MEMORANDUM

March 26, 2020

TO: Members of the Board of Trustees

FROM: Kristina M. Johnson, Chancellor

SUBJECT: Temporary Amendments to Student Activity Fee Referendum and Student Assembly Elections

Action Requested

This resolution would authorize emergency rulemaking to postpone campus referendum votes on student activity fees and Student Assembly elections scheduled to occur in the spring 2020 semester until the fall 2020 semester at SUNY State-operated campuses.

This resolution would amend the corresponding Policies of the SUNY Board of Trustees and certain System-wide Policies to make the same postponements.

This resolution also directs state-operated campuses holding their campus student government elections to postpone them until the fall 2020 semester.

This resolution would also encourage all SUNY Community Colleges to adopt these campus elections and voting postponements.

Resolution

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

Whereas, the global public health crisis surrounding the COVID-19 disease outbreak has resulted in higher education institutions across the world suspending on-campus academic and residential activities to combat the spread of the virus; and

Whereas, under the directives of Governor Andrew M. Cuomo and the guidance of SUNY leadership, SUNY campuses took actions that prioritize the health and safety of SUNY students and employees by reducing instances
where individuals may be at an increased risk for contracting the virus in residential or social settings; and

**Whereas**, under NYS Education Law §355, the Board of Trustees has the authority to regulate all tuition and fees and matters pertaining to the operation and administration at the State-operated campuses of the SUNY System; and

**Whereas**, the Board of Trustees finds it necessary to change its regulations governing student government elections and referenda on student activity fees in response to the suspension of on-campus academic and residential activities; now therefore, be it

**Resolved** that the Chancellor, or designee, be, and hereby is, authorized and directed to prepare, in accordance with the provisions of the State Administrative Procedure Act, a Notice of Emergency Adoption and Notice of Proposed Rulemaking, as well as any re-issuance of such Notice of Emergency Adoption as may be necessary during the pendency of the Proposed Rulemaking, with respect to amendments to Parts 302, 312, 604, and 341 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and to amend corresponding provisions of the Policies of the Board of Trustees, to read as follows (brackets denote old material to be deleted; underlining denotes new material to be added):

302.14 (a) Referendum. Prior to the close of the academic year 2004-2005 and every two years thereafter, the student body (or such components thereof as may be designated by the chief administrative officer, or designee) at each State-operated campus shall determine by referendum whether student activity programs shall be supported by either voluntary or mandatory student fees. Such referendum shall be held on the same day as the annual elections for officers of the representative student organization or organizations (hereinafter referred to as "student government"); provided, however that any such referendum scheduled to take place in the spring 2020 semester shall be held at a time and place as determined by the applicable student government leadership between the dates of September 8 and September 20, 2020 for each State-operated campus holding such a referendum, and such postponed referendum shall occur in conjunction with elections for officers of the
student government to be held at such time. If a referendum held in the spring 2020 semester occurred prior to March 26, 2020, the results of such referendum shall remain in force and shall not be impacted by this postponement. The determination resulting from each referendum shall remain in force for a period of two academic years, except that at any time and from time to time within such two-year period a subsequent referendum held in accordance with the constitution and by-laws of the student government may effect a change in this determination with respect to the following academic year.

302.14-a 2020 Campus student government elections. Any election for the selection of campus student government officers at state-operated institutions scheduled for the spring 2020 semester shall be postponed and shall be held at a time and place as determined by the applicable student government leadership between the dates of September 8 and September 20, 2020, and such election shall occur in conjunction with the referendum on student activity fees, if such referendum was to be held in the spring 2020 semester. Any representative serving in the spring 2020 semester from a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election; provided that in the event such representative cannot fully execute all powers or responsibilities of the office, the campus government may create a process to ensure all duties or responsibilities are executed by another officer or officers, as designated by such student government. If such an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.

312.1(b) The association, or such organization as may be mutually agreed upon pursuant to subdivision (a) of this section in the case of multiple student governance organization, prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the college council. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1st and each elected member shall serve for one calendar year; provided, however, that any such election scheduled for the spring 2020 semester shall
be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any student member serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.

312.2(a) (a) the time and place of such election; provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement;

312.2(b) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full-time students only, provided, however, that any student members serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements.

312.2(g) the manner in which an elected student member may be removed and the manner in which a vacancy in the term of an elected student member shall be filled if such student member is unable or unwilling to serve for the remainder of such term.

604.4(a)(2) The association, or such organization as may be mutually agreed upon pursuant to this subdivision in the case of multiple student governance organizations shall conduct an annual election and certify a successful candidate to the chairman of the board of trustees. Such member-elect shall hold office from July 1st through June 30th. The election shall be conducted prior to July 1st and each elected member shall serve for one calendar year; provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any student
member serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement. Campus procedures shall be followed to fill the student trustee position should a vacancy occur.

604.4(b)(1) the time and place of such election; provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement;

604.4(b)(3) the manner of qualifying as a candidate for election, except that in the event that a student member ceases to be a student at the institution, he shall be required to resign, provided, however, that any student members serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements;

604.4(b)(7) the manner in which an elected student member may be removed and the manner in which a vacancy in the term of an elected student member shall be filled if such student member is unable or unwilling to serve for the remainder of such term.

341.5(b) The first representative of each member institution shall be that institution’s student government president. Additional representatives from member institutions, which exceed the 4,000 FTE base enrollment, shall be duly elected annually from among and by the students of that institution through a campus-wide election in accordance with procedures promulgated by the campus student government body; provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any representative or officer serving in the spring 2020 semester
from a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement. In the case of the statutory colleges, representatives must be statutory college students elected in accordance with procedures promulgated by the campus’ student government body.

341.11 Election of officers. Officers shall be elected by the members of the student assembly at its annual business meeting; provided, however, that any such election scheduled for the annual business meeting occurring during the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 30, 2020, and, notwithstanding the provisions of sections 341.12 and 341.13 of this part, any officers serving in the spring 2020 semester shall remain in such positions until such election. To stand for election as an officer, an individual must be eligible to serve as a representative from the institution, must have at least a 2.5 cumulative GPA, must be enrolled at a State University of New York campus and be nominated by a representative.

341.12 Eligibility to serve. In order to continue to serve as an officer, an individual must maintain eligibility to stand for election, in accordance with section 341.7 of this Part, must maintain a 2.25 cumulative GPA or higher, and must be enrolled at a State University of New York campus, provided, however, that any officers serving in the spring 2020 semester shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements. For the purposes of this section, eligibility to continue in service shall be determined at the end of each semester. Once eligibility is lost, it cannot be regained by transfer to a new institution.

341.13 Terms of office. Officers shall hold office for one year or until their successors are installed. This one-year term shall be from June 1st of the election year to May 31st of the following year; provided, however, that any officers serving in the spring 2020 semester shall remain in such positions until the fall 2020 election. Officers may serve no more than two terms per each office contingent upon the person’s
continued eligibility to serve as a member of the student assembly; and, be it further

Resolved that the Chancellor, or designee, be, and hereby is, authorized to adopt or amend policies, procedures, and/or guidelines, including but not limited to Article XVII of Policies of the Board of Trustees, Student Assembly Policy, Document #750, State University’s Student Activity Fees - Mandatory, Document #3901, and Student Members of the Boards of Trustees and College Councils Policy, Document #003, in accordance with these regulations; and, be it further

Resolved that in the event of a conflict between the provisions of this Resolution and the bylaws of any campus student government entity or the bylaws of the Student Assembly, the conflicting provisions of such bylaws shall be superseded to the extent necessary to allow for the provisions of this Resolution to take effect; and, be it further

Resolved that the amendments made to policies, procedures, and/or guidelines in accordance with these regulations shall be repealed upon the expiration of the amendments to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York made herein, and such policies, procedures, and/or guidelines revised and updated consistent with such repeal; and, be if further

Resolved that, in the event that commencement of on-campus classes for the Fall 2020 semester is delayed at any campus, the Chancellor, or designee, is hereby authorized to extend the allowable time period for fall 2020 elections; and, be it further

Resolved that, the Boards of Trustees of the 30 Community colleges operating under the program of the State University of New York are strongly encouraged to adopt similar amendments relating to their student government entities.

Background

SUNY System-wide policy, the Policies of the SUNY Board of Trustees resolution, and the Rules and Regulations of the State University of New York all provide a structure for referendum voting on student activity fees, elections of Student Assembly representatives, and Student Assembly officers. This resolution
would postpone such voting from the spring 2020 semester to the fall 2020 semester to ensure that students who have departed from their campuses in the wake of campus closures due to the COVID-19 outbreak would retain the ability to participate in such voting. It would also allow for the Student Assembly officers to hold over their positions until the fall 2020 elections, which is necessary if the Assembly does not meet in spring 2020 and provides for continued leadership for the organization until such elections can occur.