are likely to improve the quality of life and the standard of living of the people of the state, contribute to increased productivity and advance the public health, safety and welfare. Such policy shall also provide appropriate incentives for participation by private sector business concerns in efforts to develop and utilize patents originated in conjunction with such research and to commercialize new products and processes based on the results of such research. The trustees, when it is deemed necessary to fulfill the objectives of this subdivision, shall adopt and implement appropriate modifications to such policy. The trustees shall include in the annual report required by section three hundred fifty-nine of this chapter an evaluation of the effectiveness of the policy adopted pursuant to this subdivision together with a synopsis of any changes in that policy adopted during the previous year.

4. Notwithstanding the provisions of section forty-four, fifty, or fifty-one of the state finance law or any other provision of law to the contrary, the state university trustees are authorized and empowered:

a. To review and coordinate the budget and appropriation requests of all state-operated institutions and statutory or contract colleges and combine these requests with the fiscal requirements for institutions of higher education specified in section three hundred fifty-eight hereof into a university program budget for submission to the governor together with appropriate comments by the trustees of the independent institutions operating statutory or contract colleges on behalf of the state regarding the portion of the program budget which relates to such colleges. Such submission shall be made pursuant to the provisions of section twenty-two of the state finance law.

b. To expend all lump sum or consolidated appropriations and other appropriations made for the state university, including all moneys derived from other sources in the course of the administration thereof. Within aggregate funds available for expenditure pursuant to section forty-nine of the state finance law, the state comptroller shall draw warrants for the payment of all vouchers approved by the chancellor of the state university, as the chief administrative officer of the state university, or by such authority or authorities in the state university as shall be designated by the chancellor by a rule or written direction filed with the state comptroller, when and in the manner authorized by the state university trustees. Such lump sum or consolidated appropriations made for personal service, or for maintenance and operation or for non-personal service, or maintenance undistributed including personal service, other than appropriations from proprietary or fiduciary funds, shall be available for payments for personal service, or maintenance and operation or for non-personal service, or for maintenance undistributed including personal service upon the filing of a schedule of positions and salaries provided, however, that the salary of the chancellor shall be in accordance with section one hundred sixty-nine of the executive law and that the portions of the salaries funded from state appropriations for the presidents and senior staff shall not exceed that of the chancellor and the amounts to be available for other personal service classes of expenditure, and for the expenses of maintenance and operation, or for non-personal service with the director of the budget, chairman of the senate finance committee, chairman of the assembly ways and means committee, and the state comptroller. Any such schedule may be amended and such amendment shall be filed with the officers named above. The state comptroller is authorized to pay any amounts required for the salaries and related employment benefits of state university employees from any appropriations or other funds available therefor. In regard to the state university, the budget director shall exercise the authority granted under section forty-nine of the state finance law by establishing an aggregate amount available for expenditure for the state university from the aggregate appropriations made, by funding source, for the state university in the state operations appropriations act, rather than by making the specific approvals and by filing the certificates of such approvals authorized by section forty-nine of the state finance law. The schedule of positions and salaries required to be filed by the budget director pursuant to section forty-nine of the state finance law shall be replaced by the schedule of positions and salaries filed by the state university pursuant to this paragraph. If the director of the budget, pursuant to section forty-nine of the state finance law, shall establish as available for expenditure an aggregate amount less than that contained in the appropriations made for the state university in the state operations appropriations act, the board of trustees shall within thirty days of the action of the director of the budget file with the comptroller, with an informational

copy to the budget director and to the chairs of the assembly ways and means and senate finance committees, a certificate allocating such lesser amount in no greater detail than provided for in the state operations appropriations act. In the event that the board has failed to file such certification within such thirty day period, the budget director may issue a certificate of availability for the state university reflecting such amount in no greater detail than provided for in the state operations appropriations act.

c. To increase or decrease appropriations by transfer or interchange as follows:

(1) Amounts appropriated for the programs or purposes or for any item or items within such programs or purposes of any individual state-operated institution and the statutory or contract colleges of the state university, including state university central administration within the schedules of such units or for any individual hospital within the schedule of hospitals of the state university from a particular fund or funds in a fiscal year may be interchanged between such programs or purposes of such unit or hospital of state university, or between items within the same program or purpose, or with other items appropriated from such fund not in the same program or purpose, but which are contained in the state comptroller's classification of items as last promulgated pursuant to a certificate of allocation. Such certificate shall be submitted by such units to the board of trustees of the state university. Such certificate shall be submitted by the board of trustees to the state comptroller with copies to be sent to the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget for informational purposes only. The total amount appropriated for any program or purpose may be decreased by not more than the aggregate of five percent of such appropriation for a program or purpose with the approval of the units or hospitals or such amounts may be decreased by more than the aggregate of five percent of such appropriation with the approval of the state university trustees.

(2) Amounts appropriated to state-operated institutions and statutory or contract colleges within the schedule of such units or to hospitals within the schedule of hospitals of the state university from a particular fund or funds in a fiscal year for the programs or purposes of such units or hospitals of the state university may be transferred between and among such units or hospitals pursuant to a certificate of allocation, submitted directly by the state university to the state comptroller, with copies of such certificates to be sent to the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget for informational purposes only. The total amount appropriated for any unit may not be decreased by more than the aggregate of three percent of an appropriation for a unit or the aggregate of ten percent of an appropriation for a hospital.

(3) Amounts appropriated for programs or purposes, or for any item within such programs or purposes, within the university-wide program schedule of state university from a particular fund or funds in a fiscal year shall not be decreased by means of transfer or interchange by more than the aggregate of four percent of an appropriation for a program or purpose within such schedule.

(4) Amounts appropriated for hospitals within the hospital schedule of the state university from a particular fund or funds in a fiscal year for programs or purposes of such hospitals shall not be increased or decreased by means of transfer or interchange from the amounts appropriated to the state-operated institutions and the statutory or contract colleges, university-wide programs,

or central administration of the state university. The aggregate appropriation for the hospital schedule shall not be increased or decreased by such transfers of appropriations.

(5) Amounts appropriated for the central administration of the state university within the central administration schedule from a particular fund or funds in a fiscal year for programs or purposes including, but not limited to, administration of state-operated institutions and statutory or contract colleges, university-wide programs, and hospitals of the state university shall not be increased by means of transfer or interchange by more than five percent of the aggregate appropriation within such schedule.

(6) Notwithstanding the foregoing provisions of this subdivision, whenever the director of the budget, pursuant to section forty-nine of the state finance law, shall establish an aggregate amount less than that contained in the state operations appropriations act, the trustees may transfer or interchange any or all of such lesser amount among any of the programs or purposes or items without regard to the restrictions provided in this subdivision.

(7) On the fifteenth day of October, January, April and July of each year, the state university shall provide the chair of the senate finance committee and the assembly ways and means committee, the state comptroller and the director of the budget with quarterly reports of all transfers or interchanges made by the state university pursuant to this section, with such reports to include the program impact of each transfer or interchange. The allocation of lump sum appropriations from a fund or funds made to the state university for later distribution to state operated institutions, statutory or contract colleges, hospitals and/or central administration of the state university or the allocation of lump sum appropriations made to all state departments and agencies for later allocation for specific programs or purposes or units of the state university shall not be deemed to be part of any total increase or decrease authorized by this section.

5. [Eff. until June 30, 2016, pursuant to L.2011, c. 58, pt. D, subpt. B, § 4. See, also, subd. 5 below.] Notwithstanding the provisions of subdivision two of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one, and one hundred sixty-three of the state finance law and sections three and six of the New York state printing and public documents law or any other law to the contrary, the state university trustees are authorized and empowered to:

a. (i) purchase materials, equipment and supplies, including computer equipment and motor vehicles, (ii) execute contracts for construction and construction-related services contracts, and (iii) contract for printing, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with guidelines promulgated by the state university board of trustees after consultation with the state comptroller;

a-1. execute contracts for services to an amount not exceeding twenty thousand dollars without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the guidelines promulgated by the state university board of trustees after consultation with the state comptroller. In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any services or categories of services from these limits;

b. to establish cash advance accounts for the purpose of purchasing materials, supplies, or services, for cash advances for travel expenses and per diem allowances, or for advance payment of wages and salary. The account may be used to purchase such materials, supplies, or services where the amount of a single purchase does not exceed one thousand dollars, in accordance with such guidelines as shall be prescribed by the state university trustees after consultation with the state comptroller;

c. establish guidelines in consultation with the commissioner of general services authorizing participation by the state university in programs administered by the office of general services for the purchase of available New York state food products. The commissioner of general services shall provide assistance to the state university necessary to enable the university to participate in these programs;

d. award contract extensions for campus transportation without competitive bidding where such contracts were secured either through competitive bidding or through evaluation of proposals, however such extensions may be rejected if the amount to be paid to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve-month period. At the time of any contract extension, consideration shall be given to any competitive proposal offered by a public transportation agency. Such contract may be increased for each year of the contract extension by an amount not to exceed the regional consumer price index increase for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U), during the preceding twelve-month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his cost of operation, during the period of the contract.

e. guidelines promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency.

5. [Eff. June 30, 2016. See, also, subd. 5 above.] Notwithstanding the provisions of paragraph two of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one, one hundred sixty-three and one hundred seventy-four of the state finance law and sections three and six of the New York state printing and public documents law or any other law to the contrary, the state university trustees are authorized and empowered to:

a. (i) purchase materials, equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed twenty thousand dollars, (ii) execute contracts for services and construction contracts to an amount not exceeding twenty thousand dollars, and (iii) contract for printing to an amount not exceeding five thousand dollars, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the rules and regulations promulgated by the state university board of trustees after consultation with the state comptroller. In addition, the trustees, after consultation with the

commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency;

b. to establish cash advance accounts for the purpose of purchasing materials, supplies, or services, for cash advances for travel expenses and per diem allowances, or for advance payment of wages and salary. The account may be used to purchase such materials, supplies, or services where the amount of a single purchase does not exceed two hundred fifty dollars, in accordance with such guidelines as shall be prescribed by the state university trustees after consultation with the state comptroller.

c. establish guidelines in consultation with the commissioner of general services authorizing participation by the state university in programs administered by the office of general services for the purchase of available New York state food products. The commissioner of general services shall provide assistance to the state university necessary to enable the university to participate in these programs.

d. (1) Award contract extensions for campus transportation without competitive bidding where such contracts were secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to subparagraph (2) of this paragraph, however such extensions may be rejected if the amount to be paid to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve-month period. At the time of any contract extension, consideration shall be given to any competitive proposal offered by a public transportation agency. Such contract may be increased for each year of the contract extension by an amount not to exceed the regional consumer price index increase for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U), during the preceding twelve-month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his cost of operation, during the period of the contract.

6. [Eff. until June 30, 2016, pursuant to L.2011, c. 58, pt. D, subpt. B, § 4. See, also, subd. 6 below.] To enter into any contract or agreement deemed necessary or advisable after consultation with appropriate state agencies for carrying out the objects and purposes of state university without prior review or approval by any state officer or agency other than the state comptroller and the attorney general including contracts with non-profit corporations organized by officers, employees, alumni or students of state university for the furtherance of its objects and purposes. Contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder, shall not be subject to the requirements of section forty-one of the state finance law; provided, however, that the state 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. The foregoing notwithstanding, any contract made for or by the state university for the purchase of: (i) materials, equipment and supplies, including computer equipment; (ii) motor vehicles; (iii) construction and construction-related services contracts; and (iv) printing shall not be subject to prior approval by any other state officer or agency.

6. [Eff. June 30, 2016. See, also, subd. 6 above.] To enter into any contract or agreement deemed necessary or advisable after consultation with appropriate state agencies for carrying out the objects and purposes of state university without prior review or approval by any state officer or agency other than the state comptroller and the attorney general including contracts with non-profit corporations organized by officers, employees, alumni or students of state university for the furtherance of its objects and purposes. Contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder, shall not be subject to the requirements of section forty-one of the state finance law; provided, however, that the state 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.

6-a. [Expires and deemed repealed July 1, 2016, pursuant to L.2011, c. 260, § 16.] The state university trustees shall adopt guidelines for foundations of state-operated campuses that require each foundation to adopt a conflict of interest policy applicable to such foundation and its affiliated corporations. Among other items, the state university trustees' guidelines shall require such foundation policies to provide: (a) that service as a board member or officer thereof shall not be used as a means for private benefit or inurement for the board member or officer, a relative thereof, or any entity in which the board member or officer, or relative thereof, has a business interest; (b) no board member or officer who is a vendor of goods or services to the foundation or its affiliated corporation, or who has a business interest in such vendor, or whose relative has a business interest in such vendor, shall vote on, or participate in the foundation's administration of, any transaction with such vendor; and (c) a board member or officer shall advise the chair of the foundation or its affiliated corporation of his or a relative's business interest in any such existing or proposed vendor with the foundation or its affiliate. The state university trustees' guidelines shall define the nature of a business interest and the closeness of a personal relation that bring a relationship within the purposes of this subdivision.

7. To refund or credit moneys paid to the state university for tuition or any other fee or charge imposed or received by the state university trustees (1) where such moneys were not required by law or trustees' rule, to the extent of the amount paid; (2) where such moneys were in excess of the amount required by law or trustees' rule, to the extent of such excess; (3) where registration or attendance at a state university institution is canceled or terminated prior to the expiration of an academic term otherwise than by dismissal, to the extent prescribed by rule or otherwise by the state university trustees; provided, however, that no moneys shall be refunded or credited unless application therefor is made within three years after receipt of such moneys by the state university.

8. All moneys received by the state university of New York and by state-operated institutions thereof from appropriations, tuition, fees, user charges, sales of products and services and from all other sources, including sources and activities of the state university which are intended by

law to be self-supporting may be credited to an appropriate fund or funds to be designated by the state comptroller. The amounts so paid into such fund or funds which were received by or for the state university shall be used for expenses of the state university in carrying out any of its objects and purposes and such amounts received by or for state-operated institutions of the state university shall be used for expenses of the state university under regulations prescribed by the state university trustees.

8-a. All monies received by state university health care facilities from fees, charges, and reimbursement and from all other sources shall be credited to a state university health care account in a fund to be designated by the state comptroller. Monies to establish reserves for long-term expenses of state university health care facilities and to fulfill obligations required for any contract for health care services authorized pursuant to subdivision sixteen of this section may be designated by the state university as a reserve and transferred to a separate contractual reserve account. The amounts in such accounts shall be available for use in accordance with paragraph b of subdivision four and subdivision eight of this section. Monies shall only be expended from the state university health care account and the contractual reserve account pursuant to appropriation. Notwithstanding any provision of this chapter, the state finance law or any other law to the contrary, such appropriations shall remain in full force and effect for two years from the effective date of the appropriation act making the appropriation. Monies so transferred may be returned to the state university health care account; provided, however, that funds in such contractual reserve account must be sufficient to meet the obligations of all such contracts.

8-b. Notwithstanding the provision of any law, rule or regulation to the contrary, the state university shall be entitled to annually receive an apportionment and payment of state assistance equal to all moneys derived as a result of the tuition increase, calculated as the difference in the amount generated using the tuition rates authorized by the state university trustees for the two thousand seven--two thousand eight academic year and the amount generated using the tuition rates authorized by state university trustees for the two thousand nine--two thousand ten academic year, pursuant to the following schedule: for the two thousand nine--two thousand ten academic year, the state university shall receive an amount equal to twenty percent of such tuition increase; for the two thousand ten--two thousand eleven academic year, the state university shall receive an amount equal to thirty percent of such tuition increase; for the two thousand eleven--two thousand twelve academic year, the state university shall receive an amount equal to forty percent of such tuition increase; and for the two thousand twelve--two thousand thirteen academic year, the state university shall receive an amount equal to fifty percent of such tuition increase. Such apportionment shall be for the enhanced investment in the state university of the state of New York and shall be used to supplement, not supplant, state gross general fund support, unless the director of the budget determines that state fiscal conditions preclude such an outcome and, in which case, the director shall submit a report regarding the recommended funding levels and whether the tuition increase apportionment provisions of this subdivision have been complied with for the state university of the state of New York to the chairs of the senate finance committee and the assembly ways and means committee and the chairs of the senate higher education committee and the assembly higher education committee no later than fifteen days following the release of the executive budget.

9. Notwithstanding any other provision of this section, the state university trustees may assign to the state university construction fund for the corporate purposes of the fund all or any portion of

any moneys received or to be received by the state university and by the state-operated institutions which are not required by a donor or grantor to be used for other state university purposes.

10. The state university trustees may authorize the chief administrative officer of each medical center of the state university operating in-patient or out-patient hospital facilities or clinic facilities to compromise any claim which the state may have for care, maintenance or treatment received or furnished to patients in such facilities, in proper cases, where substantial justice will best be served thereby. Any such compromise shall be subject to the prior written approval of the attorney general.

11. Notwithstanding any provision of law, rule or regulation to the contrary, the state university trustees may authorize the chief administrative officer of each medical center of the state university operating in-patient or out-patient hospital facilities or clinic facilities to establish a system for the billing of patients for the care, maintenance or treatment received or furnished to patients in such facilities, which in proper cases or in the exercise of prudent fiscal discretion may allow for the payment of such charges by means of a credit card or similar device. Such system may allow for the payment of such reasonable administrative fees as may be regularly imposed by a banking institution or other credit service organization for the use of such credit devices. In establishing such system the chief administrative officer shall seek the assistance of the state comptroller who shall assist in developing such system so as to ensure that state funds allocated to such medical centers shall be utilized in an economically feasible method.

12. The state comptroller, or a legally authorized representative of the state comptroller, may accept from the state university in lieu of an examination of the books and accounts of state university, including its receipts and disbursements and any other matters relating to its financial standing, an external examination of its books and accounts made at the request of state university.

13. Master capital plan. On or before November fifteenth of each year, the trustees of the state university of New York shall approve and submit to the chairmen of the assembly ways and means committee and the senate finance committee and to the director of the budget a master capital plan setting forth the projects proposed to be constructed, reconstructed, rehabilitated or otherwise substantially altered pursuant to appropriations enacted or to be enacted during the succeeding five years. Such plan shall specify the name, location, estimated total cost at the time the project is to be bid, the anticipated date or dates on which the design of such project is to commence, the proposed method of financing and the estimated economic life of each project. Such plan shall further specify whether proposed projects constitute new construction, substantial rehabilitation, moderate rehabilitation or minor rehabilitation and shall indicate how projects support improvements in environmental protection, energy and resource management, solar energy and conservation. Such criteria for each method of financing shall include, but not be limited to: (i) an analysis of private enterprise, federal and any other appropriate financing standards, (ii) the consideration of the period of economic life of projects as related to the method of financing, and (iii) project cost ranges for the methods of financing. Such plan specification and categories of construction shall be defined by the trustees, in consultation with the state university construction fund.

Such capital master plan report shall also include, for each project over one-million dollars, a description of the project; expected construction start date; any changes to the previously

reported start or expected completion dates; any changes to the expected cost of the project; the total cash encumbered for the project for the year and the total to date for the project; and the total cash expended for the project for the year and the total to date for the project.

All projects that are reported under this subdivision shall be identified by campus, the name of the specific facility for which the allocation is provided and a description of what the project is that is being provided.

14. Notwithstanding the provisions of any general, special or local law or charter, the state university trustees shall prepare or cause to be prepared a development and operation plan for a state university athletic facility, as defined in section sixteen hundred eighty-e of the public authorities law. Such development and operation plan shall be submitted to the director of the budget for approval not later than the fifteenth day of September of the fiscal year of the state. The director of the budget shall file a copy of such plan and approval thereof with the chairpersons of the senate finance committee and the assembly ways and means committee. No proposed amendment to the plan shall be effective until submitted by the state university trustees and approved by, the director of the budget and filed by the director with the chairpersons of the senate finance committee and the assembly ways and means committee.

Such development and operation plan shall include, but not be limited to, provisions concerning the following:

(a) revenue and expense estimates for the succeeding three year period commencing in the year of the completion of construction and beneficial occupancy of the state university athletic facility;

(b) the sources of revenues that are projected to be available to meet all costs of the operation, repair, maintenance and continuing use of the state university athletic facility, and any net income remaining to cover subsequent annual debt service expenses, and evidence satisfactory to the state university of New York and the director of the budget that, consistent with university and community use as set forth in this section, revenues will be maximized and available when needed for the state university athletic facility; and

(c) plans for the development, operation, repair, maintenance and continuing use of the state university athletic facility under the care, custody, and management of the state university to include, but not be limited to, athletic competition of the state university of New York at Buffalo, amateur sports, appropriate community events, and activities that generate support for facility operations.

15. State university fiscal year. Notwithstanding any provision of this chapter, the state finance law, or any other law to the contrary, on and after the first day of July, nineteen hundred ninety-three, the fiscal year of the state university of New York, for the purposes of the budget, appropriations, receipts and disbursements of state moneys and all other revenues of the state university, financial reporting, and all other affairs of the state university which are regulated in accordance with or are based on a fiscal year, shall begin with the first day of July and end with the next following thirtieth day of June. Appropriations made for the state university for whatever purpose on the basis of the state university fiscal year which at the close of such fiscal year shall cease to have force and effect except as to liabilities already incurred thereunder shall as to such liabilities continue in force and effect until the next succeeding thirtieth day of

September, on which date such appropriation shall lapse and no money shall thereafter be paid out of the state treasury or any of its funds or any of the funds under its management pursuant to such appropriation.

16. Subject to laws and regulations applicable to the state university as a health care provider the state university trustees may:

a. Notwithstanding section one hundred sixty-three of the state finance law, authorize contracts for a state university health care facility for participation in managed care networks and other joint and cooperative arrangements with public, non-profit or business entities including entering into a maximum of twenty network arrangements per year, as partners, members of non-profit corporations and shareholders of business corporations, and the provision of management and administrative services by or for state university. Any contract for the provision of management services shall be subject to any provision of the public health law and health regulations applicable to the state university as a health care provider, including any review by the commissioner of health pursuant to 10 NYCRR section 405.3(f). In addition, the commissioner of health shall provide for public comment within thirty days of a submission of any management contract required to be reviewed pursuant to regulation. The trustees may also authorize contracts, including capitation contracts, for a state university health care facility for the provision of general comprehensive and specialty health care services, directly or through contract with other service providers or entities, including state university employees or entities comprised thereof. Contracts authorized hereunder shall be:

(1) consistent with trustee guidelines respecting all terms and conditions necessary and appropriate for managed care and other network, joint or cooperative arrangements, including guidelines for comparative review where appropriate;

(2) subject to laws and regulations applicable to the state university as a health care provider, including with respect to rates and certificates of need; and

(3) subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law.

b. [Eff. until June 30, 2016, pursuant to L.2011, c. 58, pt. D, subpt. C, § 3. See, also, par. b below.] Notwithstanding the provisions of subdivision two of section one hundred twelve of the state finance law, subdivision six of section one hundred sixty-three of the state finance law and section sixty-three of the executive law (i) authorize contracts for the purchase of goods for state university health care facilities without prior approval by any other state officer or agency, including contracts for joint or group purchasing arrangements of goods, in accordance with procedures and requirements found in paragraph a of subdivision five of this section, and (ii) authorize contracts for services which do not exceed seventy-five thousand dollars without prior approval by any other state officer or agency in accordance with procedures and requirements found in paragraph a of subdivision five of this section. Contracts authorized pursuant to this paragraph shall be subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law.

The trustees are authorized to negotiate annually with the state comptroller increases in the aforementioned dollar limits.

b. [Eff. June 30, 2016. See, also, par. b above.] Notwithstanding the provisions of subdivision two of section one hundred twelve of the state finance law relating to the dollar threshold requiring the comptroller's approval of contracts and subdivision six of section one hundred sixty-three of the state finance law, authorize contracts for the purchase of goods and services for state university health care facilities:

(1) for any contract which does not exceed seventy-five thousand dollars; or

(2) for joint or group purchasing arrangements which do not exceed seventy-five thousand dollars without prior approval by any other state, officer or agency in accordance with procedures and requirements found in paragraph a of subdivision five of this section.

(3) contracts authorized hereunder shall be subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law.

The trustees are authorized to negotiate annually with the state comptroller increases in the aforementioned dollar limits.

c. Authorize contracts for the acquisition, by purchase, lease, sublease, transfer of jurisdiction or otherwise, of facilities suitable for the delivery of health care services and for the construction, repair, maintenance, equipping, rehabilitation or improvement thereof. Such contracts shall be subject to approval by the attorney general as to form and by the director of the budget and the state comptroller. Contracts under this paragraph shall be funded from any moneys lawfully available for the expenses of the health care facilities.

17. Plans for investigation of violent felony offenses. a. The board of trustees of the state university of New York shall adopt rules requiring that each institution of the state university, 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.

18. Scholarships for academic achievement. a. (1) Beginning with the two thousand--two thousand one academic year and thereafter, scholarships for academic achievement shall be awarded to full-time students completing their sophomore and junior years of study at all state university state operated campuses. Two thousand five hundred scholarships shall be awarded to students in the junior year of study and two thousand five hundred scholarships shall be awarded to students in the senior year of study.

(2) Scholarships made to students in the junior year shall be to the two thousand five hundred students with the highest cumulative grade point average at the end of such students sophomore year of study. Any student receiving such award shall be a New York state resident and shall have a minimum grade point average of 3.5. Such scholarship shall be awarded at the beginning of the spring semester of such student's junior year.

(3) Scholarships made to students in the senior year will be to the two thousand five hundred students with the highest cumulative grade point average at the end of such students' junior year of study. Any student receiving such award shall be a New York state resident and shall have a minimum grade point average of 3.5. Such scholarship shall be awarded at the beginning of the spring semester of such students' senior year.

b. Each individual state university of New York state operated campus shall receive no more than its pro rata share of awards than the percentage of such university's juniors and seniors represent of the entire system enrollment in the junior and senior classes.

c. Upon determination of the recipients of the annual awards, the chancellor shall notify the members of the state legislature of all recipients who permanently reside within the district that such members represent.

19. The state university of New York shall provide the chairs of the assembly ways and means committee and the senate finance committee with the formula and/or methodology used in determining state aid allocations to state university of New York state operated campuses and university-wide programs and the specific budget allocation to each campus and university-wide program based on the overall funding level for state-operated campuses and university-wide programs included within the executive budget submission for the state university of New York within forty-five days after the submission of the executive budget and within thirty days after the enactment of the state budget.

§ 355-a. Powers and duties of trustees--personnel functions

1. (a) The state university trustees are authorized and empowered to classify and reclassify all positions in the state university determined pursuant to section thirty-five of the civil service law to be in the professional service as defined in subdivision three of this section, except those of the New York state colleges, schools and experiment stations administered by Cornell university and Alfred university.

(b) To the fullest extent possible consistent with its authority under the civil service law, and after consultation with the state university trustees, the state civil service commission shall consider the unique educational mission and operating requirements of the state university when making any determination relating to the jurisdictional classification of positions in the state university in the classified service. The director of the classification and compensation division of the department of civil service shall similarly consider the unique educational mission and operating requirements of the state university when making determinations concerning the classification and reclassification and the allocation and reallocation of the positions in the state university in the classified service.

2. Subject to the approval of the state university trustees, Cornell university and Alfred university are authorized and empowered to allocate and reallocate positions in the non-professional services of the New York state statutory or contract colleges, schools and experiment stations administered by such universities, as classified and reclassified by the respective universities, in accordance with a schedule of positions and salaries filed by the state university trustees pursuant to subdivision four of section three hundred fifty-five of this chapter.

3. a. The professional service shall include positions requiring the performance of educational functions in teacher education, agriculture, home economics, forestry, ceramics, liberal and applied arts and sciences, engineering, technical skills, crafts, business education, labor and industrial relations, medicine, dentistry, veterinary medicine, pharmacy, nursing, law, public affairs, maritime officer training, academic administration, library service, student activities, student personnel service and other professions required to carry on the work of the state university and of the colleges, schools, institutes, research centers, facilities and institutions comprising it. Each employee in the professional service shall receive an annual salary to be paid over a period of not less than nine months as determined by the state university trustees, or by Cornell university and Alfred university with the approval of the state university trustees for the New York state colleges, schools and experiment stations administered by such universities.

b. The non-professional services shall mean all positions at the New York state statutory or contract colleges, schools and experiment stations administered by Cornell university and Alfred university which are not included in the professional service.

4. New appointments in positions allocated to the nonprofessional services shall be made in accordance with a schedule of positions and salaries filed by the state university trustees pursuant to subdivision four of section three hundred fifty-five of this chapter. Any person who is appointed, promoted, reinstated or transferred from an unallocated position in the nonprofessional services to a position allocated to a salary grade, the minimum salary of which is equal to or lower than the annual rate of compensation then received by such employee, shall, upon such appointment, promotion, reinstatement or transfer, be paid the minimum salary of the grade of such allocated position plus the number of normal performance advancement payments which corresponds to the number of years of service in such employee's former unallocated position or positions during which that employee received a salary equal to or in excess of the minimum salary of the position to which such employee is appointed, promoted, reinstated or transferred, not to exceed the salary that employee was receiving in such employee's former position immediately prior to the date of such appointment, promotion, reinstatement or transfer and not to exceed the maximum salary of the new position.

5. Nothing contained in this section shall prevent the employment of persons who receive part of their compensation from other than state sources.

6. An employee in the professional service who is assigned to extension session, summer session or part-time service shall be entitled to extra compensation for such service provided such service is in addition to that regularly assigned to his position.

7. Any contribution of food, lodging, or maintenance by the state or any commutation in lieu of maintenance, except traveling expenses and field allowances, shall be considered as part of the salary established in this section. The fair value of such food, lodging, maintenance or commutation shall be determined by the state university trustees and may in their discretion be deducted from the salary established by this section.

8. The state university trustees are further authorized and empowered, and Cornell university and Alfred university so far as concerns the New York state statutory or contract colleges, schools and experiment stations administered by such universities, subject to the approval of the state university trustees, are also further authorized and empowered:

a. To except individual positions or groups, titles or classes of positions from the schedules filed by the state university trustees pursuant to subdivision four of section three hundred fifty-five of this chapter.

b. To determine the procedure by which an employee may be promoted on evidence of continued meritorious service, and to make promotions. If an employee in the non-professional services in a position allocated to a salary grade is appointed or promoted to a position in a higher grade, such employee shall receive a percentage increase in existing basic salary of one and one-half percent plus one and one-half percent times the number of grades by which that employee is so advanced, or shall be paid the minimum salary of the grade of the position to which such employee is appointed or promoted, whichever results in a higher annual salary.

c. To transfer positions from one state-operated institution in the state university to another. Notwithstanding the provisions of the state finance law, the trustees are hereby authorized to transfer positions within a unit of the university without the approval of the director of the budget.

d. To grant leaves of absence to employees for travel, study or other appropriate purposes, not to exceed one year in seven, at the rate of not to exceed one-half the regular salary paid, or with salary at full rate for such leave for one-half year. The balance of salaries appropriated for such persons, or so much thereof as may be necessary, may be applied by the state university trustees, Cornell university or Alfred university, as the case may be, during the period of such absence for the payment of the salaries of substitutes to take the place of the persons to whom leaves of absence have been granted as provided herein.

e. To establish regulations providing for the adjustment and determination of salaries of professional service employees whose professional obligation is changed as between or within calendar years or academic years, or whose conditions of appointment are affected by any other situation unique to state university positions in the unclassified service.

f. To establish regulations providing for the payment, upon resignation or retirement, or upon death while in service, for salary or remuneration due by reason of the completion of required

services, or in settlement for unused vacation, if any, to any incumbent of a position in the professional service. The state comptroller is hereby authorized to make such payments in accordance with such regulations from monies available to state university.

9. The annual salary of a position which is classified or reclassified, or which is allocated or reallocated to a salary grade pursuant to this section shall not be reduced for the incumbent by reason of such allocation, reallocation, classification or reclassification so long as such position is held by such incumbent.

No employee whose salary would be increased by such allocation, reallocation, classification or reclassification shall have any claim for the difference between such increased salary and his former salary for the period prior to the date such change in title or salary grade becomes effective.

The state university trustees are further authorized and empowered, and Cornell university and Alfred university so far as concerns the New York state statutory or contract colleges, schools and experiment stations administered by such universities, subject to the approval of the state university trustees, are also further authorized and empowered to adjust salaries upon the reallocation of positions as follows:

When any position allocated to a salary grade is reallocated to a higher salary grade, the annual salary of an incumbent shall be determined in accordance with the provisions of paragraph b of subdivision eight of this section.

10. Salary, status, and accumulated leave credits of employees whose employment changes as between the classified and the unclassified service:

a. The incumbent of any position in the classified service which is determined to be in the unclassified service shall, on the effective date of such change, be paid at an annual salary rate not less than the former rate. Such person shall retain the rights and privileges of the classified service jurisdictional classification with respect to discipline, dismissal and suspension for as long as such person remains in the redesignated position.

b. Any employee in the classified service who accepts appointment to an unclassified service position shall thereby relinquish the rights and privileges of such employee's classified service jurisdictional classification during the continuance of such employee's service in an unclassified position and shall acquire the rights and status of such employee's unclassified position.

c. Any employee in the classified service who accepts appointment to a position in the unclassified service pursuant to subdivision (h) of section thirty-five of the civil service law having, as of the effective date of such change, an accrued balance of annual leave or sick leave under the attendance rules for the classified service, shall retain such balances to such employee's credit upon appointment to the professional service, but shall accrue no further annual or sick leave under the attendance rules for the classified service. Thereafter any such employees shall be eligible for annual leave and sick leave as provided for by the state university trustees. Upon resignation or retirement from state service such employee shall be paid in cash for any balance of annual leave in accordance with the regulations applicable to persons in the professional service; provided however, that in the case of death while in service,

such payment, if any, shall be made to the beneficiary to whom a survivor's death benefit pursuant to section one hundred fifty-four of the civil service law, if any, would be payable.

Any such employee having accrued overtime or personal leave balance shall forfeit such credit, except that such employee shall be paid in cash for an accrued balance of overtime on the basis of the annual salary in that employee's classified service position at the time of such employee's appointment to the unclassified service. Hereafter, any such employee shall be subject to the provisions made by the state university trustees with respect to vacation and other leave except as herein provided.

d. Any employee in the unclassified service pursuant to subdivision (h) of section thirty-five of the civil service law who accepts appointment to a classified service position having, as of the effective date of such change, eligibility for vacation or sick leave under the provisions made by the state university trustees shall be credited with such balance under the attendance rules for the classified service; provided however, that not more than thirty days of annual leave and two hundred days of sick leave shall be so credited. Thereafter such employee shall accrue annual leave and sick leave credits in accordance with the attendance rules for the classified service, except that (i) that employee's previous state service shall be considered in determining the rate at which the employee shall accumulate annual leave under such rules and (ii) such service shall be considered in allowing any sick leave at one-half salary for which the employee may be otherwise eligible under such rules. For the purpose of establishing an anniversary date for computing personal leave credit, such employee shall be deemed to have been appointed on the effective date of that employee's appointment to the classified service from the unclassified service. Thereafter such employee shall be subject to the attendance rules for the classified service except as herein provided.

11. Whenever a salary for a position in the professional service results in an annual salary rate in an amount other than a whole dollar amount, said rate shall be increased to the next higher whole dollar.

12. Nothing in this section shall be construed to limit the powers heretofore conferred on Cornell university or Alfred university except as expressly provided for herein.

13. [As added by L.1995, c. 83. See, also, subd. 13 below.] The expenditure of moneys appropriated to support a group disability insurance program for employees in the professional service shall not exceed sixty percent of salary plus contributions for annuity contracts not to exceed the rates of employer contributions pursuant to article eight-B of this chapter plus adjustment for cost of living increases reduced by any amount for which the employee is eligible pursuant to compensation or benefit paid for, by or on behalf of the state or state university and any normal contribution to a retirement program made by the state or the state university on the employee's behalf while eligible for benefits under such program in accordance with regulations of the state university trustees relating to eligibility and other terms, conditions and limitations of coverage and benefits and administration of program.

13. [As added by L.1995, c. 685. See, also, subd. 13 above.] Notwithstanding subdivisions one through thirteen of section one hundred thirty and section one hundred thirty-five of the civil service law or any other provisions of law, rule or regulations to the contrary:

a. Whenever a representative study of peer institutions in private or other public hospitals in the same geographic area as a state university hospital shows that wage rates and/or pay differentials of nurses employed in such peer institutions are higher than the wage rates and/or pay differentials paid by the state to teaching and research center nurses of the state university, the state university trustees may authorize and prescribe pay differentials which may be added as adjustments to the hiring rate, the job rate and the longevity steps of the salary grade or grades and/or shift differentials for teaching and research center nurses in the classified civil service at the state university hospitals, clinics or other ancillary health care facilities in such areas or locations. In each case, pay differentials under this subdivision shall be percentages or fixed dollar amounts. Such differentials shall be in addition to and not in lieu of an employee's basic annual salary. Any performance advancement payments, performance awards, longevity payments or other rights or benefits to which an employee may be entitled shall be calculated from a combined base of annual salary plus differential payments. Any differential payable pursuant to this subdivision shall be included as compensation for retirement purposes. A pay differential shall be terminated for any employee when the employee ceases to be employed in a position, or area, or location for which such pay differential was authorized. Otherwise, a pay differential shall remain in effect for each such employee and future pay differentials shall be authorized pursuant to this subdivision.

b. Teaching and research center nurses who on April first, nineteen hundred ninety-five are receiving additional compensation as a result of a previous determination by the director of classification and compensation of the department of civil service to authorize a geographic area pay differential shall continue to receive such additional compensation while employed in the position for which such differential was authorized unless modified pursuant to this subdivision.

c. The state comptroller is hereby authorized to make the payments allowed under this subdivision from monies available to the state university from health care revenues.

d. The compensation described herein is limited to those nurses in the classified civil service employed at university health care facilities at the health science center at Syracuse, university hospital at the health science center at Brooklyn, and university hospital at the state university of New York at Stony Brook.

§ 355-b. Investments in designated obligations; indemnifications

1. It is hereby found and declared that obligations of the state of New York, the New York state housing finance agency and the dormitory authority of the state of New York are reasonable, prudent, proper and legal investments in which all gifts, grants, bequests and devises administered as endowments by the state university trustees may be invested by such trustees or any officer, employee or fiduciary thereof. For the purposes of this section such gifts, grants, bequests and devises shall be referred to as endowment funds.

2. Notwithstanding any inconsistent provisions of law, the state university trustees may, in their discretion, purchase obligations designated and found to be reasonable, prudent, proper and legal investments in subdivision one of this section for such endowment funds without regard to the percentage of the assets of such endowment funds invested in such obligations and without regard to the percentage of outstanding obligations of each issuer held or to be held by such funds. The state university trustees in determining investments for such endowment funds in

such obligations may consider, in addition to the appropriate factors recognized by law, the extent to which such investments will maintain the credit worthiness of the state of New York and the public benefit corporations identified in subdivision one of this section so as to enable the state and such corporations to finance the construction of capital facilities heretofore and hereafter duly authorized for the state university.

3. Notwithstanding any other provisions of law, including the provisions of section seventeen of the public officers law, the state shall save harmless and indemnify each and every trustee, officer, employee or fiduciary with responsibility for the custody of endowment funds or the assets thereof or for the approval of the sale or investment of the assets of such endowment funds, and any investment adviser, attorney or accountant who shall have been employed by or who have advised such trustee, officer, employee or fiduciary, from any or all financial loss arising out of or in connection with any claim, demand, suit, action, proceeding or judgment for alleged negligence, waste or breach of fiduciary duty by reason of any investment by any endowment funds in any obligations designated in subdivision one of this section, or resulting from the sale of any assets of any endowment fund to obtain sufficient revenues to make such investments, provided that such trustee, officer, employee, fiduciary, investment adviser, attorney or accountant shall, within five days after the date on which he is personally served with, or receives actual notice of, any summons, complaint, process, notice, demand, claim or pleading, shall give notice thereof to the attorney general. Upon such notice, the attorney general shall assume control of the representation of such trustee, officer, employee, fiduciary, investment adviser, attorney or accountant in connection with such claim, demand, suit, action or proceeding. Each person so represented shall cooperate fully with the attorney general or any other person designated to assume such defense in respect of such representation or defense.

§ 355-c. College opportunity to prepare for employment

1. The state university is authorized to enter into an agreement with the department of social services for the establishment of the college opportunity to prepare for employment (COPE) program for the development of a program of allowable activities and services for eligible participants in the federal job opportunity and basic skills (JOBS) program.

2. The state university shall identify such funds as necessary, including any private funds provided for the purpose of supporting employment and training services, to be used on a matching basis consistent with federal requirements.

3. Services may include, but are not limited to, high school equivalency, basic education, job skills training, English-as-a-second language, job readiness training, job placement services, case management, career counseling and assessment, employability planning, supportive services such as child care, and a youth demonstration activity providing an integrated program of high school equivalency, occupational training, work experience, and job placement.

4. The state university shall submit an annual evaluation and report on the college opportunity to prepare for employment program to the governor, the speaker of the assembly, the temporary president of the senate, the chairman of the assembly ways and means committee, the chairman of the senate finance committee, and the chair of the legislative commission on skills development and career education no later than October thirty-first following the program year ending June thirtieth. The evaluation and report shall include, at a minimum, a description of

services provided, participant characteristics, data on measures of educational and job skills gains, job development and placement, and retention.

§ 356. Councils of state-operated institutions; powers and duties

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 shall be supervised locally by a council consisting of 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. Such voting members shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the voting 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. One 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, nineteen 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. Vacancies shall be filled for the unexpired term in the same manner as original selections. The term of office for each council member appointed on or after April first, nineteen hundred eighty-six shall be seven years. 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, such member 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 performance of their duties hereunder.

2. The councils of state-operated institutions shall provide for regular meetings at least four times annually, and the chair, or any five members by petition, may at any time call a special meeting of the council and fix the time and place therefor. At least seven 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. Resolutions for the consideration of the councils must be mailed to the

usual address of each council member no less than seven days prior to a meeting, unless the chair shall make available in writing on the day of the meeting the facts which necessitate an immediate vote. The agenda for such meetings shall be available three days prior to the meetings and shall be considered public records. Five 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. Subject to the general management, supervision, control and approval of, and in accordance with rules established by the state university trustees, the council of each state-operated institution shall, with respect to the institution or institutions for which it serves, exercise the following powers:

a. recommend to the state university trustees candidates for appointment by the state university trustees as head of such institution;

b. review all major plans of the head of such institution for its more effective operation and make such recommendations with respect thereto as it deems appropriate. Such plans shall be submitted for approval by the state university trustees, together with the recommendations of the council with respect thereto. The state university trustees shall determine what constitute such major plans, which are hereby generally defined to include, among others, 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 plants and appraisal or improvement of student activities and housing;

c. make regulations governing the care, custody and management of lands, grounds, buildings and equipment;

d. review the proposed budget requests for such institution prepared by the head thereof and recommend to the state university trustees a budget for such institution;

e. foster the development of advisory citizens committees to render such assistance as the council may request, and to appoint the members of such citizens' committees. Members of such citizens' committees shall receive no compensation for their services but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties;

f. name buildings and grounds;

g. make regulations governing the conduct and behavior of students;

h. prescribe for and exercise supervision over student housing and safety;

i. make an annual report to the state university trustees on or before September first of each year, and report to them from time to time on any matter it believes requires their attention;

j. perform such other powers and duties as may be authorized or required by the state university trustees by general rules or special directives; and

k. make and establish, and from time to time alter and amend, such regulations pertaining to the affairs of its institution, not inconsistent with law or the rules of the state university trustees, as may be necessary or appropriate to carry out effectively the foregoing powers and duties.

§ 357. Statutory or contract colleges

Statutory or contract colleges shall continue to be operated pursuant to the provisions of this chapter but such colleges shall be subject to the general supervision of the state university trustees.

§ 358. State aid for certain higher educational institutions

1. State financial assistance may be provided for designated shares of capital expenditures or operating expenditures or both to the following types of institutions operating in conjunction with the state university program:

a. Medical schools, dental schools, research centers and similar institutions or facilities operating specified training or research programs or projects pursuant to contracts with the state university. The state university is hereby authorized to enter into such contracts with the city university of New York. The acceptance of any such financial assistance or the making of any such contract by or on behalf of a medical school, dental school, research center or similar institution or facility shall not subject it or its programs to supervision, control or regulation by the state university trustees except to the extent that such supervision, control or regulation are expressly stated in the contract.

b. Community colleges.

c. Post-secondary technical vocational training institutions which are partly supported by a municipality or board of education and partly supported by an educational foundation for an industry chartered by the board of regents.

§ 359. Reports of the state university trustees

1. The trustees of the state university shall make, on or before January first of each year, an annual report of its activities and such recommendations as it may deem appropriate to the board of regents, the governor, the state comptroller and the legislature. This annual report shall include a summary of state university's (1) operations and accomplishments; and (2) revenues and expenditures, in accordance with the categories or classifications established by the trustees of the state university for operating and capital outlay purposes. A copy of such report shall also be transmitted to the council of each state-operated institution.

2. On the fifteenth day of September, November, January, March, May and July of each year, the trustees of the state university shall submit to the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget for informational purposes, bi-monthly reports developed in consultation with the aforementioned chairs and director of all receipts and disbursements of the state university. These reports shall include but not be limited to:

- a. a comparison of actual receipts and disbursements with the fiscal year expenditure and revenue plan;
- b. an allocation of lump sums;
- c. an allocation of lump sum positions;
- d. the reallocation between campuses of personal service based upon full-time equivalent positions;
- e. transfers to other than personal service and temporary service;
- f. campus allocation changes; and
- g. identification of any revenue shortfalls, deficiencies, surpluses, or budgetary actions by the governor.

3. The trustees of the state university shall submit to the governor, the state comptroller and the legislature, within one hundred twenty days after the close of each state university fiscal year, an annual financial statement which has been audited by an independent certified public accountant and prepared in accordance with generally accepted accounting principles as prescribed by the state comptroller.

4. On the fifteenth day of February, May, August and November of each year, the state university shall provide the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget with: (a) quarterly reports summarizing all expenditures from and status of the health care account and the contractual reserve account authorized by subdivision eight-a of section three hundred fifty-five of this article; and (b) a list of networks in which state university health care facilities are participating.

5. [Expires and deemed repealed July 1, 2016, pursuant to L.2011, c. 260, § 16.] The state university trustees shall conduct a study regarding the effectiveness and functionality of the New York state tuition assistance program, which shall consider a variety of factors including, but not limited to, the costs associated with pursuing a degree in undergraduate study, current tuition assistance program thresholds and award levels, current eligibility criteria to qualify for an award under the tuition assistance program, and any other information the trustees determine to be relevant. The study shall also include recommendations to improve the tuition assistance program to better meet the future financial aid needs of students who reside in New York state and to ensure continued access and affordability of the state university of New York. The study shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the director of the division of the budget, the senate finance committee, the assembly ways and means committee and the higher education committees of the legislature on or before October first, two thousand thirteen. In addition, the state university shall annually examine and report on each state-operated campus' efforts to promote fiscal stability for the duration of the five year tuition plan by implementing cost saving measures and increasing fundraising efforts. Further, the trustees shall periodically review their patent policies to ensure competitiveness, and shall annually report on how the revenue generated by this paragraph has helped retain and grow full-time faculty and increase program availability. The University Centers shall also report annually to the state university trustees on how research revenue yields quantifiable

results for each of the four campuses and state university of New York at Buffalo and state university of New York at Stony Brook shall additionally report on what each campus is doing to maintain their AAU status.

§ 360. Powers to regulate traffic on university grounds

1. For the purpose of providing for the safety and convenience of its students, faculty, employees, and visitors within and upon the property, roads, streets, and highways under the supervision and control of the state university, the board of trustees is hereby authorized to:

a. Adopt and enforce such provisions of the vehicle and traffic law, or any rules of the state department of transportation adopted under the authority of that law, as control or regulate vehicular or pedestrian traffic and parking.

b. Adopt and enforce such additional rules and regulations for the control of vehicular or pedestrian traffic and parking as local authorities are permitted to adopt and enforce pursuant to the vehicle and traffic law.

c. Adopt and enforce campus rules and regulations not inconsistent with the vehicle and traffic law relating to parking, vehicular and pedestrian traffic, and safety. Such rules and regulations may include provisions for the disposition of abandoned vehicles, removal by towing or otherwise of vehicles parked in violation of such rules at the expense of the owner, the payment of fees for the registration or parking of such vehicles, provided that such campus rules and regulations may provide that any veteran attending the state university as a student shall be exempt from any fees for parking or registering a motor vehicle, and the assessment of administrative fines upon the owner or operator of such vehicles for each violation of the regulations. However, no such fine may be imposed without a hearing or an opportunity to be heard conducted by an officer or board designated by the board of trustees. Such fines, in the case of an officer or employee of state university, may be deducted from the salary or wages of such officer or employee found in violation of such regulations, or in the case of a student of state university found in violation of such regulations, the university may withhold his grades and transcripts until such time as any fine is paid. For purposes of this subdivision, the term "veteran" shall mean a member of the armed forces of the United States who served in such armed forces in time of war and who was honorably discharged or released under honorable circumstances from such service.

d. To erect, operate and maintain at the entrance or entrances to any such grounds and at other appropriate points thereon or therein appropriate control lights, signs and signals.

2. A violation of any section of the vehicle and traffic law or of any rule of the state department of transportation made applicable as provided in paragraphs a or b of subdivision one hereof, shall be a misdemeanor or traffic infraction as designated in such law or rules as the case may be, and shall be punishable as therein provided. Such laws, rules and regulations shall be enforced, and violations thereof where designated a misdemeanor or traffic infraction shall be punishable in any court having jurisdiction in the territory in which such violations shall occur.

3. Notice of all such laws, rules, and regulations adopted or made applicable pursuant to paragraphs a and b of subdivision one shall be given by filing a copy of all such laws, rules and regulations in the office of the secretary of state, the office of the clerk of the city, town, or

village where they may be enforced, and in the office of the campus security director or such other location as may be designated by the campus chief administrative officer. Notice of campus rules and regulations adopted pursuant to paragraph c of subdivision one shall be given by filing in the office of the campus security director or such other location as may be designated by the campus chief administrative officer.

4. The persons designated as police officers by the board of trustees, pursuant to paragraph I of subdivision two of section three hundred fifty-five of this chapter, shall have the power among all other police powers to issue a uniform traffic summons and complaint as provided in the vehicle and traffic law and simplified traffic informations as provided for in the criminal procedure law for traffic violations committed within the geographical area of employment of such police officers, such informations to be administered pursuant to the provisions of article two-A of the vehicle and traffic law, where applicable.

[§§ 361, 362. Renumbered as Education Law §§ 365, 360, respectively]

[§§ 361, 362. Renumbered as Education Law §§ 365, 360, respectively]

§ 364. Separability

If any clause, sentence, subdivision, paragraph, section or part of this article be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

§ 365. Construction

The powers enumerated in this article shall be interpreted broadly to effectuate the purposes thereof and shall not be construed as a limitation of powers.