

New York State Ethics Commission

Advisory Opinion No. 93-6: Regarding the financial disclosure filing requirements for individuals serving in academic titles at the State University of New York and City University of New York.

In [Advisory Opinion No. 90-15](#), dated June 21, 1990, the State Ethics Commission ("Commission") determined that, to meet the financial disclosure filing requirements of Public Officers Law §73-a, academic employees of the State University of New York ("SUNY") and City University of New York ("CUNY") were required to file a short form with their respective appointing authorities. The opinion applied to academic employees who earned compensation at the filing rate set by §73-a⁽¹⁾. The form solicits information concerning "outside activities, outside interests and employment and honoraria."⁽²⁾ Each faculty member applying for a research grant is also required to file with his or her appointing authority, at the time of such application, a second form containing additional information. The Commission ruled that the filing procedure would remain in effect for a two-year period, from September 1990 until August 1992. After that time, it would determine the effectiveness of the procedure and issue permanent rules and regulations, if appropriate.

In [Advisory Opinion No. 92-15](#), dated August 13, 1992, the Commission extended the financial disclosure filing process established in [Advisory Opinion No. 90-15](#) "[p]ending the Commission's review of staff's recommendations and action to modify, renew or adopt all or part of the . . . process"

From March to September 1992, the Commission's investigative staff conducted 39 site visits at SUNY and CUNY campuses to evaluate the effectiveness of the financial disclosure filing process for academics established by [Advisory Opinion No. 90-15](#). In addition to conducting random audits of the forms, the investigative staff evaluated security and access to the forms maintained by each campus, "request to review" procedures, and the adequacy of the information captured by the forms. On October 27, 1992, Commission staff prepared and presented to the Commission a report including findings and recommendations. The Commission then sent copies of the report to the central administrations of SUNY and CUNY, and the United University Professions, an employee organization representing academic employees of SUNY. The report recommendations were also shared with the Professional Staff Congress, which represents academic employees of CUNY. Following dissemination of the report, Commission staff met with interested parties to discuss its findings and recommendations.

Based on the interested parties' comments and staff recommendations, the Commission hereby adopts as final the administrative and policy findings and recommendations of the staff report as follows. The Commission will maintain the two-step filing system with minor changes to the text of the questions asked. These questions are provided in the appendix to the opinion. Further, the academic filer reporting date shall be amended from "thirty days after the beginning of the fall

term" to November 15 of each year. The Commission will prepare a manual and conduct workshops on the financial disclosure program for academic filers to insure uniform standards of review and control. Each campus should insure that appropriate personnel have reviewed the annual statements and refer any potential conflicts of interest to the Commission.

Conclusion

Based on the foregoing discussion, the Commission adopts the two-step filing system established by [Advisory Opinion No. 90-15](#) as modified by this opinion as the permanent process by which academic employees of SUNY and CUNY comply with the financial disclosure requirements of Public Officers Law §73-a.

This opinion, until and unless amended or revoked, shall be binding on the Commission in any subsequent proceeding.

All concur:

Joseph M. Bress, Chair

Barbara A. Black

Angelo A. Costanza

Robert E. Eggenschiller

Donald A. Odell, Members

Dated: February 8, 1993

Endnotes

1. The annual filing rate in 1992 was \$53,171. The filing rate for 1993 is \$55,298.
2. [Advisory Opinion No. 90-15](#), p. 4