Board of Trustees Bylaws

ARTICLE I MEETINGS OF THE BOARD

SECTION 1.1. REGULAR MEETINGS.

a. Regular meetings of the board of trustees shall be held in accordance with a schedule disseminated no later than August 1 of each year that the board of trustees shall approve by resolution each year. Regular meetings shall be open to the general public.

b. Notice of the hour, place, and agenda for each regular meeting shall be mailed to the usual address of every trustee of the board by the secretary at least seven days before the meeting; but the notice provisions of this subparagraph may be waived by written waiver of at least twelve appointed trustees. All regular meetings shall be held at such place and time as shall be determined by the chairperson or by the board.

c. Public notice of the hour, place, and agenda of each regular meeting of the board shall be given at least seven days before the meeting to the respective colleges, to the news media, and to such educational, and civic, and news media organizations as may request the same, as well as to any duly authorized collective negotiation representative. The agendas for such meetings shall be available electronically on the city university of New York website three days prior to the meeting.

d. A summary of resolutions and board actions for each regular meeting shall be electronically available on the city university of New York website no later than seven days after the meeting. The approved minutes, attendance, voting record, and video record for each regular meeting shall be posted on the website no later than seven days following their approval by the board. Information posted on the city university of New York website regarding board of trustees’ meetings shall remain on the site as archived date for a minimum of ten years.

SECTION 1.2. SPECIAL MEETINGS.

a. The chairperson, the vice chairperson, or any five trustees acting by petition, may at any time call a special meeting of the board and fix the date, time, and place therefor. Special meetings shall be open to the general public.

b. Notice of the date, hour, and place of every special meeting shall be by written or telephonic notice to each trustee from the secretary or the designee of the secretary not less than two days at least twenty-four hours before the meeting; but the notice provisions of this subparagraph may be waived by written waiver of at least twelve appointed trustees.

c. Public notice of the date, hour, and place of a special meeting scheduled at least one week prior thereto shall be given to the respective colleges, to the news media, and to such educational, and civic, and news media organizations as may request the same, as well as to any duly authorized collective negotiation representative, at least seventy-two hours before such meeting. Such notice of a special meeting scheduled less than one week prior thereto shall be given, to the extent practicable, at a reasonable time prior thereto. The agenda for such special meetings shall be available electronically on the city university of New York website twenty-four hours prior to the special meeting.
d. A summary of the resolutions and board actions for any special meeting shall be electronically available on the city university of New York website no later than seven days after the meeting. The approved minutes, attendance, voting record, and video record for each special meeting shall be posted on the website no later than seven days following their approval by the board.

SECTION 1.3. EXECUTIVE SESSIONS.

The board shall be free to hold, may conduct executive sessions, without any non-with attendance limited to members and present save invitees, as follows: Upon a vote taken at a regular or special meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the board may conduct an executive session for the below enumerated purposes either forthwith or at a date, time, and place to be determined by the chairperson of which the board members shall be notified in advance unless such notice be waived in writing:

1. Matters which will imperil the public safety if disclosed;
2. Any matter which may disclose the identity of a law enforcement agent or informer;
3. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. Discussions regarding proposed, pending, or current litigation;
5. Collective negotiations pursuant to article fourteen of the civil service law;
6. The medical, financial, credit, or employment history of any person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline suspension, dismissal, or removal of any person;
7. The preparation, grading, or administration of examinations;
8. The proposed acquisition, sale, or lease of real property, but only when publicity would substantially affect the value of the property.

SECTION 1.4. MINUTES.

a. Minutes shall be taken at all regular and special meetings of the board, which shall consist of a record or summary of all motions, proposals, resolutions, and any other matters formally voted upon, and the vote thereon.

b. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary shall not include any matter which is not required to be made public by the freedom of information law of the State of New York.

c. Minutes of all board meetings shall be available for public inspection and copying pursuant to the university procedures for public access to public records. Minutes of executive sessions shall be made available for inspection and copying within one week from the date of the executive session.
SECTION 1.5. QUORUM OF THE BOARD.

Nine trustees of the board shall constitute a quorum.

SECTION 1.6. PRESIDING OFFICER.

If in case the chairperson does not attend a meeting at which a quorum is present, the vice chairperson may call the meeting to order and preside. In the event that neither the chairperson nor the vice chairperson will be present, the chairperson shall designate another trustee to call the meeting to order and preside.

SECTION 1.7. ORDER OF BUSINESS.

The calendar of the board shall be prepared in such form as the board may determine from time to time. The order of business may be determined by resolution of the board.

SECTION 1.8. PARLIAMENTARY PROCEDURE.

Except as herein otherwise specifically provided, the board shall be governed in its procedure by parliamentary rules and usage as set forth in the most recent edition of Robert's Rules of Order, Revised.

SECTION 1.9. ROLL CALL.

At the request of any trustee, the ayes and noes on any question shall be called and entered upon the minutes.

SECTION 1.10. PUBLIC HEARINGS.

a. The board shall schedule public hearings on the adoption of its expense budget, capital budget, and master plan. The board in the exercise of its judgment may schedule such other hearings as it may determine.

b. The board shall hold a public hearing on the agenda of a regular meeting no less than three days before the meeting. Upon notification received by the secretary one day in advance of the hearing, persons will be permitted to speak to items on the agenda and to submit written statements relating thereto. The chairperson, or the vice chairperson in the chairperson's absence, shall assign one or more board trustees to conduct such hearing. A substantive summary of written statements received at such hearings shall be distributed to the trustees of the board prior to the regular meeting.

SECTION 1.10. BOROUGH PUBLIC HEARINGS.

a. The board shall hold at least one public hearing each year in each of the five boroughs of the city of New York to receive testimony and statements from concerned individuals about City University issues.

b. The time, place, duration, and format of each hearing shall be determined by the board.

c. Notice of the hearing shall be given by the chairperson of the board, not less than thirty days before each hearing, to all the trustees, to all presidents of educational units, to the chairpersons of faculty senate bodies of educational units, to all student government presidents of educational units, to the borough presidents, to the members of the city council, the members of the board of estimate, to the local
community boards of the borough where the hearing is to be held, and to the news media. The notice shall contain the time, place, and date of the public hearing.

d. At least three trustees shall attend each hearing.

ARTICLE II OFFICERS OF THE BOARD

SECTION 2.1. OFFICERS.

The officers of the board shall be the chairperson, the vice chairperson, the general counsel, and the secretary.

SECTION 2.2. TERM OF OFFICE.

a. The term and manner of selection of the trustees of the board shall be as provided for in section 6204 of the education law.

b. A chairperson and a vice chairperson shall be appointed and shall serve as provided for in section 6204(2)(d) of the education law, provided, however, that the chairperson and vice chairperson elected by ballot from among the voting members of the board on June 25, 1979 shall serve for one year, commencing July 1, 1979 or until their successors are appointed.

c. The general counsel and the secretary shall serve at the pleasure of the board.

SECTION 2.3. DUTIES OF THE CHAIRPERSON.

a. The chairperson shall preside at all meetings of the board, shall be a member ex officio of all committees, and shall be entitled to vote at all meetings of the board and of all its committees. Unless otherwise provided herein or otherwise determined by the board, the chairperson shall name the members and designate the chairperson of all standing and special committees. The chairperson is hereby empowered to execute all documents, receipts, releases, or other instruments requiring the signature of an authorized representative of the board.

b. By virtue of his/her office, the chairperson is the spokesperson through whom the board announces and publicizes board actions or decisions primarily within the board's statutory fields of governance and policy-making; and within those fields he/she has the principal (but not exclusive) responsibility for board communications and board dealings with the mayor of the city, the governor of the state, the executive department of the United States, legislators, and governmental departments of the city, state, and nation.

c. In his/her capacity as chairperson he/she will receive and may answer communications addressed to the board or to himself/herself in his/her official capacity.

d. Where a board committee has in hand matters connected with a governmental department, the committee's chairperson may, for the purposes of the committee, confer with such department, after first notifying the chairperson of the board of the circumstances.

SECTION 2.4. DUTIES OF THE VICE CHAIRPERSON.

The vice chairperson shall preside, in the absence of the chairperson of the board, at all meetings of the board; shall be a member ex officio of all standing committees of the board; and shall be entitled to vote at all
meetings of all such standing committees unless the chairperson of the board be present and voting. If the position of chairperson of the board is vacant, the vice chairperson shall exercise all the duties of the chairperson.

SECTION 2.5. DUTIES OF THE GENERAL COUNSEL.

The general counsel shall direct a centralized legal office, rendering, with an appropriate staff under the general counsel's supervision, rendering legal services to the board and to the City University of New York. The general counsel shall report to the chairperson of the board and to the chancellor of the university. The general counsel and his/her designees are authorized to verify pleadings and to sign affidavits and other documents in connection with legal proceedings in which the board and its interests are involved. The general counsel is also authorized and empowered to execute all contracts and agreements on behalf of the board.

SECTION 2.6. DUTIES OF THE SECRETARY.

The secretary of the board shall prepare the agenda of all meetings of the board, attend the meetings thereof and prepare the minutes of such meetings. The secretary shall have charge of all board records, files, minutes, official documents, and the seal of the board. The secretary shall cause a copy of the minutes of each meeting of the board to be forwarded promptly to its members and shall certify the same as a true copy when necessary. The secretary shall notify appropriate agencies and persons of the board's actions and shall send notices of board and committee meetings to the members of the board; shall maintain a central calendar for meetings; and shall perform related duties assigned to him/her by the chairperson of the board. The secretary is authorized and empowered to sign communications, receipts, or other instruments requiring the signature of an authorized representative of the board, and to affix the seal of the board thereto, which documents reflect or effectuate prior action adopted or authorized by the board. In the event of the illness or absence of the secretary, the chairperson of the board is authorized to designate a member of the board's staff to serve as acting secretary of the board.

ARTICLE III COMMITTEES OF THE BOARD

SECTION 3.1. STANDING AND SPECIAL COMMITTEES.

a. The board shall have standing committees on academic policy, programs and research, faculty staff and administration, fiscal affairs, facilities planning and management, and student affairs and special programs, as well as any other special committees and subcommittees that the board may establish by resolution. The membership of standing and special committees of the board, including the committee for long-range planning, shall be constituted with such number of members, quorum requirements, and responsibilities as the board from time to time shall be determined by the chairperson designate by resolution.

b. The procedures for providing notice of the meetings of all standing and special committees and subcommittees, and for making the agenda, summary of resolutions and minutes for such meetings available on the city university of New York website, shall be the same as they are for regular board meetings.

SECTION 3.2. EXECUTIVE COMMITTEE.

a. The board shall also have an Executive Committee, which shall consist of the Chair of the Board, the Vice Chair of the Board, the Chair of the Committee on Academic Policy, Program,
and Research, the Chair of the Committee on Faculty, Staff and Administration, the Chair of the Committee on Fiscal Affairs, the Chair of the Committee on Facilities Planning, and Management and the Chair of the Committee on Student Affairs and Special Programs. Four members shall constitute a quorum for the transaction of business.

b. The Executive Committee shall may meet in intervals between meetings of the board and at such times that the Chairperson of the Board may convenes it, upon the request of the Chancellor or his/her designee. The agenda for any executive committee meeting must be made available electronically on the City University of New York website twenty-four hours in advance. The Executive Committee may take any actions that could have been taken by the Board of Trustees, except to grant degrees, to make removals from office or to with the exception of amending these Bylaws, upon the determination by at least four members that it would be detrimental to the University to delay the advancement of the matter until the next regularly scheduled meeting of the Board of Trustees.

c. Certification of such determination and all actions of the Executive Committee shall be reported to all members of the Board no later than the next scheduled meeting. Notice of such actions shall also be placed on the agenda of the next scheduled meeting of the Board of Trustees.

d. A summary of the resolutions for any executive committee meeting shall be electronically available on the City University of New York website no later than seven days after the meeting. The approved minutes, attendance, voting record, and video record for each executive meeting shall be posted on the website no later than seven days following their approval by the board.

e. Notice of executive committee meetings shall be given in the same manner as it is given for special meetings of the board.

ARTICLE IV THE COUNCIL OF PRESIDENTS

SECTION 4.1. THE COUNCIL OF PRESIDENTS.

There shall be a council of presidents composed of the chancellor, as its permanent chairperson, the presidents of the several colleges and such senior university staff as the chancellor may designate.

SECTION 4.2. FUNCTIONS OF THE COUNCIL OF PRESIDENTS.

To ensure unified and cooperative leadership in the city university, it shall be the function of the council:

a. To advise the chancellor with respect to the formulation and periodic revision of a coordinated master plan for a system of public higher education for the city of New York and to indicate for each constituent institution its specific functions in this plan.

b. To recommend to the chancellor procedures and policies that affect more than one of the constituent colleges.

c. To recommend to the chancellor plans for the development of physical properties which will further the general educational program of the university.
d. To advise the chancellor concerning the operating and capital budgets of the entire university system. The president of each collegiate unit is specifically charged with the administration of his/her own institution and in this capacity is responsible directly to the chancellor and through the chancellor to the board. The Board and any president may consult directly with each other on any issue of institutional importance.

**ARTICLE V MISCELLANEOUS PROVISIONS**

**SECTION 5.1. AMENDMENTS TO BYLAWS.**

An amendment to the bylaws may be adopted at any regular or special meeting of the board succeeding the regular or special meeting at which it was proposed. Copies of the proposed amendment must be mailed to each trustee of the board at least ten days before it is voted upon, together with a statement of the name of the introducer and of the meeting at which it is to be acted upon. Copies of the proposed amendments shall be delivered to the collective negotiation representative if required by a contract entered into with such representative. No proposed amendment shall be adopted except upon the affirmative vote of nine trustees of the board.

The above provision insofar as it requires that amendments to the bylaws be proposed at a meeting preceding the meeting at which a vote is taken may be waived by the unanimous consent of the trustees of the board present.

**SECTION 5.2. WAIVER OF THE BYLAWS.**

Any other provision of these bylaws may be waived for a particular purpose at any meeting of the board for some special purpose by the affirmative vote of nine trustees of the board.

**ARTICLE VI INSTRUCTIONAL STAFF**

**SECTION 6.1. INSTRUCTIONAL STAFF.**

The board hereby establishes the following instructional staff titles: instructional staff shall consist of the persons employed in the following titles:

- Chancellor
- Chancellor emeritus
- Executive vice chancellor
- Chief operating officer
- Senior vice chancellor
- Vice chancellor
- Associate vice chancellor
- University provost
- Secretary of the board
- University administrator
University associate administrator
University assistant administrator
President
Dean of the City University School of Law
Dean of the Graduate School of Journalism
Dean of the Sophie Davis School of Biomedical Education
Senior vice president
Vice president
Assistant vice president
University dean
University associate dean
University assistant dean
Dean
Associate dean
Assistant dean
Administrator
Associate administrator
Assistant administrator
Distinguished professor
University professor
Professor
Associate professor
Assistant professor
Einstein professor
Visiting distinguished professor
Clinical Professor
Distinguished lecturer
Distinguished lecturer – medical series
Distinguished lecturer – law school series
Medical professor (basic sciences)
Associate medical professor (basic sciences)
Assistant medical professor (basic sciences)
Medical lecturer
Adjunct medical professor (basic sciences)
Adjunct associate medical professor (basic sciences)
Adjunct assistant medical professor (basic sciences)
Adjunct medical lecturer
Medical professor (clinical)
Associate medical professor (clinical)
Assistant medical professor (clinical)
Adjunct medical professor (clinical)
Adjunct associate medical professor (clinical)
Adjunct assistant medical professor (clinical)
Law school distinguished professor
Law school university professor
Law school non-teaching adjunct
Law school professor
Law school associate professor
Law school assistant professor
Law school instructor
Law school library professor
Law school library associate professor
Law school library assistant professor
Law school adjunct professor
Law school adjunct associate professor
Law school adjunct assistant professor
Law school adjunct instructor
Law school lecturer
Visiting professor
Visiting associate professor
Visiting assistant professor
Adjunct professor
Adjunct associate professor
Adjunct assistant professor
Adjunct lecturer
Adjunct lecturer (doctoral student)
Lecturer (full-time)
Lecturer (part-time)
Visiting lecturer
Instructor
Instructor (nursing science)
Research associate
Research assistant
Graduate assistant (a-d)
Clinical assistant
Senior registrar
Registrar
Associate registrar
Assistant registrar
Registrar's assistant
Chief college laboratory technician
Adjunct chief college laboratory technician
Senior college laboratory technician
Adjunct senior college laboratory technician
College laboratory technician
Adjunct college laboratory technician
Chief college physician
College physician
Higher education officer
Higher education associate
Higher education assistant
Assistant to higher education officer
Business manager
Assistant business manager
Assistant to business manager
Placement director
Education and vocational counselor
Continuing education teacher
Non-teaching adjunct (I-V)
Non-teaching adjunct (doctoral student)
Affiliated professional
and in the Hunter College Elementary School and Hunter College High School
SECTION 6.2. PERMANENT INSTRUCTIONAL STAFF - TENURE.

The permanent instructional staff shall consist of those persons who have been granted tenure under any of the provisions enumerated in subds. a through e, f, and g below and in section 6.3. subds. a, b, and d.

a.

(1) Appointments before September 1, 2006 – A person employed before September 1, 2006 full-time on an annual salary in the title of professor, associate professor, assistant professor, medical professor (basic sciences), associate medical professor (basic sciences), assistant medical professor (basic sciences), medical professor (clinical), associate medical professor (clinical), assistant medical professor (clinical), law school professor, law school associate professor, law school assistant professor, law school library professor, law school library associate professor, law school library assistant professor, instructor (nursing science), senior registrar, registrar, associate registrar, assistant registrar, chief college laboratory technician, senior college laboratory technician, college laboratory technician, and in the hunter college high school and hunter college elementary school (but not in the early childhood center program), principal, chairperson of department, teacher, guidance counselor, and librarian, or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for five full years continuously, has been appointed or shall be appointed for a sixth full year, shall have tenure effective on the first day of September following his/her reappointment for the sixth full year.

(2) Appointments on or after September 1, 2006
a) A person employed on or after September 1, 2006 full-time on an annual salary in the title of professor, associate professor, assistant professor, medical professor (basic sciences), associate medical professor (basic sciences), assistant medical professor (basic sciences), medical professor (clinical), associate medical professor (clinical), assistant medical professor (clinical), law school professor, law school associate professor, law school assistant professor, law school library professor, law school library associate professor, law school library assistant professor, instructor (nursing science) or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for seven full years continuously, has been appointed or shall be appointed for an eighth full year, shall have tenure effective on the first day of September following his/her reappointment for the eighth full year.

b) A person employed on or after September 1, 2006 full-time on an annual salary in the title of senior registrar, registrar, associate registrar, assistant registrar, chief college laboratory technician, senior college laboratory technician, college laboratory technician, and in the hunter college high school and hunter college elementary school (but not in the early childhood center program), chairperson of department, teacher, guidance counselor, librarian, campus schools college laboratory technician, and campus schools senior college laboratory technician, and in the educational opportunity centers, educational opportunity center college laboratory technician, or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for five full years continuously, has been appointed or shall be appointed for a sixth full year, shall have tenure effective on the first day of September following his/her reappointment for the sixth full year.

b. Persons promoted to the rank of professor shall be granted tenure after not more than four years of continuous full-time service on an annual salary in positions on the instructional staff.

e. A distinguished person of proven record appointed to the title of associate professor or the title of professor, who had tenure in another accredited institution of higher learning, may be appointed with immediate tenure by the board in its discretion.

d. A person who has attained tenure under one of the provisions of section 6.2 or section 6.3 of these bylaws in an educational unit under the jurisdiction of the board of trustees, and who is subsequently
appointed to a comparable position on an annual salary basis in another education unit under the jurisdiction of the board, shall retain his/her tenure.

f. The decision of the board to reappoint with tenure a person in a title for which seven years of full-time continuous service is required for achieving tenure shall be communicated in writing to the person affected not later than December first preceding the expiration of the seventh full year of service. The decision of the board to reappoint with tenure shall be communicated in writing to the person affected not later than December first preceding the expiration of the fifth full year of service. Where an appointee begins his/her service after September thirtieth the tenure period shall not begin until the succeeding September first, and when an appointment is made during the month of September, the appointment shall date as of September first of that year for the purposes of tenure.

g. A person in a title on the permanent instructional staff who interrupts her service for maternity leave duly granted to her by the board shall not suffer from an interruption of the service period required for tenure. A period of creditable service immediately preceding such absence shall be counted in computing the years of service required by this section.

SECTION 6.3. PERMANENT INSTRUCTIONAL STAFF – TENURE – PAST PROVISIONS.

a. Appointments before June 16, 1968 – A person employed and serving prior to June 16, 1968, full-time on an annual salary in the title of professor, associate professor, assistant professor, instructor, lecturer (nursing science), registrar, associate registrar, assistant registrar, registrar's assistant, college science assistant, college science technician, college engineering technician, teacher, or educational and vocational counselor who, after serving on an annual salary in any of the titles or positions enumerated in this subparagraph for three full years continuously, has been appointed or shall be appointed for a fourth full year, shall have tenure effective on the first day of September following his/her reappointment for the fourth full year.

b. A person employed and serving on a full-time annual salary basis in one of the titles listed in subdivision "a" hereof during the period from June 17, 1968, through October 1, 1968, and who has served on an annual salary basis in any of these titles for three full years continuously and who shall have been reappointed for a fourth full year, shall have tenure under these bylaws effective on the first day of September following his/her reappointment for the fourth full year.

c. Service as department head, senior instructor, instructor, or junior instructor in a community college during the period from September 1, 1956, to September 30, 1959, shall be credited toward tenure in the positions of professor, associate professor, assistant professor, or instructor, respectively.

d. All persons employed on an annual salary in the day session in the senior colleges in the positions of professor, associate and assistant professor, instructor, tutor, registrar, librarian, associate and assistant librarian, library assistant, assistant teacher, instructor, critic teacher, or teacher who, on September 1, 1938, were serving in any of these positions and had completed at least four full years of continuous service on an annual salary from the date of their appointment to any of the positions above enumerated, or who had served at least three full years and had been appointed for a fourth full year, are members of the permanent instructional staff.

SECTION 6.4. ADMINISTRATIVE CERTIFICATE OF CONTINUOUS EMPLOYMENT.
a. Persons who have been employed and have served as teachers or counselors in the title of lecturer continuously on a full-time basis for five or more years, or for ten or more semesters, and who were paid from tax levy funds, and who were reappointed effective as of September 1, 1960, for a sixth, or more, full-time continuous year, or for an eleventh, or more, full-time continuous semester, shall be granted an administrative certificate of continuous employment which shall be effective September 1, 1969.

b. Persons who have been employed and who have served as teachers or counselors in the title of lecturer on a full-time basis for five, or more, years cumulatively since 1961 and who were employed to teach on a full-time basis in the title of lecturer effective as of September 1, 1969, may, upon their next reappointment to a teaching or counseling position in the title of lecturer (full-time), be granted an administrative certificate of continuous employment. (This provision shall be operative until September 1, 1971.)

c. Persons who have been employed and have served as teachers or counselors for five full years and who are reappointed for a sixth full year of continuous full-time service in the title of lecturer (full-time), medical lecturer, or educational opportunity center lecturer shall be granted an administrative certificate of continuous employment.

Where an appointee begins his/her service at any time after September thirtieth, the time toward the award of an administrative certificate of continuous employment shall not start to accrue until the first of September following the appointment, except that an appointment made during the month of September shall be deemed to be an appointment as of September first of that year for purposes of an administrative certificate of continuous employment.

d. The administrative certificate of continuous employment shall be valid only in that college which issues the certification and shall carry with it the guarantee of full-time reappointment in that college subject to continued satisfactory performance, stability in academic program, sufficiency of registration, and financial ability.

SECTION 6.53. APPOINTMENTS WITHOUT TENURE.

Nothing contained in this article shall be construed as conferring or permitting tenure, or service credit toward the achievement of tenure in the positions of chancellor, executive vice chancellor, chief operating officer, sr. vice chancellor, vice chancellor, university administrator, university associate administrator, university assistant administrator, president, vice president, assistant vice president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, administrator, associate administrator, assistant administrator, director of campus schools, department chairperson, chief librarian, principal, supervisor, distinguished professor, clinical professor, distinguished lecturer, distinguished lecturer—medical series, distinguished lecturer—law school series, medical lecturer, adjunct medical professor (basic sciences), adjunct associate medical professor (basic sciences), adjunct assistant medical professor (basic sciences), adjunct medical professor (clinical), adjunct associate medical professor (clinical), adjunct assistant medical professor (clinical), adjunct medical lecturer, law school instructor, law school lecturer, law school adjunct professor, law school adjunct assistant professor, law school adjunct instructor, visiting professor, visiting associate professor, visiting assistant professor, adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct lecturer, higher education officer, higher education associate, higher education assistant, assistant to higher education officer, higher education intern research associate, research assistant, clinical assistant, lecturer (full-time), lecturer (part-time), instructor appointed after October 1, 1968; business manager, assistant business manager, assistant to business manager, continuing education teacher, occasional
per diem substitute teacher, educational opportunity center adjunct lecturer, educational opportunity center adjunct college laboratory technician, educational opportunity center higher education officer, educational opportunity center higher education associate, educational opportunity center higher education assistant, educational opportunity center assistant to higher education officer, educational opportunity center lecturer, all positions in the early childhood centers programs, or any other instructional positions not included on the permanent instructional staff, except that prior service as a full-time lecturer or lecturer (full-time) may be considered toward the award of tenure to persons in a title on the permanent instructional staff. Nothing contained in this article shall be construed as conferring or permitting tenure, or service credit toward the achievement of tenure, in any instructional staff position other than those listed in Section 6.2 above. However, appointment to any such non-tenureable bearing position, or removal therefrom, however, shall not deprive the person so appointed or removed of tenure in the highest position on the staff held with tenure prior to his/her appointment to such office, or conjointly with such office, nor shall such appointment or removal deprive any person of service credit toward the achievement of tenure under the provisions of this article.

SECTION 6.64. APPOINTMENTS TO THE INSTRUCTIONAL STAFF - NOTICES.

a. All full-time appointments to the instructional staff, except as otherwise provided, shall be made by the board upon the recommendation of the chancellor.

b. Except for the appointment of persons whose sole educational duties shall be administrative, all original appointments to the instructional staff shall be made to a department. All appointments shall be for one year or less except that the board may, in appropriate instances, make appointments for a period not exceeding two years.

c. In the case of the appointment or removal of a chancellor, executive vice chancellor, chief operating officer, sr. vice chancellor, vice chancellor, university administrator, university associate administrator, university assistant administrator, president, vice president, assistant vice president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, administrator, associate administrator, assistant administrator, or principal, the affirmative vote of a majority of all members of the board shall be required. In the case of the removal of a chancellor or a president the affirmative vote of a majority of all members of the board shall be required. In extraordinary circumstances, following consultation with the Chair and Vice Chair and notification to the Board, where time permits, the chancellor may suspend a president, and appoint an interim president, subject to the approval of the board at its next meeting. Removals from appointment as executive vice chancellor, chief operating officer, sr. vice chancellor, vice chancellor, university administrator, university associate administrator, university assistant administrator, university dean, university associate dean, or university assistant dean may be made by the chancellor. Removals from appointment as vice president, assistant vice president, dean, associate dean, assistant dean, administrator, associate administrator, assistant administrator, or principal may be made by the president responsible for the educational unit involved.

d. Each appointment, other than appointments in the executive compensation plan, shall terminate at the terminal date specified in the appointment. There shall be a university standard letter of appointment. The notice shall state specifically that the appointment is of a temporary nature; that it is subject to financial ability; shall give the terminal date of the appointment, and shall add that services beyond the period indicated in the notice of appointment are possible only if the board takes affirmative action to that effect.
e. Notice of reappointment or non-reappointment shall be given by the president or his/her designee to persons in titles on the permanent instructional staff and to persons in titles or instructor, lecturer (full-time), and lecturer (part-time), in writing not later than April first preceding the expiration of the first full year of service and not later than December first of each succeeding year of service. In the position of instructor appointed after October 1, 1968, there shall be no more than four successive annual reappointments.

f. The decision of the board to reappoint with tenure or to reappoint with an administrative certificate of continuous employment shall be communicated in writing by the proper college authority to the person affected not later than December first preceding the expiration of the fifth full year of service.

g. Appointments and reappointments to a full-time position on the instructional staff shall be considered final when formally approved by the board.

SECTION 6.75. NON-REAPPOINTMENT IN THE ADJUNCT TITLES.

a. The services of employees in adjunct titles may be terminated and they shall be notified of non-reappointment or rescission of previously proffered appointment in accordance with the following timetable:

1. Those employees who are not to be reappointed because of poor evaluation shall be notified in the fall semester not later than December fifteenth, and in the spring semester not later than May fifteenth.

2. Those employees who are not to be reappointed because of insufficient registration, financial inability, or changes in curriculum shall be notified as soon as the college administration is aware of the situation.

SECTION 6.8. TRANSFERS, REASSIGNMENTS, PROMOTIONS.

a. Neither tenure nor the period requisite for the achievement of tenure shall be affected by transfer within the city university or by promotion or change of title, except that a person upon whom tenure has been conferred and who may be transferred or promoted to any position in the city university, or whose title may be changed, shall have tenure in his/her new position, provided such position is on the permanent instructional staff, and further provided that the transfer does not involve a change from the administrative staff to the instructional staff.

b. Nothing herein contained shall be construed to prevent the board from assigning any person having tenure to any appropriate position on the staff, but no such assignment shall carry with it a reduction in rank or a reduction in salary other than the elimination of any additional emolument provided for administrative positions.

c. An administrative certificate of continuous employment shall be valid only in that college which issues the certificate or makes the sixth continuous appointment.

SECTION 6.9. DISCONTINUANCE OF TENURED POSITIONS.
a. Where a position in a department is to be abolished or discontinued, a person in any title on the permanent instructional staff who does not have tenure in that department shall be dismissed before a person in a title on the permanent instructional staff who does have tenure in that department.

b. A position held by a person upon the permanent instructional staff may be abolished or discontinued by the board for reasons which are not discriminatory against a particular person or persons. In the event that a position in a department is to be abolished or discontinued, such position shall be that of the person last appointed to such department, save that, for special educational reasons which are not discriminatory against a particular person or persons, the board may continue the services of a tenured person or persons whose position or positions would otherwise be abolished or discontinued, and abolish or discontinue the position or positions of the person or persons next most recently appointed to such department.

SECTION 6.10. TRANSFER EFFORTS (TENURE).

a. When the position of a tenured member of the instructional staff is abolished or discontinued, the college shall attempt to find a vacant position in the college which can be efficiently and capably filled by such person. No priority shall obtain among persons whose positions have been abolished or discontinued for purposes of transfer efforts. A vacant position is a full-time position which the college has the financial ability to fill and intends to fill, and with respect to which there is no applicable preferred eligible list, or from which no person is on a leave of absence with or without pay.

b. If such position is found, the person who is offered and accepts such position shall have tenure therein, provided such position is on the permanent instructional staff. Tenure or seniority in the new department shall date from the effective date of appointment to the new position. Such person shall be advised of the title and salary of the new position.

c. The acceptance of a position pursuant to this section shall not preclude the placement of such person's name on the preferred eligible list for his/her original retrenchment unit as provided in section 6.11.

SECTION 6.11. PREFERRED ELIGIBLE LISTS (TENURE).

1. Establishment of Preferred Eligible Lists.

a. There shall be a separate preferred eligible list of discontinued tenured persons for each retrenchment unit, with the exception of the following:

A person who has filed for retirement with the retirement system of which he/she is a member.

A person who is collecting a retirement benefit from the retirement system of which he/she is a member.

A person who is collecting a retirement benefit from the optional retirement program based in whole or in part on CUNY service.

A person who is collecting a retirement benefit from any retirement system or program of New York State or any political subdivision thereof.
Each list shall be applicable to the retrenchment unit for which it was created. The retrenchment unit is the academic department of the college, or the division or program where the college is so organized, or, for other than academic departments, the administrative department, office, or functional unit from which such person was discontinued.

b. When the position of a tenured member of the instructional staff is abolished or discontinued, the name of such person shall be placed forthwith on the preferred eligible list for the retrenchment unit in which he/she last served. The names on each such list shall be ranked in order of the effective date of appointment to the department or other retrenchment unit (normally September 1). If two or more persons were appointed effective the same date, the person with the longest full-time continuous service on the instructional staff shall be listed first, then the person with the longest combination of full- and part-time continuous service on the instructional staff, and finally, in random order. For purposes of this paragraph, continuous service shall include continuous service prior to an approved leave of absence without pay.

c. The head of each retrenchment unit shall forward to the president the names of all persons to be placed on the preferred eligible list(s). The president shall designate a person to be responsible for, coordinate, and update all preferred eligible lists.

d. A person who elects not to have his or her name placed on a preferred eligible list shall so indicate in writing to the president’s designee in charge of lists. Such election shall constitute a permanent waiver of all preferred eligible rights.

2. Use of Preferred Eligible Lists.

a. When a position on the instructional staff other than a lecturer position becomes vacant in the retrenchment unit or there is a newly-created position on the instructional staff other than a lecturer position in the retrenchment unit, appointment shall be offered to the person whose name is listed first on the preferred eligible list for that retrenchment unit, except that for special educational reasons, which are not discriminatory against a particular person or persons, the person or persons next on the list may be offered appointment in lieu thereof. For the purposes of use of preferred eligible lists, a vacant position is a full-time position which the college has the financial ability to fill, intends to fill, and from which no person is on a leave of absence with or without pay.

b. If the position offered is in the same title as that held at the time of discontinuance, the person shall be deemed restored to his/her original position, and shall be appointed at a salary not less than that which he or she was receiving at the time of discontinuance.

c. If the position offered is not in the same title as held at the time of discontinuance, such person shall have tenure in the new position, provided it is on the permanent instructional staff, and the original date of tenure in the department shall be the tenure date. Such person shall be advised of the title and salary of the new position. Such person shall retain his/her place on the preferred eligible list.

d. If there is a vacant or newly created position in the lecturer title, and no person is on a preferred eligible lecturer list for such title in the retrenchment unit, such position shall be offered to persons on the preferred eligible list of tenured persons in accordance with subdivision "c" hereof.

e. Offers shall be made by certified mail to the address on file with the president’s designee for lists. Acceptances shall be by certified mail to the president within four weeks of the mailing of the offer. The four week period may be reduced by the president if circumstances mandate.
f. Failure to accept an offer of appointment from a preferred eligible list to the title held when discontinued in the retrenchment unit from which discontinued, within the period specified herein, shall cause the name of such person to be removed therefrom forthwith, subject to subdivision "g" hereof.

g. If a person to whom an offer of an appointment from a preferred eligible list is made notifies the president within the time provided in subdivision "e" hereof that he or she cannot accept such offer for reasons which in the judgment of the president would otherwise justify a leave of absence with or without pay, or if such person demonstrates to the satisfaction of the president a present commitment to another employer, such appointment may be made effective for the term or semester commencing after the term or semester for which the offer is initially made, but in no event shall a person's name remain on the list for a period longer than three years. A substitute may be employed as interim appointee for the position.

h. All appointments of persons on preferred eligible lists shall be subject to the approval of the board of trustees and continued financial ability.

i. The restoration of a person from a preferred eligible list to the title held when discontinued, in the retrenchment unit from which discontinued, shall automatically remove his/her name from such list.

3. Terms and Conditions of Lists.

a. Unless earlier removed as provided herein, a person's name shall remain on an eligible list for a period of three years and shall be removed at the end of such period.

b. Upon application to the pension system to which he/she belongs by a discontinued employee that he/she wishes to retire or he/she is collecting a retirement benefit from any retirement program, based in whole or in part on CUNY service, or, he/she is collecting a retirement benefit from any New York State retirement system or its political subdivisions, the name of such discontinued employee shall be removed from the eligible list, effective the date of approval of the application by his/her retirement system, but in no event later than the date of issuance of the first benefit payment.

c. The placement of a person's name on a preferred eligible list shall not preclude such person from accepting an appointment, if offered pursuant to the normal appointment procedures, to a vacant position within the university. Such person shall have tenure in the new position provided it is on the permanent instructional staff. Tenure in the new department shall date from the effective date of appointment to the new position. Such person shall be advised of the title and salary of the new position. Such person shall retain his/her place on the preferred eligible list for the original retrenchment unit.

d. A person who is employed by the board while his/her name is on a preferred eligible list, and who accepts an appointment from such eligible list to his/her original department shall retain no rights in or to the interim position.

e. A person whose name is placed on a preferred eligible list shall be deemed to be on leave without pay for the purpose of maintaining his/her status in any retirement system of which he/she is a member for the period his/her name is on the list, but service credit for retirement purposes shall not be accorded for such period. This paragraph shall not apply to persons who are employed by the board and are receiving credit for retirement purposes as such employees while their names are on such lists.

f. Except for the purposes of subdivision "e" hereof, a person whose name is on a preferred eligible list shall not be deemed thereby to be an employee of the board of trustees, and shall not be entitled to increment credit during the time he/she is on such list.
g. Any knowing misstatement or omission of material fact supplied by a candidate for or person listed on a preferred eligible list shall cause the immediate removal of a person's name from the preferred eligible list.

h. A person shall be notified of the removal of his/her name from a preferred eligible list, but failure of notification shall not cause retention of such person's name thereon.

i. A person whose name is to be placed on a preferred eligible list shall complete and deliver such forms as shall be issued by the office of faculty and staff relations. It is the responsibility of the person listed to keep the college informed of his/her current address and to update other required information as necessary, and failure to do so shall be the sole responsibility of the person involved. The university reserves the right to rely upon the latest information supplied by persons on preferred eligible lists.

SECTION 6.12. DISCONTINUANCE OF CERTIFICATED POSITIONS.

a. Members of the instructional staff who have received certificates of continuous employment shall be discontinued after all other non-tenured persons in the retrenchment unit.

b. A position held by a person who has received a certificate of continuous employment may be abolished or discontinued by the board for reasons which are not discriminatory against a particular person or persons. In the event that a certificated position in a retrenchment unit is to be abolished or discontinued, the person who last received his/her certificate of continuous employment shall be the person whose position is first to be abolished, except that for special educational reasons which are not discriminatory against a particular person or persons, the position of a person next most junior may be abolished or discontinued.

SECTION 6.13. TRANSFER EFFORTS (CERTIFICATE OF CONTINUOUS EMPLOYMENT).

a. When the position of a lecturer holding a certificate of continuous employment is abolished or discontinued, the college shall attempt to find a vacant position in the college which can be efficiently and capably filled by such person, provided that transfer efforts shall be made for such lecturers only after such efforts are made pursuant to bylaw section 6.10, for any tenured member of the instructional staff whose positions have been abolished or discontinued. A vacant position is a full-time position which the college has the financial ability to fill and intends to fill, and with respect to which there is no applicable preferred eligible list, or from which no one is on a leave of absence with or without pay.

b. If such position is found, the certificate of continuous employment shall not be applicable thereto unless the position is that of lecturer. Seniority in the new department shall date from the effective date of appointment to the new department. Such person shall be advised of the title and salary of the new position.

c. The acceptance of a position pursuant to this subdivision shall not preclude the placement of such person's name on the preferred eligible lecturer list for his/her original retrenchment unit as provided in section 6.14, hereof.


1. Establishment of Preferred Eligible Lists.
There shall be a separate preferred eligible list of discontinued certificated lecturers in each retrenchment unit, with the exception of the following:

A person who has filed for retirement with the retirement system of which he/she is a member.

A person who is collecting a retirement benefit from the retirement system of which he/she is a member.

A person who is collecting a retirement benefit from the optional retirement program based on whole or in part on CUNY service.

A person who is collecting a retirement benefit from any retirement system or program of New York State or any political subdivision thereof.

Each list shall be applicable only to the retrenchment unit for which it was created. Such list shall be called the preferred eligible lecturer list. The retrenchment unit is the academic department of the college, or the division or program, where the college is so organized, or, for other than academic departments, the administrative department office, or functional unit, from which such person was discontinued.

When the position of a member of the instructional staff with a certificate of continuous employment is abolished or discontinued, the name of such person shall be placed forthwith on the preferred eligible lecturer list for the retrenchment unit in which he or she last served. The names on each such list shall be ranked in order of effective date of appointment to the department or other retrenchment unit (normally September 1). If two or more persons have been discontinued on the same date, the person with the longest full-time continuous service on the instructional staff shall be listed first, the person with the longest combination of full-time and part-time continuous service on the instructional staff, and finally, in random order. For the purposes of this paragraph, continuous service shall include continuous service prior to an approved leave of absence without pay.

The head of each retrenchment unit shall forward to the president the names of all persons to be placed on preferred eligible lecturer list(s). The president shall designate a person to be responsible for, coordinate, and update all preferred eligible lists.

A person who elects not to have his or her name placed on the preferred eligible lecturer list shall so indicate in writing to the president's designee for lists. Such election shall constitute a permanent waiver of all preferred eligible rights.

2. Use of Preferred Eligible Lecturer Lists.

When a lecturer position becomes vacant, or a new lecturer position is created in the department or other retrenchment unit, appointment shall be offered to the person whose name is listed first on the preferred eligible lecturer list for that department or other retrenchment unit except that for special educational reasons, which are not discriminatory against a particular person or persons, the person or persons next on the list may be offered appointment in lieu thereof. A person restored from a preferred eligible lecturer list shall be appointed at a salary not less than that which he/she was receiving when his/her position was abolished or discontinued. For the purposes of use of preferred eligible lecturer lists, a vacant position is a
full-time lecturer position which the college has the financial ability to fill, intends to fill, and from which no person is on a leave of absence with or without pay.

b. Offers shall be made by certified mail. Acceptances shall be by certified mail to the president within four weeks of the mailing of the offer. The four-week period may be reduced by the president if circumstances mandate.

c. Failure to accept an offer of appointment from a preferred eligible lecturer list within the period specified herein shall cause the name of such person to be removed therefrom forthwith subject to subdivision "d" hereof.

d. If a person to whom an offer of an appointment from a preferred eligible lecturer list is made notifies the president within the time provided in subdivision "b" hereof that he or she cannot accept such offer for reasons which in the judgment of the president would otherwise justify a leave of absence with or without pay, or if such person demonstrates to the satisfaction of the president a present commitment to another employer, such appointment may be made effective for the term or semester commencing after the term or semester for which the offer is initially made, but in no event shall a person's name remain on the list for a period longer than three years. A substitute may be employed as interim appointee for the position.

e. All appointments from preferred eligible lecturer lists shall be subject to approval of the board of trustees and continued financial ability.

f. The restoration of a person from a preferred eligible lecturer list to the retrenchment unit from which discontinued shall automatically remove his or her name from such list.

3. Term and Conditions of Lists.

a. Unless earlier removed as provided herein, a person's name shall remain on an eligible list for a period of three years and shall be removed at the end of such period.

b. Upon application to the pension system to which he/she belongs by a discontinued employee that he/she wishes to retire or he/she is collecting a retirement benefit from any retirement program, based in whole or in part on CUNY service, or, he/she is collecting a retirement benefit from any New York State retirement system or its political subdivisions, the name of such discontinued employee shall be removed from the preferred eligible list, effective the date of approval of the application by the appropriate retirement system.

c. The placement of a person's name on a preferred eligible lecturer list shall not preclude such person from accepting an appointment, if offered pursuant to the normal appointment procedures, to a vacant position within the university. Such person shall be advised of the title and salary of the new position. Such person shall retain his/her place on the preferred eligible lecturer list for the original retrenchment unit.

d. A person who is employed by the board while his/her name is on a preferred eligible lecturer list, and who accepts an appointment from such eligible list to his/her original department shall retain no rights in or to the interim position.

e. Insofar as permitted by law a person whose name is placed on a preferred eligible lecturer list shall be deemed to be on leave without pay for the purpose of maintaining his/her status in any retirement system of which he/she is a member for the period his/her name is on the list, but service credit for retirement purposes shall not be accorded for such period. This paragraph shall not apply to persons who are employed by the board while their names are on such lists.
f. Except for the purposes of subdivision "e" hereof, a person whose name is on a preferred eligible lecturer list shall not be deemed thereby to be an employee of the board of trustees, and shall not be entitled to increment credit during the time he/she is on such list.

g. Any knowing misstatement or omission of material fact supplied by a candidate for or a person listed on a preferred eligible lecturer list shall cause the immediate removal of a person's name from such list.

h. A person shall be notified of the removal of his/her name from a preferred eligible lecturer list, but failure of notification shall not cause retention of such person's name thereon.

i. A person whose name is to be placed on a preferred eligible lecturer list shall complete and deliver such forms as shall be issued by the office of faculty and staff relations. It is the responsibility of the person listed to keep the college informed of his/her current address and to update other required information as necessary, and failure to do so shall be the sole responsibility of the person involved. The university reserves the right to rely upon the latest information supplied by persons on preferred eligible lecturer lists.

ARTICLE VII ACADEMIC DUE PROCESS

SECTION 7.1. DISCIPLINARY PROCEDURE FOR INSTRUCTIONAL STAFF COVERED BY A COLLECTIVE BARGAINING AGREEMENT

All instructional staff members whose employment is governed by a collective bargaining agreement shall be subject to the disciplinary process set forth in that agreement.

SECTION 7.2. DISCIPLINARY PROCEDURE FOR INSTRUCTIONAL STAFF NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

All instructional staff members other than members of the executive compensation plan who are not covered by any collective bargaining agreement, or who are represented by a union at such time that an expired collective bargaining agreement has not been continued by operation of law, shall be subject to disciplinary procedures established by chancellor or his/her designee, except that in cases involving the removal of tenured faculty, the procedures shall be those set forth in section 6212(9) of the education law.

SECTION 7.1. GROUNDS FOR REMOVAL OR SUSPENSION.

Members of the instructional staff may be suspended or removed for one or more of the following reasons:

a. Incompetent or inefficient service.
b. Neglect of duty.
c. Physical or mental incapacity.
d. Conduct unbecoming a member of the staff. This provision shall not be so interpreted as to constitute interference with academic freedom.

SECTION 7.2. PRESENTATION OF CHARGES.
a. Charges against a member of the instructional staff may be made by a president, vice president, dean, department chairperson, principal, member of the board, a committee of the board, or the board itself. Charges shall in the first instance be presented in writing to the president together with such evidence as would support the charges. It shall be the duty of the president if he/she determines the charges are substantial, to serve the person involved with a notice setting forth all the charges and the specifications thereof pending against him/her. The president shall forthwith send a copy of the charges and specifications to the college personnel and budget committee, or a faculty committee designated by it, together with a statement as to when the charges and specifications were served on the person involved.

SECTION 7.3. SUSPENSION UNDER CHARGES.

Any person against whom charges have been made may at any time during the pendency of the charges be suspended with pay by the president of the college.

SECTION 7.4. SERVICE OF CHARGES.

a. Service of the charges and specifications by the president shall be made in the following manner:

1. By personal delivery to the person involved; or

2. If personal delivery cannot be made with reasonable diligence, by registered or certified mail or by leaving a copy with some person of an age of discretion at the place of residence of the person involved and by notifying such person of the nature of the papers and by leaving a duplicate of such charges and specifications at the college or school where such person is assigned with some person of discretion at the place where such person is accustomed to report for duty; or

3. If service cannot, with reasonable diligence, be made as provided under paragraph 1 or 2 of this subdivision, by posting a copy of the charges and specifications upon the bulletin board of the college or school and of the department to which the person involved is assigned.

b. An affidavit by the person who has served such charges in any manner prescribed in "a" above shall be presumptive proof of the facts therein set forth.

SECTION 7.5. NOTICE OF INVESTIGATION AND HEARING.

The college personnel and budget committee, or a committee designated by it, shall immediately notify the person involved of a date at which a hearing and investigation of the charges shall be held. Said date shall be no later than ten (10) days from the date that notice of the charges was served by the president.

SECTION 7.6. INVESTIGATION AND HEARING.

The committee shall conduct the investigation and hearing according to such rules as the college personnel and budget committee may from time to time establish. The committee shall not be bound by the rules of evidence observed in courts of law. There shall be a transcript of the hearing.

SECTION 7.7. RIGHTS AT INVESTIGATION AND HEARING.
The person involved shall be entitled to representation during the investigation and hearing by any person or persons of his/her choice.

SECTION 7.8. REPORT OF INVESTIGATION AND HEARING.

a. The committee shall, upon the conclusion of the investigation and hearing, without unnecessary delay, make a report to the president, together with its recommendations. If the charges are sustained, the penalty may consist of a reprimand, suspension with or without pay, or removal. The president shall make a report to the board together with his/her recommendations. No member of the instructional staff shall be removed except at a regular or special meeting to the board by an affirmative vote of the majority of all the members of the board, except members ex officio.

c. Prior to the board's final determination and judgment, the person involved shall be entitled to an appeal before the board on the record with the right of representation by any person or persons of his/her choice.

SECTION 7.9. EXCLUSIONS.

This article shall not be applicable to those members of the instructional staff in titles listed in section 6.6.e. of these bylaws.

ARTICLE VIII ORGANIZATION AND DUTIES OF THE FACULTY

SECTION 8.1. DEFINITION OF FACULTY RANK.

The presidents, vice presidents, deans, associate and assistant deans, the business managers, and all persons who are employed full-time on an annual salary basis in titles on the permanent instructional staff, except college laboratory technicians, shall have faculty rank. All persons having faculty rank shall have the right to vote both in the faculty of which they are members and in their respective departments provided, however, that they have not received notice of non-reappointment, or submitted a resignation. A person with faculty rank who is retiring shall retain his/her voting rights during his/her last year of active service, except while on Travia leave. Members with faculty rank in the Hunter College High School and the Hunter College Elementary School shall be subject to the limitations in section 8.3. which refer to them.

SECTION 8.2. DEFINITION OF FACULTY STATUS.

Persons employed full-time in the titles of instructor, or lecturer (full time), distinguished lecturer or clinical professor, who have been reappointed on an annual salary basis for a third or later year of continuous full-time service shall have faculty status. All persons having faculty status shall have such voting rights as they are entitled, provided, however, that they have not received notice of non-reappointment, or submitted a resignation. A person with faculty status who is retiring shall retain his/her voting rights during his/her last year of active service, except while on Travia leave.
SECTION 8.3. THE FACULTY, EXCEPT IN THE CITY COLLEGE AND THE GRADUATE SCHOOL AND UNIVERSITY CENTER.

The faculty (except in the City College and the Graduate School and University Center) shall consist of all persons having faculty rank or faculty status and such other individual members of the instructional staff as the faculty may add because of their educational responsibilities except that members with faculty rank in the Hunter College High School and the Hunter College Elementary School shall have membership in the faculties of their respective schools, and shall have membership in the faculty of hunter college only if they have faculty rank or status concurrently in the faculty of hunter college.

SECTION 8.4. THE FACULTIES OF THE CONSTITUENT SCHOOLS OF THE CITY COLLEGE.

The membership of the faculties of the respective schools of the City College shall be constituted as follows:

a. The faculty of the SCHOOL OF ENGINEERING shall include the president, the vice president, the dean of the school, the dean of graduate studies of the school, the dean of administration, the dean of students, the dean of the school of general studies, the chairperson of the library department, the registrar, the business manager, and the members of the professional departments who have faculty rank, and in addition, two representatives each of the departments of chemistry, mathematics, and physics, and one representative of each of the other departments upon which the school of engineering draws in its curriculum excepting that the president may, upon the recommendation of the dean of the school of engineering, withdraw representation from any such department because of the limited participation of that department in the work of the school. Upon the recommendation of the dean of the school, the president shall also have the power to enlarge the representation of any such department because of its participation in the special instruction of the school and to withdraw such additional representation. Subject to the right of the president to withdraw departmental representation as stated above, representatives elected by departments shall have faculty rank and shall be elected by the members of each department and shall serve for staggered three-year terms, following the initial term of office to which they were elected.

b. The faculty of the SCHOOL OF EDUCATION shall include the president, the vice president, the dean of the school, the dean of graduate studies of the school, the dean of administration, the dean of students, the chairperson of the library department, the registrar, the business manager, and the members of the professional departments who have faculty rank, and one representative of each department in other schools of the college upon which the school of education draws for its curriculum excepting that the president may, upon the recommendation of the dean of the school of education, withdraw representation from any such department because of the limited participation of that department in the work of the school. Upon recommendation of the dean of the school, the president shall also have the power to enlarge the representation of any such department because of its participation in the special instruction of the school and to withdraw such additional representation. Subject to the right of the president to withdraw departmental representation as stated above, representatives elected by departments shall be elected by the members of faculty rank in each department and shall serve for staggered three-year terms, following the initial term of office to which they were elected.

c. The faculty of the SCHOOL OF ARCHITECTURE shall include the president, the vice president, the dean of the school, the dean of administration, the dean of students, the chairperson of the library department, the registrar, the business manager, and the members of the professional departments who
have faculty rank, and one representative of faculty rank of each department in other schools of the college upon which the school of architecture draws for its curriculum excepting that the president may, upon the recommendation of the dean of the school of architecture, withdraw representation from any such department because of the limited participation of that department in the work of the school. Upon the recommendation of the dean of the school, the president shall also have the power to enlarge the representation of any such department because of its participation in the special instruction of the school and to withdraw such additional representation. Subject to the right of the president to withdraw departmental representation as stated above, representatives elected by departments shall be elected by the members of faculty rank in each department and shall serve for staggered three-year terms, following the initial term of office to which they were elected in nineteen hundred sixty-nine.

d. The faculty of the SCHOOL OF NURSING shall include the president, the vice president, the dean of the school, the dean of administration, the dean of students, the chairperson of the library department, the registrar, the business manager, and the members of the professional departments who have faculty rank, and one representative of faculty rank of each department in other schools of the college upon which the school of nursing draws for its curriculum excepting that the president may, upon the recommendation of the dean of the school of nursing, withdraw representation from any such department because of the limited participation of that department in the work of the school. Upon the recommendation of the dean of the school the president shall also have the power to enlarge the representation of any such department because of its participation in the special instruction of the school and to withdraw such additional representation. Subject to the right of the president to withdraw departmental representation as stated above, representatives elected by departments shall be elected by the members of faculty rank in each department and shall serve for staggered three-year terms, following the initial term of office to which they were elected in nineteen hundred sixty-nine.

e. The faculty of the COLLEGE OF LIBERAL ARTS AND SCIENCE shall include the president, the vice president, the dean of the school, the dean of graduate studies of the school, the dean of administration, the dean of students, the dean of the school of general studies, the chairperson of the library department, the registrar, the business manager, and the members of the academic departments, including the library and student personnel services departments, who have faculty rank.

e.f. The faculties of the several schools shall have the power to add other individual members of the staff to the membership of their respective faculties because of their educational responsibilities.

SECTION 8.54. THE FACULTY OF THE GRADUATE SCHOOL—AND UNIVERSITY CENTER.

The faculty of the graduate school and university center shall include the president of the graduate school and university center, the provost or vice president of academic affairs, vice presidents and deans of the graduate school with underlying faculty appointments and university center, and the members of the faculty in each doctoral and master’s program, as defined in the governance plan, and such other individual members of the instructional staff as the faculty may add because of their educational responsibilities.

SECTION 8.65. DUTIES OF FACULTY.

The faculty shall meet at least once in each semester, or oftener, upon call by the president, or by petition of ten per cent of its members. The faculty shall be responsible, subject to guidelines, if any, as established by the board, for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefor, student attendance including leaves of absence, curriculum, awarding of college credit, granting of degrees. It shall make its own bylaws, consistent with these bylaws, and conduct
the educational affairs customarily cared for by a college faculty. The president shall preside at its meetings, or in his/her absence, the dean of faculty or a dean designated by the president.

SECTION 8.76. FACULTY/ACADEMIC COUNCILS, EXCEPT IN THE GRADUATE SCHOOL AND UNIVERSITY CENTER.

Each college shall have a faculty or academic council, which shall be the primary body responsible for formulating policy on academic matters. The composition of a college’s faculty or academic council shall be set forth in its governance plan approved by the board of trustees.

a. In every college or school of a college, except in the Graduate School and University Center, in which the faculty shall exceed one hundred members there shall be a faculty council. The faculty council shall consist of the president, the vice president, deans, the registrar, the business manager, and two delegates from each department where available. One such delegate shall be the department chairperson. The other shall be a person of faculty rank elected by the department. In addition, delegates-at-large, equal to the number of instructional departments, shall be elected. The method of nomination and election of delegates-at-large shall be determined in each college or school by the faculty council provided such delegates-at-large have faculty rank or faculty status. Vacancies shall be filled in the same manner for the unexpired term. Each of the above delegates, except the department chairperson, shall be elected for a three-year term in May of the appropriate year by secret ballot of the members entitled to vote in each department, following the initial term of office to which they were elected.

b. The council shall have all the responsibilities of the faculty, subject only to the right of the faculty, upon its own motion, to reverse any specific vote of the faculty council by a two-thirds vote of those entitled to vote for delegates-at-large to the faculty council at a meeting duly called on notice of the action to be considered.

SECTION 8.8. FACULTY SENATE OF THE CITY COLLEGE.

a. In the City College, in addition to the several faculties and the faculty council of the college of liberal arts and science, there shall be a faculty senate composed of the president, the vice president, all full deans, ex officis, without vote, and both senior and junior senators. Senior senators shall be persons holding faculty rank, elected by vote of all the members of the instructional staff who hold such rank. Junior senators shall be persons holding teaching appointments who do not have faculty rank, elected by vote of all such persons. The number of senior senators shall annually be determined in accordance with a formula which would yield the following representation if elections were to be made by departments from among their own members, namely: departments having ten or fewer full-time persons of professorial rank, including the chairperson, one senator; departments having eleven to twenty-five such persons, two senators; departments having twenty-six to fifty such persons, three senators; and departments having fifty-one or more such persons, four senators. Senior senators elected in the first election shall be divided by lot into three classes with terms expiring June 30th, 1970, 1971 and 1972, respectively, and thereafter successive classes shall be elected in the spring for three-year terms. The junior senators shall be fifteen in number, elected at-large in the spring for annual terms of office. In the first three elections both senior and junior senators shall be elected according to the hare system of proportional representation applied separately to the three divisions of the college of liberal arts and science and to each of the professional schools, but applied collectively to all junior senators without reference to school or division. Vacancies in unexpired terms shall be filled by majority vote of those present and voting at any regularly called meeting of the faculty senate, due notice
having been given. The senate shall determine whether to continue the hare system or to use some other
method of election for senior of junior senators, or both, as the fourth election or any subsequent annual
election approaches. The senate may, by its own action, increase the ex officiis membership at any time.

b. The faculty senate of the City College shall, in respect to matters which affect the City College as a
whole, have the same duties and powers as are set forth for the faculties in section 8.6. hereof. Matters
affecting the individual school or college only shall remain the responsibility of the respective faculties.
d. The faculty senate shall have power to adopt its own bylaws and procedures which shall not be inconsistent
with these bylaws.

SECTION 8.97. COMMITTEE ON FACULTY PERSONNEL AND BUDGET,
EXCEPT IN THE CITY COLLEGE AND THE GRADUATE SCHOOL AND
UNIVERSITY CENTER.

a. There shall be in each college, except in the City College and the Graduate School and University
Center, a committee on faculty personnel and budget or equivalent committee. The chairperson of this
committee shall be the president. The members of the committee may include the department
chair, the vice president of academic affairs and one or more deans designated by the president
and the department chairperson.

b. This committee shall receive from the several departments all recommendations for annual appointments
to the full-time faculty titles, including annual appointments to the titles distinguished lecturer, clinical
professor, lecturer and instructor as well as titles in the college laboratory technician series instructional
staff, reappointments thereto, with or without tenure, and promotions therein, together with compensation;
it shall recommend action thereon to the president. If the recommendations are adverse to the person
concerned and if he/she considers himself/herself aggrieved within the terms and conditions of an existing
collective negotiation agreement, he/she may avail himself/herself of the grievance procedures set forth in
said agreement. The committee may also recommend to the president special salary increments. The
president shall consider such recommendations in making his/her recommendations on such matters to the
chancellor.

d. Within the period prescribed by the chancellor, the president shall prepare the annual tentative budget
and submit it to the committee for its recommendations. The committee shall make its recommendations
within the period prescribed by the chancellor and submit them to the president. The president shall submit
to the chancellor, within the period prescribed by the chancellor, such tentative annual budget, together with
his/her comments and recommendations and any comments and recommendations of the committee. Upon
failure of the committee to act upon the budget within the period prescribed by the chancellor, the president
shall submit to the chancellor his/her own recommendations, together with a statement of explanation.

SECTION 8.10. THE REVIEW COMMITTEE ON FACULTY PERSONNEL AND
BUDGET IN THE CITY COLLEGE.

a. In the City College there shall be a review committee on faculty personnel and budget. The chairperson of
this committee shall be the president of the college. The members of this committee shall be the vice
president, the dean of students, and the respective deans of faculty of the college of liberal arts and
science, the school of education, the school of engineering, the school of architecture, and the school of
nursing. This committee shall exercise the functions assigned in subdivisions "b" and "c" of section 8.9. to
the committee on faculty personnel and budget in the other colleges, except that the review committee on
The faculty of each school in the City College may establish a committee or committees on faculty personnel and budget. The manner of constituting the several committees and the procedure to be followed by them shall be subject to the approval of the president and the dean of the school concerned. If the recommendations of the review committee on faculty personnel and budget are adverse to the person concerned and if he/she considers himself/herself aggrieved within the terms and conditions of an existing collective negotiation agreement, he/she may avail himself/herself of the grievance procedures set forth in said agreement.

SECTION 8.118. APPOINTMENTS AND PROMOTIONS IN THE GRADUATE SCHOOL AND UNIVERSITY CENTER.

Appointments financed by the Graduate School and University Center budget shall be recommended to the board of trustees in the following manner:

a. When the line is allocated to one of the colleges, the appointment, reappointment, promotion, and tenure shall be processed in accordance with procedures followed at the respective college and shall require the approval of the president of that college.

b. For faculty positions at the Graduate School and University Center forin a doctoral program, the appointment, reappointment, promotion, and tenure shall first be recommended by the appropriate executive committee by a majority vote, and shall require the approval of the president shall be processed in accordance with procedures in the Graduate School’s governance plan and University Center.

e-b. The president, pursuant to his/her responsibility for conserving and enhancing the educational standards of the Graduate School and University Center, may recommend an appointment to any professorial rank and upon such appointment may designate such person as executive officer for the program. Before recommending such original appointment or designation, the president shall confer with members of the program.

SECTION 8.129. PROCEDURE FOR COLLEGE COMMITTEES ON FACULTY PERSONNEL AND BUDGET OR THEIR EQUIVALENT; ALL COMMITTEES ON FACULTY PERSONNEL AND BUDGET IN THE CITY COLLEGE; AND ALL COMMITTEES CONCERNED WITH APPOINTMENTS AND PROMOTIONS IN THE GRADUATE SCHOOL AND UNIVERSITY CENTER.

Each college committee on faculty personnel and budget or its equivalent concerned with instructional staff appointments, reappointments with tenure, and promotions shall keep minutes of its proceedings conforming insofar as is practicable to the most recent edition of Robert’s Rules of Order–Revised. The actions of the committee shall be by secret ballot and the results of the balloting shall be duly recorded in its minutes. All records of the proceedings with respect to a candidate shall be filed in the candidate’s administration file, available only to the committees and individuals responsible for the review and recommendation of appointments, reappointments, promotions, and tenure. It shall be the duty and responsibility of the president, or his/her designee, to communicate to the candidate the action of the committee but no reason shall be assigned for the action taken. The affirmative recommendation of the committee
shall be submitted to the president in accordance with the procedures set forth in the bylaws of the board. A negative recommendation of the committee shall be final unless an appeal filed by the employee is successful.

SECTION 8.4310 UNIVERSITY FACULTY SENATE.

There shall be a university faculty senate, responsible, subject to the board, for the formulation of policy relating to the academic status, role, rights, and freedoms of the faculty, university level educational and instructional matters, and research and scholarly activities of university-wide import. The powers and duties of the university faculty senate shall not extend to areas or interests which fall exclusively within the domain of the faculty councils of the constituent units of the university. Consistent with the powers of the board in accordance with the education law and the bylaws of the board, the university faculty senate shall make its own bylaws providing for the election of its own officers, the establishment of its own rules and procedures for the election of senators, for its internal administration and for such other matters as is necessary for its continuing operations.

SECTION 8.4411. COLLEGE GOVERNANCE PLANS.

The provisions in duly adopted college governance plans shall supersede any inconsistent provisions contained in this article.

ARTICLE IX ORGANIZATION AND DUTIES OF FACULTY DEPARTMENTS

SECTION 9.1. DEPARTMENT ORGANIZATION.

a. Each department, subject to the approval of the faculty or faculty council, where existent, and subject to the provisions of other sections of these bylaws, shall have control of the educational policies of the department through the vote of all of its members who have faculty rank or faculty status; and if the department so desires, it may also choose to permit a vote on departmental matters by enfranchise persons in visiting professorial titles and other members who have been appointed on an annual salary basis for a first or second year of full-time service. The right to vote on departmental matters except for the election of department chairpersons and the departmental committee on personnel and budget, referred to in some colleges as the departmental committee on appointments, shall be reserved to those with faculty rank.

b. The executive officer of the department shall be the department chairperson who shall be a professor, associate professor or assistant professor elected by secret ballot for a term of three years, except as provided below, by a majority vote of all the members of the instructional staff of the department who have faculty rank. Proxy or mail voting shall not be permitted. The department chairperson must be tenured or have been approved by the board for tenure at the time of his/her election, except in departments less than seven years old. Such elections shall be subject to the subsequent approval of the president and the board. The present system of staggered departmental elections shall be continued. The successors of department chairpersons shall be elected during the first full week in May at the expiration of the respective terms of office to take office as of July first of the year in which they are elected and at the three year intervals thereafter. Vacancies shall be filled by election for the unexpired term. Notwithstanding anything in the foregoing to the contrary, in the library department, the president of the college shall from time to time recommend a member of the department to the board for designation as
Chairperson. Department chairpersons who are not tenured professors, associate professors or assistant professors on January 1, 1976 may fill out their unexpired terms as chairpersons, subject to the provisions of sections 9.1. (c) and 9.6. (a) of these bylaws.

c. In any case where the president does not approve the election of a department chairperson, or at such other time as the interests of the college may require the removal of a chairperson and the appointment of a new one, he/she shall confer with the department and thereafter shall report to the board, through the chancellor any subsequent action by the department with respect thereto, together with his/her own recommendation for a chairperson. The recommendation by the president to the board, through the chancellor, for the designation of the department chairperson should take place only after careful consideration by the president of the qualifications of those selected by the respective departments. The president shall base his/her recommendation on the capacity of the individual selected to act effectively as the departmental administrator and spokesperson and as a participant in the formation, development, and interpretation of college-wide interest and policy.

d. Where there are less-fewer than three tenured professors, associate professors, and assistant professors in a department, the president may, except where the department has been in existence for less than seven years, after consultation with the departmental faculty, recommend the appointment of a chairperson to the board from among the members of the department holding professorial rank. Where the department chairperson is recommended by the president pursuant to this subdivision, subdivision "c" of this section, or subdivision "a" of section 9.65, the chairperson need not be tenured.

e. The faculty, unless there be a faculty council, in which case the faculty council (except in the City College, in which case it shall be the faculty senate), shall have the option of determining whether the college shall operate under plan no. one or plan no. two, as outlined below and in section 9.8.

**PLAN NO. ONE**

There shall be in each department a committee on appointments consisting of the department chairperson and, where possible, of four other members who must have faculty rank. The number of members of faculty rank shall not affect provision for student membership if a college governance plan so provides. Four of the faculty members of the committee must be tenured, except if the department has fewer than four tenured faculty members. The department chairperson shall be the chairperson of the committee. The four faculty members shall be elected by a majority vote of those persons in the department having faculty rank. Election shall be held at the same time that the department chairperson is elected. A vacancy in the office of the chairperson prior to expiration of his/her term when such vacancy necessitates an election for a new chairperson shall not affect the term of the committee.

**PLAN NO. TWO**

Each department shall operate as follows, unless the governance plan provides otherwise: There shall be in each department a department committee on personnel and budget, referred to in some colleges as a department committee on appointments, consisting of the department chairperson and where possible, of four other members who must have faculty rank. The number of members of faculty rank shall not affect provision for student membership, if a college governance plan so provides. Four of the faculty members of the committee must be tenured, except if the department has fewer than four tenured faculty members. The department chairperson shall be the chairperson of the committee. The four faculty members shall be elected by a majority vote of those persons in the department having faculty rank. Election shall be held at the same time that the department chairperson is elected. A vacancy in the office of the chairperson prior to expiration of his/her term when such vacancy necessitates an election for a new chairperson shall not affect the term of the committee. A president may remove a member of the personnel and budget committee, for good cause, at the request of a majority of the members of such committee. Such request shall be in writing, and the member whose removal is sought shall have an opportunity to respond. If a
member of the personnel and budget committee is removed by the President, an election shall be held to fill the vacancy.

In departments with fewer than four tenured faculty members, the president after consultation with the departmental faculty, shall appoint an ad hoc committee to make recommendations on appointments with tenure in lieu of a committee on appointments or a departmental committee on personnel and budget.

f. There shall be a committee on personnel and budget for the Hunter College Elementary School and a committee on personnel and budget for the Hunter College High School. The committee in each school shall consist of the principal, as chairperson, the chairperson of the department, a designee of the provost of education of Hunter College, and three members of the instructional staff of the school, elected for a term of three years by members of the permanent instructional staff of the school. These committees shall have in each school, insofar as practicable, the same functions as are assigned by these bylaws to a departmental committee on personnel and budget in a college.

Each department may name such other committees as it chooses and shall have the fullest measure of autonomy consistent with the maintenance of general educational policy.

SECTION 9.2. PROCEDURES FOR DEPARTMENT COMMITTEES.

Each department committee shall keep minutes of its proceedings conforming insofar as is practicable to the most recent edition of Robert's Rules of Order, Revised. It is the responsibility of the department chairperson, except as specified below, to circulate the minutes of each departmental committee to all members of the department.

The actions of the appropriate committee concerned with instructional staff appointments, reappointments, reappointments with tenure, and promotion shall be by secret ballot, and the result of the balloting shall be duly recorded in its minutes. All records of the proceedings with respect to a candidate shall be filed in the candidate's administration file, available only to the committees and individuals responsible for the review and recommendation of appointments, promotion, and tenure. It shall be the duty and responsibility of the department chairperson to communicate to the candidate the action of the committee, but no reason shall be assigned for the action taken—a negative recommendation. The affirmative recommendations of the committee shall be submitted by the department chairperson to the president and appropriate college committee on personnel and budget in accordance with procedures set forth in the bylaws of the board.

SECTION 9.3. DUTIES OF DEPARTMENT CHAIRPERSON.

a. The department chairperson shall be the executive officer of his/her department and shall carry out the department's policies, as well as those of the faculty and the board which are related to it. He/she shall:

1. Be responsible for departmental records.
2. Assign courses to and arrange programs of instructional staff members of the department.
3. Initiate policy and action concerning the recruitment of faculty and other departmental affairs subject to the powers delegated by these bylaws to the staff of the department in regard to educational policy, and to the appropriate departmental committees in the matter of promotions and appointments.
4. Represent the department before the faculty council or faculty senate, the faculty, and the board.
5. Preside at meetings of the department.
6. Be responsible for the work of the department's committee on appointments or the department's committee on personnel and budget which he/she chairs.
7. Prepare the tentative departmental budget, subject to the approval by the department's committee on appointments or the department's committee on personnel and budget.
8. Transmit the tentative departmental budget *with his/her own recommendations* to the president *with his/her own recommendations or the dean or provost as the president may designate*.

9. Arrange for careful observation and guidance of the department's instructional staff members.

10. Make a full report to the president and to the college committee on faculty personnel and budget of the action taken by the department committee on personnel and budget or department committee on appointments when recommending an appointee for tenure on the following, *as well as any other criteria set forth in university policies*:

   a. Teaching qualifications and classroom work.
   b. Relationship of the appointee with his/her students and colleagues.
   c. Appointee's professional and creative work.

11. Hold an annual evaluation conference with every member of the department after observation and prepare a memorandum thereof.

12. Generally supervise and administer the department.

b. Each library, where size makes it practicable, shall constitute an instructional department of the college. The chairperson thereof shall be designated by the president. Such chairperson, in addition to the duties of department chairperson as enumerated in paragraph "a" of this section, shall be charged with the administration of the library facilities of his/her college and shall perform such other duties as the president may assign. Such chairperson is hereby authorized to use the additional title of "chief librarian."

c. Where student personnel services are constituted an instructional department of the college, the dean of students shall be the department chairperson.

**SECTION 9.4. PROGRAM STRUCTURE IN THE GRADUATE SCHOOL AND UNIVERSITY CENTER.**

a. The faculty of each doctoral program shall meet at least once each year. A quorum shall consist of 25 people or 50% of the faculty, whichever is smaller. The faculty shall have overall responsibility for establishing policies for the program. It shall make recommendations to the graduate council with respect to curriculum, and to the president with respect to special program requirements for the admission and retention of students and for the granting of doctoral degrees, the awarding of university grants and fellowships, and any other matters affecting the welfare of the program. It shall be responsible for the policies governing the various qualifying examinations for the doctoral degree.

b. Each doctoral program shall have an executive officer responsible for administering the affairs of the program in accordance with the policies established by the program faculty, the graduate council, and the board of trustees. The executive officer shall be appointed by the president for a term not exceeding three years taking into account nominations received from the faculty and students of the program. The executive officer may be reappointed. The executive officer is subject to removal by the president, prior to which the president shall confer with members of the program.

c. There shall be established in each doctoral program an executive committee to be composed of at least five members. The structure and membership of each executive committee is to be determined by the program's faculty subject to approval by the president. It shall include at least one faculty member from each senior college substantially participating in the program ("substantially participating" shall be defined as having six members on the faculty of the program).
The executive committee shall have the authority for the operation of the program between the stated
meetings of the program's faculty subject to the policies established by the faculty. It shall meet at least
once a semester with the students matriculated in the program.

The executive officer shall serve as chairperson of the executive committee.

d. The students of each doctoral program shall have responsibility through student representatives to the
executive committee and the standing committees to make known their views on the policies of the
program.

SECTION 9.5. DUTIES OF EXECUTIVE OFFICERS IN THE GRADUATE
SCHOOL AND UNIVERSITY CENTER.

The executive officer shall preside at meetings of the program's faculty and of the executive committee.
He/she shall have authority to initiate policies and action concerning the affairs of the program subject to the
powers delegated by these bylaws to the program's faculty. He/she shall serve ex officio as a member of all
program committees. He/she shall represent the program before the graduate council. He/she shall prepare the
schedule of courses to be offered in the program after consultation with the representative groups of faculty
and students.

SECTION 9.6. RECRUITMENT.

The recruitment process is a continual one. The recruitment effort for any full-time faculty appointment
should normally be of at least one year's duration. The primary responsibility for recruitment shall rest with
the department chairperson. Department personnel committees shall be accountable to the chairperson for
their recruitment efforts, and they shall maintain written records of the recruitment process sufficient to
permit review of the process by appropriate university officers.

SECTION 9.75. APPOINTMENTS.

a. Recommendations for full-time appointments in a department shall be initiated (1) by the department or
(2) to a professorial title by the president pursuant to his/her responsibilities in accordance with section
11.4. of these bylaws. The president may recommend that such appointee be designated as department
chairperson. Such recommendation by the president for appointment and designation as department
chairperson may be made either at the time of election of department chairperson or at such other time as
the educational interests of the college may require. Before recommending such appointment or
designation, the president shall confer with the members of the department and with the college
committee on faculty personnel and budget.

b. All full-time appointments, reappointments, and reappointments with tenure to a department, except as
above specified, shall be recommended to the college committee on faculty personnel and budget or its
equivalent by the chairperson of the department after consultation with the president in accordance with
the vote of the majority of the members of the department's committee on appointments or departmental
committee on personnel and budget, save that a minority of any committee on appointments or
departmental committee on personnel and budget shall have power to submit a minority recommendation
to the college committee on faculty personnel and budget.
c. In the schools of general studies and in the evening sessions of the community college, recommendations for appointment or reappointment to full-time positions on an annual salary basis, and for tenure, promotion, and salary shall be made by the department involved and the dean of the school of general studies, or the dean of the evening session in the community college. Such recommendations shall be submitted to the college committee on faculty personnel and budget and shall follow regular procedures set forth in these bylaws for full-time day session appointments.

SECTION 9.86. PROMOTIONS.

a. Each college shall select one of the following plans for promotions:

PLN NO. ONE. Promotions of tenured instructors to the rank of assistant professor shall be recommended to the college committee on faculty personnel and budget by the chairperson of the department only after an affirmative vote of a majority of all members of the department who have professorial rank. Promotions to the rank of associate professor shall be recommended only after an affirmative vote of a majority of all associate professors and professors in the department. In departments where every professorial rank is not represented, recommendations for promotion shall be initiated by the committee on appointments of the department personnel and budget committee. This plan shall not apply in the case of promotion to a professorship. No faculty member shall vote on his/her own promotion. A minority of any departmental committee on personnel and budget or any committee under this plan shall have the power to submit a minority recommendation to the college committee on faculty personnel and budget.

PLN NO. TWO. All promotions in the instructional staff, except promotion to the rank of associate professor, shall be recommended to the college committee on faculty personnel and budget by the chairperson of the department only after a majority affirmative vote of the departmental committee on personnel and budget; provided, however, that no member of such committee shall vote on his/her own promotion. This plan shall not apply in the case of promotion to a professorship.

A minority of any departmental committee on personnel and budget or any committee under plan no. one of this section shall have the power to submit a minority recommendation to the college committee on faculty personnel and budget.

b. Promotion to the rank of professor shall be recommended by the faculty committee on personnel and budget only after an affirmative vote of a majority of all associate professors and professors on the committee.

c. The president, however, shall have the power to make an independent recommendation for promotion in any rank to the board, after consultation with the appropriate departmental committee and with the faculty committee on personnel and budget. In all instances no final action of departmental committees with regard to promotions shall be taken without consultation with the president.

b. Appointment and promotion of registrar or science assistant personnel shall conform with the spirit of these bylaws including the role of the president in initiating recommendations for appointments and promotions.

SECTION 9.97. TIE VOTES.
A tie vote in a case affecting an appointment, a reappointment, or a promotion shall be considered as a failure of the motion to prevail. Tie votes in the election of a department chairperson or for representation on departmental committees on personnel and budget or committees on appointments or on the faculty council or faculty senate shall be resolved by action of the president.

SECTION 9.10. GRIEVANCE.

Where a person is adversely affected by a decision of the department, or the college, or of any committee thereof, and he/she considers himself/herself aggrieved within the terms and conditions of an existing collective negotiation agreement, he/she may avail himself/herself of the procedures set forth in said agreement.

SECTION 9.118. NEW COLLEGES OR NEW SCHOOLS.

Unless otherwise provided, the provisions of this article, insofar as they specify certain organizational duties and responsibilities of the instructional staff, shall not apply to a newly-created college or a newly-created school in a college until five years after its establishment unless the president, prior thereto, notifies the board of its desire to be governed by these bylaws. However, insofar as practicable, the spirit of these bylaws shall be observed in the organization and operation of such new college or school.

SECTION 9.129. COLLEGE GOVERNANCE PLANS.

The provisions in a duly adopted college governance plan shall supersede any inconsistent provisions contained in this article.

ARTICLE X THE CENTRAL OFFICE

SECTION 10.1. THE CENTRAL OFFICE.

There is hereby established as an educational unit under the board that portion of the city university of New York which is administered centrally by the chancellor, either directly or through staff designated by and directly responsible to him/her. Such educational unit shall be known as the "central office" and shall consist of the central office staff and the staff of such other programs as are not otherwise provided for and which are not part of any of the existing senior or community colleges under the jurisdiction of the board. Persons holding central office positions shall be deemed to hold positions in the city university of New York.

ARTICLE XI DUTIES AND QUALIFICATIONS OF TITLES IN THE ADMINISTRATIVE OFFICERS AND MEMBERS OF THE INSTRUCTIONAL STAFF
SECTION 11.1. CONDITIONS AND QUALIFICATIONS FOR APPOINTMENT AND PROMOTION.

The minimum qualifications and duties for all titles in the instructional staff (referred to herein as “title descriptions”), other than those of chancellor, senior university staff and president, shall be established by the chancellor or his/her designee. For titles with faculty rank, any revisions to the title descriptions shall be approved by the board as a policy item. The chancellor or his/her designee shall establish a procedure for the approval of waivers of the minimum qualifications for titles in the instructional staff, with the exception of waivers of the minimum qualifications for faculty rank titles, which shall be approved by the board. All instructional staff title descriptions established by the Chancellor or his/her designee shall be deemed board policies for the sole purpose of the grievance procedure contained in the collective bargaining agreement between the university and the union representing the instructional staff and only in grievances brought pursuant to that grievance procedure by or on behalf of an instructional staff member represented by said union and only for the purpose of determining whether the instructional staff member is performing duties substantially different from those stated in the title description for his/her appointed title.

a. The board may by resolution prescribe physical standards and examinations as a prerequisite for appointment to the temporary and permanent instructional staff.

b. No person shall be required to meet the qualifications specified in this article in order to remain in his/her present rank, but all persons shall be required to meet such qualifications for appointment or promotion to any higher rank.

c. The qualifications and requirements hereinafter set forth may be waived by the board only in exceptional cases. In each such case, the president shall make a full written report, setting forth reasons why the application of the regulation is not possible or desirable, specifying clearly the qualifications of the candidate which can be reasonably accepted within the spirit of the requirement, and stating that the appointment or promotion is desirable for the good of the institution.

d. The board shall, in passing on recommendations regarding reappointments, promotions, and tenure, consider student evaluations of faculty classroom and teaching performance.

SECTION 11.2. CHANCELLOR.

A. Position Definition:

The chancellor shall be appointed by and report to the board. He/she shall be the chief executive, educational and administrative officer of the city university of New York and the chief educational and administrative officer of the senior and community colleges and other educational units and divisions for which the board acts as trustees. He/she shall be the chief administrative officer for the board and shall implement its policies and be the permanent chairperson of the council of presidents with the right and duty of exercising leadership in the work of the council. The chancellor shall have the following duties and responsibilities:

a. To initiate, plan, develop and implement institutional strategy and policy on all educational and administrative issues affecting the university, including to prepare a comprehensive overall academic plan for the university, subject to the board's approval; and to supervise a staff to conduct research, coordinate data, and make analyses and reports on a university-wide basis.
b. To unify and coordinate college educational planning, operating systems, business and financial procedures and management.

c. As to each educational unit:

1. To oversee and hold accountable campus leadership, including by setting goals and academic and financial performance standards for each campus.

2. To recommend to the board the appointment of the college president and senior campus staff.

3. To recommend directly to the board the underlying academic appointment of any president, with tenure, notwithstanding any other provisions in these Bylaws.

4. Periodically, but no less than every five years, review the performance of each college.

45. Present to the board all important reports, recommendations, and plans submitted by a college president, faculty or governance body with his/her recommendations, if any.

d. To prepare, with the advice of the council of presidents, the operating budget and the capital budget for consideration by the board and presentation to the state and the city.

e. To act as the representative of the university and its colleges with outside agencies and particularly to promote the interest and welfare of the university and its colleges with city, state and federal officials.

f. To promote a positive image of the university and to develop and enhance public and private sources of funding for the university.

g. To attend meetings of the board and its committees and to advise on all matters related to his/her duties and responsibilities.

h. To live in a residence provided for him/her by the board.

i. Nothing in this enumeration shall compromise or detract from the powers and duties of the board of trustees as defined in the state education law.

B. Qualifications:

He/she shall have an outstanding reputation as an educational administrator, executive, and scholar, and such personal qualities as will be conducive to success as a leader of scholars and teachers and as the chief executive officer and public representative of the university.

SECTION 11.3. SENIOR UNIVERSITY STAFF

A. The senior university staff shall include persons in the titles of executive vice chancellor, chief operating officer, senior vice chancellor, university provost, secretary to the board, vice chancellor, university administrator, university associate administrator, university assistant administrator, university dean, university associate dean, university assistant dean, and such other titles as the chancellor, with the approval of the board, may designate.

B. Position Definition:
The duties and responsibilities of the senior university staff shall be to assist the chancellor in designated areas of university operations and to represent him/her when so authorized.

SECTION 11.4. THE PRESIDENT.

A. Position Definition:

The president, with respect to his/her educational unit, shall:

a. Have the affirmative responsibility of conserving and enhancing the educational standards and general academic excellence of the college under his/her jurisdiction. Such responsibility shall include but not be limited to the duty to recommend to the chancellor for appointment, promotion, and the granting of tenure only those persons who he/she is reasonably certain will contribute to the improvement of academic excellence at the college. These recommendations shall be consistent with the immediate and long range objectives of the college.

b. Have the power (1) to remove a department chairperson in accordance with section 9.1.c., and (2) to initiate recommendations for appointment in a department to a professorial title in accordance with section 9.7.a.

c. Be an advisor and executive agent of the chancellor and have the immediate supervision with full discretionary power to carry into effect the bylaws, resolutions, and policies of the board, the lawful resolutions of any board committees, and policies, programs, and lawful resolutions of the several faculties and students where appropriate.

d. Exercise general superintendence over the facilities, concerns, officers, employees, and students of his/her college; in consultation with the chancellor, prepare and implement the college master plan, which shall be subject to the approval of the chancellor and the board.

e. Act as chairperson of the faculty, faculty council, and the committee on faculty personnel and budget, or of equivalent bodies as established.

f. Attend meetings of the board and advise the chancellor and the board on all matters related to educational policy and practice.

g. Transmit to the chancellor recommendations of his/her faculty or faculty council on matters of curriculum and other matters falling under faculty jurisdiction.

h. Consult with the appropriate departmental and faculty committees on matters of appointments, reappointments, and promotions; take student evaluations into account in making recommendations thereon; present to the chancellor his/her recommendations thereon; notify the appropriate faculty committees of his/her recommendations to the chancellor.

i. Recommend to the chancellor an annual college budget.

j. Consult with and make recommendations to the chancellor concerning all matters of significant academic, administrative or budgetary consequence affecting the college and/or the university.
k. Present to the chancellor communications from faculties, officers, employees, or students together with any advice or recommendations of his/her own concerning the subject of such recommendations or communications.

l. Between meetings of the board, be authorized in an emergency to fill temporary vacancies in the instructional staff below the rank of professor in accordance with the method of appointment herein provided and to make such administrative arrangements and appointments as cannot well await the action of the board or its appropriate committees.

m. Report annually to the chancellor and the board, on or before December thirty-first, concerning the affairs of his/her college during the preceding academic year.

n. Live in a residence provided for him/her by the board.

o. Have such additional specific duties as the chancellor shall designate.

**B. Qualifications:**

He/she shall have an outstanding reputation as an educational administrator; personal qualities conducive to success as a leader of scholars and teachers, and as an executive.

**SECTION 11.5. VICE PRESIDENT.**

**A. Position Definition.**

There may be vice presidents who shall have such duties and responsibilities as may be assigned to them by the president and one of them, as authorized by the president, shall act for the president and assume the duties of the president.

**B. Qualifications:**

They shall have, in addition to those qualifications of the instructional title held, such other special qualifications as the board may require.

**SECTION 11.5.1. ASSISTANT VICE PRESIDENT.**

**A. Position Definition:**

There may be assistant vice presidents who shall have such duties and responsibilities as may be assigned to them by the president and vice presidents.

**B. Qualifications:**

They shall have, in addition to those qualifications of the instructional title held, such other special qualifications as the board may require.
SECTION 11.6. DEAN, ASSOCIATE DEAN, ASSISTANT DEAN, ADMINISTRATOR, ASSOCIATE ADMINISTRATOR, AND ASSISTANT ADMINISTRATOR.

A. Position Definition:

In the colleges, dean, associate dean, assistant dean, administrator, associate administrator and assistant administrator shall have such duties and responsibilities, in addition to those set forth in these bylaws, as may be assigned to them by their president or referred to them through the president at the request of appropriate faculty bodies; and in the university staff, they shall have such duties and responsibilities as may be designated by the chancellor.

B. Qualifications:

They shall have, in addition to those qualifications of the instructional title held, such other qualifications as the board may require.

SECTION 11.7. INSTRUCTORS, ASSISTANT PROFESSORS, ASSOCIATE PROFESSORS, AND PROFESSORS.

A. Position Definition:

It shall be the responsibility of instructors, assistant professors, associate professors and professors to perform teaching, research, and guidance duties. They shall also, among other things, be responsible for committee and departmental assignments. They shall perform those administrative, supervisory, and other functions as may be assigned by the appropriate college or university authorities. Associate professors and professors, as the senior faculty shall have special responsibilities for maintaining the academic vitality of their departments. One of the principal means of exercising this responsibility is the continuation of peer evaluations of teaching members of the instructional staff, with special attention to their diligence in teaching and professional growth. Another chief responsibility of the senior faculty is to orient their junior and newly appointed colleagues. Senior faculty shall be available for such consultation and assistance in problems of both scholarship and teaching as the junior faculty may require.

B. Qualifications:

1. INSTRUCTOR.

For appointment as an instructor, the candidate must have demonstrated satisfactory qualities of personality and character, ability to teach successfully, interest in productive scholarship or creative achievement and willingness to cooperate with others for the good of the institution. He/she must also have an appropriate master’s degree from an accredited institution, or active progress toward a doctorate.

2. ASSISTANT PROFESSOR.

For appointment as or promotion (for instructors appointed prior to October 1, 1968) to assistant professor, the candidate must have demonstrated satisfactory qualities of personality and character,
evidence of significant success as a teacher, interest in productive scholarship or creative achievement and willingness to cooperate with others for the good of the institution. He/she must also have obtained the Ph.D. degree, or an equivalent degree, in an accredited university except that persons holding positions on December 31, 1975 as assistant professors or instructors in the community colleges shall have a master's degree and four years of appropriate teaching, technological, or industrial experience or the Ph.D. degree. In the libraries, for promotion to or appointment as assistant professor, the candidate must, in addition to the requirements of instructor, have completed a doctorate or an additional master's degree and in exceptional cases some other logical combination of two years' graduate study or more beyond the bachelor's degree.

3. ASSOCIATE PROFESSOR.

For promotion or appointment to the rank of associate professor, the candidate must possess the qualifications for an assistant professor, must have obtained the Ph.D. or an equivalent degree from an accredited university, and in addition he/she must possess a record of significant achievement in his/her field or profession, or as a college or university administrator. There shall be evidence that his/her alertness and intellectual energy are respected outside his/her own immediate academic community. There shall be evidence of his/her continued growth and of continued effectiveness in teaching. Longevity and seniority alone shall not be sufficient for promotion.

In the libraries, for promotion to or appointment as associate professor, the candidate must, in addition to the requirements set forth for assistant professors in the libraries, possess a record of significant achievement in his/her profession. There shall be evidence that his/her competence and achievements are recognized and respected outside his/her own immediate community.

4. PROFESSOR.

For promotion or appointment to the rank of professor, the candidate must possess the qualifications for an associate professor, and in addition a record of exceptional intellectual, educational, or artistic achievement and an established reputation for excellence in teaching and scholarship in his/her discipline. There shall be evidence of his/her continued growth and the judgment on promotion shall consider primarily evidence of achievement in teaching and scholarship following the most recent promotion. Longevity and seniority alone shall not be sufficient for promotion.

SECTION 11.85. EQUIVALENCIES.

1. 

a. For appointment as an assistant professor, associate professor, or full professor in a field in which there is a research PhD in general use, no other degree shall be accepted as equivalent to the PhD. unless there is also a professional doctorate in general use available in the field, in which case a college may declare either the PhD. or the relevant professional doctorate to be "preferred" for a specific appointment, or it could designate them as equally acceptable.

b. For appointment as an assistant professor, associate professor, or full professor in fields in which the PhD. is not the terminal degree in the field, the executive vice chancellor and university provost shall
prepare and make available to the colleges a list of credentials that may be accepted in lieu of the PhD degree.

2. In the evaluation and interpretation of equivalencies there must be a direct and specific relationship between the discipline represented and the field in which the candidate is to serve.

SECTION 11.9. DISTINGUISHED PROFESSORS.

A. Position Definition:

Persons appointed as distinguished professors shall engage in teaching and research duties. They shall not serve as administrators.

B. Qualifications:

For appointment to the position of distinguished professor a person shall have all of the qualifications necessary for appointment as a professor. He/she shall be either a professor in the university or a recognized distinguished scholar in the academic world. In addition he/she must be a person of outstanding merit and accomplishment in his/her field.

SECTION 11.10. VISITING ASSISTANT PROFESSORS, VISITING ASSOCIATE PROFESSORS, AND VISITING PROFESSORS.

A. Position Definition:

Persons employed as visiting assistant professors, visiting associate professors, or visiting professors shall perform duties comparable to those performed by assistant professors, associate professors, or professors respectively, on a full-time or part-time basis.

B. Qualifications:

For appointment as a visiting assistant professor, visiting associate professor, or visiting professor a person must have those qualifications or professional achievement and training comparable to those of faculty members in corresponding ranks, and, in addition, he/she must be a person who is highly regarded in his/her scholarly field and whose primary commitment is to another accredited college or university. He/she may be appointed through regular channels of the college or university as visiting professor, visiting associate professor, or visiting assistant professor.

SECTION 11.11. ADJUNCT LECTURERS, ADJUNCT ASSISTANT PROFESSORS, ADJUNCT ASSOCIATE PROFESSORS, AND ADJUNCT PROFESSORS.

A. Position Definition:

Person employed in this adjunct series shall be assigned to teach part-time or perform related duties on a part-time basis.

B. Qualifications:
For appointment as adjunct lecturer, adjunct assistant professor, adjunct associate professor, and adjunct professor a person must have those qualifications or professional achievement and training comparable to those of faculty members in the corresponding ranks of lecturer (full-time), assistant professor, associate professor, and professor appointed through the regular channels of the colleges or university.

SECTION 11.12. RESEARCH ASSOCIATE.

A. Position Definition:

Research associates shall participate in the academic research projects conducted in connection with programs of the city university. No research associate shall be assigned to regular teaching duties.

B. Qualifications:

For appointment as research associate, a person must possess a doctoral degree and have demonstrated research ability.

SECTION 11.13. INSTRUCTOR (NURSING SCIENCE).

A. Position Definition:

Persons employed as instructor (nursing science) shall perform teaching and counseling services in their department. They shall also be responsible for keeping apprised of new developments in the field of health care.

B. Qualifications:

For appointment as instructor (nursing science), the candidate must have demonstrated satisfactory qualities of personality and character, ability to teach and to serve as counselor to students. The candidate must have the registered nurse license (or equivalent professional education), a master's degree, and appropriate specialized experience.

SECTION 11.14. ASSISTANT TO HIGHER EDUCATION OFFICER.

A. Position Definition:

An assistant to higher education officer shall, generally under the supervision of a higher education officer or university dean or college dean, perform such administrative duties as may be assigned to him/her.

B. Qualifications:

For appointment as assistant to higher education officer, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must show potential for significant achievement and growth. He/she must possess a baccalaureate degree.

SECTION 11.15. HIGHER EDUCATION ASSISTANT.
A. Position Definition:

The duties of a higher education assistant are generally to serve as an assistant to one of the major educational officers of a college or the university with responsibility for a limited area of planning, research or professional and/or administrative duties as may be assigned.

B. Qualifications:

For appointment as higher education assistant, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least four years of experience in one or more related areas and be sufficiently adaptable to apply such experience to the field in which his/her responsibility will lie. He/she must possess at least a baccalaureate degree and show definite potential for significant achievement and growth in the area to which he/she is assigned. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the four years of experience in determining qualifications for the position of higher education assistant.

SECTION 11.16. HIGHER EDUCATION ASSOCIATE.

A. Position Definition:

The duties of a higher education associate are:

a. To serve as deputy for a higher education officer or

b. To assume administrative responsibility, in most instances under the general supervision of a university or college dean for some major area of university or college activity, such as institutional research, campus planning and development, coordination of relations with community and civic groups, supervision and coordination of all educational data processing, coordination of applications to federal, state, and private foundations for educational grants, direction of specific specialized campus activities or

c. To function as executive assistant to the chancellor or president or

d. To develop some major aspect of new programs.

B. Qualifications:

For appointment as higher education associate, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least six years of related experience. He/she must be sufficiently well versed in the overall functions of the university to be able to serve as deputy for a higher education officer, or to carry full responsibility, in most instances under the general supervision of a university or college dean for some major area of university or college activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and
demonstrable skills and/or years of experience may be substituted for the six years of experience in determining qualifications for the position of higher education associate.

SECTION 11.17. HIGHER EDUCATION OFFICER.

A. Position Definition:

The duties of a higher education officer are:

a. To assume full administrative responsibility for some major area of university or college activity, such as institutional research, campus planning and development, coordination of relations with community and civic groups, supervision and coordination of all educational data processing, coordination of applications to federal, state, and private foundations for educational grants, direction of specific specialized campus activities or

b. To function as executive assistant to the chancellor or president or

e. To develop some major aspect of new programs.

B. Qualifications:

For appointment as higher education officer, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least eight years of related experience. He/she must be sufficiently well versed in the overall functions of a university to be able to assume full responsibility, answerable as a general rule to his/her college president (or to the chancellor, deputy chancellor or vice chancellor if he/she is assigned to a university position) for some major area of university or college activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the eight years of experience in determining qualifications for the position of higher education officer.

SECTION 11.18. ASSISTANT TO BUSINESS MANAGER.

A. Position Definition:

Assistant to business manager will serve either as the administrator of one of the functions in university business management in the functional title of payroll supervisor, college purchasing agent, personnel officer for non-academic personnel, etc., or in a professional area such as systems analysis. Rotation of assignment for management development may be required.

B. Qualifications:

For appointment as assistant to business manager, the candidate must have demonstrated satisfactory qualities of personality, technical competence, and managerial ability, as well as the ability to work with others for the welfare of the institution. He/she must indicate a potential for future personal professional growth and development. He/she must have had at least four years of experience involving supervisory,
managerial, business, professional, or technical, responsibilities at an appropriate level in one or more areas involved in university business management and must possess a baccalaureate degree.

SECTION 11.19. ASSISTANT BUSINESS MANAGER.

A. Position Definition:

Assistant business manager will serve either as coordinator of a group of functions in university management or as the administrator of a major function. He/she will assist the business manager.

B. Qualifications:

For appointment as assistant business manager, the candidate must have demonstrated satisfactory qualities of personality, technical competence, managerial ability, and the ability to work with others for the welfare of the institution. He/she must have had at least six years of experience at an appropriate level of supervisory, managerial, business, professional, or technical responsibility in one or more functional areas involved in university business management, and he must possess a baccalaureate degree. For present incumbents in the title of assistant to the business manager, ten years of appropriate experience and a high school diploma may be accepted in lieu of a baccalaureate degree and six years of experience.

SECTION 11.20. BUSINESS MANAGER.

A. Position Definition:

The business manager shall:

a. Serve as chief fiscal officer of a college or unit of the university;
b. Direct, for the president, the preparation of the budget and control the operation of the budget;
c. Direct fiscal operations, including all financial records and reports;
d. Direct the management of administrative and custodial personnel;
e. Direct purchasing and control of stores and property;
f. Direct the management of the operations and maintenance of the physical facilities (if so assigned by the president);
g. Direct the operation of auxiliary enterprises;
h. Direct and coordinate the finances of student organizations; or

i. Direct a major central service function in one or more areas in the office of a vice chancellor.

B. Qualifications:

For appointment as business manager the candidate must have at least the qualifications of an assistant business manager and in addition he/she must have had extensive experience in business management with emphasis in those areas normally related to a college or university. Time spent in college business
management or in teaching business administration at the college level may be accepted as part of such experience. The candidate must have personal qualities of leadership which will enable him to secure the respect and loyalty of the several categories of employees who are under his direction and an understanding of general educational objectives and academic procedures which will command the respect and cooperation of the instructional staff.

SECTION 11.21. ASSISTANT REGISTRAR.

A. Position Definition:

The assistant registrar shall perform assigned duties under the general direction of the person in charge of the registrar function as directed and he/she shall act with power in such matters as have been delegated to him/her.

B. Qualifications:

For appointment as an assistant registrar, a person shall have a baccalaureate degree from a recognized college or university, plus either one year of appropriate experience in a registrar's office, or thirty credits of appropriate graduate work.

SECTION 11.22. ASSOCIATE REGISTRAR.

A. Position Definition:

The associate registrar, subject to the overall authority of the registrar, shall act for the registrar in supervising the work of the registrar's office.

B. Qualifications:

For appointment as an associate registrar, a candidate must possess at least the academic requirements set forth for assistant registrar and have served three additional years with distinction in a registrar's office, or have the equivalent graduate study. He/she shall have the ability to assume the responsibility of acting for the registrar in supervising the work of the registrar's office in one or more of the divisions or schools of the institution.

SECTION 11.23. REGISTRAR.

A. Position Definition:

The registrar shall be responsible to the president for the registration of students, the determination of eligibility for graduation, preparation of class schedules, catalogues and bulletins, maintenance of records, research analysis of problems in the areas of curriculum, admission, and scholastic standards insofar as the registrar's office is involved, and shall perform such other duties, including the estimation of instructional needs and student guidance related to admission or graduation, as his/her respective president may assign.
B. Qualifications:

For appointment as registrar, the candidate must possess at least the academic requirements set forth for associate registrar, except that he/she must possess the master's degree, plus three years of appropriate experience in a registrar's office, familiarity with the theory and practice in higher education, and ability to conduct research so that he/she can advise the president, the faculty, and faculty committees in the areas of curriculum and scholastic standards. He/she must also possess the personal qualifications requisite for dealing with administrative officers, faculty, students, and others; he/she must have a thorough knowledge of the work of college registrars; and he/she must be able to supervise a large staff.

SECTION 11.24. SENIOR REGISTRAR.

A. Position Definition:

The senior registrar shall be responsible for the supervision of the registrar and for such other scheduling of students and related functions as the president may assign. The senior registrar shall be responsible for integrating the above administrative and service offices and functions as appropriate. In those colleges where the position of registrar is vacant, the senior registrar shall assume the duties and responsibilities of registrar.

B. Qualifications:

For appointment as senior registrar, the candidate must, at a minimum, possess the qualifications set forth for registrar, except that he/she must possess five years of appropriate experience in a registrar's office. In addition, the candidate must have a working knowledge and experience of computer systems and operations and of the other administrative and service functions for which he/she is responsible.

SECTION 11.25. COLLEGE PHYSICIAN.

A. Position Definition:

The duty of the college physician is as a member of the medical office to be responsible for such actions, including the examination of students, which provide protection for the health and welfare of the college community, render advisory service to students and to appropriate college officers, render emergency first aid to persons on the campus or in the immediate vicinity and maintain appropriate records for their actions and findings. Members of the staff may practice their professions while not on college duty, but they shall not accept as a patient anyone enrolled as a student in the colleges.

B. Qualifications:

For appointment as a college physician, the candidate must have demonstrated satisfactory qualities of personality and character, ability to serve as counselor to students and to educational authorities on health problems within the framework of accepted and prescribed medical procedures, interest in the development and perfecting of sound student health programs, and willingness to cooperate with others for the good of the institution. The candidate must be licensed to practice medicine in the state of New York.

SECTION 11.26. CHIEF COLLEGE PHYSICIAN.
A. Position Definition:

The chief college physician shall perform all the functions of a college physician and in addition he/she shall be responsible for the administration and supervision of all phases of the medical department.

B. Qualifications:

For appointment as chief college physician, the candidate must meet the requirements for appointment as college physician, and in addition must have such administrative competencies as the president of the college deems appropriate.

SECTION 11.27. LECTURER (FULL-TIME).

A. Position Definition:

Lecturers (full-time) shall perform teaching and related faculty functions on a full-time basis.

B. Qualifications:

For appointment as lecturer (full-time), a person must possess a baccalaureate degree and such other qualifications as may be necessary for the satisfactory performance of his/her instructional functions.

SECTION 11.28. GRADUATE ASSISTANT A, GRADUATE ASSISTANT B.

A. Position Definition:

A graduate assistant shall perform teaching, teaching-related or research duties. A graduate assistant "A" shall have an assignment of a maximum of 240 contact teaching hours or 450 hours of non-teaching assignments during the work year. A graduate assistant "B" shall have an assignment of a maximum of 120 classroom teaching hours or 225 hours of non-teaching assignments during the work year. These duties shall be performed under the general supervision of a designated member of the instructional staff. No person shall be appointed to the title graduate assistant more than three years consecutively except when special permission is requested by the executive officer of the doctoral program in which the student is enrolled and the chairman of the department in which he/she is employed. In no instance shall such extensions be granted for more than two additional appointments. Appointments may be for less than one year.

B. Qualifications:

For appointment as graduate assistant "A" or "B", a person shall have at least a baccalaureate degree from an accredited institution. He/she shall be currently engaged in working toward his/her doctorate and be in good standing in his/her program. In those disciplines in which the city university of New York offers a doctoral program, when a CUNY doctoral student enrolled in such discipline is available and qualified, only such student may be employed in the titles graduate assistant "A" or "B."

SECTION 11.29. COLLEGE LABORATORY TECHNICIAN,
A. Position Definition:

A college laboratory technician shall perform laboratory functions and other technical duties of a highly skilled nature which are reasonably related to such functions but which are nevertheless non-teaching. A college laboratory technician, for example, shall provide lecture support in the form of set-ups of equipment displays and demonstrations and laboratory support for experiments and for research. Each department shall develop a specific job description which will be related to the laboratory or technical requirements of the department. Where appropriate, the technician shall exercise some supervision.

B. Qualifications:

For appointment as a college laboratory technician, a person, in addition to possessing knowledge and skills related to the discipline, shall be a high school graduate possessing one of the following sets of minimum additional qualifications: (a) four (4) years of work or experience appropriate to the requirements of the department at a level of competence comparable to that indicated by apprenticeship in the skilled trades, or (b) an associate degree and a minimum of two (2) years of experience of the type described above, or (c) a bachelor's degree in an area appropriate to the duties to be performed, or (d) an appropriate combination of at least four (4) years of education and work experience beyond high school. The candidate shall have the personal characteristics needed to work effectively with students and staff.

SECTION 11.30. SENIOR COLLEGE LABORATORY TECHNICIAN.

A. Position Definition:

A senior college laboratory technician shall, through technical or administrative skills, assume, under faculty or executive direction, clearly defined supervisory functions or perform complex technical functions in laboratories or technical areas. These functions shall be clearly defined, in a job description, as requiring substantially greater skills, ability, and experience or responsibility than those of a college laboratory technician. Duties may include maintenance, fabrication, modification, and repair of laboratory equipment, writing of purchase specifications, and coordination of the physical preparation of laboratories. A senior college laboratory technician shall be able to use professional judgment regarding the use of materials related to specific classes and shall have organizational and logistical skills to enable a variety of needs to be met simultaneously.

B. Qualifications:

For appointment as senior college laboratory technician, a person shall have the qualifications, skills, and abilities of a college laboratory technician and a minimum of four additional years of experience and/or education at a level of competence at least equal to that of a college laboratory technician, appropriate technical skills, and the ability to direct, train, and supervise subordinate laboratory personnel. Longevity and seniority shall not be sufficient for promotion or appointment to this title.

SECTION 11.31. CHIEF COLLEGE LABORATORY TECHNICIAN.

A. Position Definition:

A chief college laboratory technician (no more than ten percent of the laboratory technician series staff at a college) shall perform duties in either or both of the following areas: (1) direction or direction and
training of other laboratory or technical personnel under general faculty or executive supervision; (2) performance of highly specialized work requiring significant theoretical knowledge, scientific and technical expertise, professional judgment, and insight in one of the fields of laboratory or applied science.

Direction of other laboratory and technical personnel may be exercised by a single person in a large department with managerial responsibility over a significant number of technicians, or the interdepartmental responsibilities of a single person may require equivalent managerial duties. Highly specialized work performed by a chief college laboratory technician may include development of research designs and fabrication, modification, repair, maintenance and operation of highly complex research or technical equipment. The job description must define clearly the exceptional nature of the duties, including the number and level of personnel supervised and/or the technical tasks assigned.

B. Qualifications:

For appointment as a chief college laboratory technician, a person shall have the qualifications and all of the skills of a senior college laboratory technician and, in addition, a minimum of four (4) additional years of appropriate experience related to the job at a level at least equal to that of a senior college laboratory technician. A masters degree in an area appropriate to the duties to be performed may substitute for one year of experience. Unique technical expertise clearly above that expected of senior technicians in a department or division shall be required. Longevity and seniority shall not be a basis for appointment or promotion to this title.

SECTION 11.32. RESEARCH ASSISTANT.

A. Position Definition:

Research assistants shall perform studies under direction. No research assistant shall be assigned to regular teaching duties.

B. Qualifications:

For appointment as research assistant, the candidate shall have a baccalaureate degree, or equivalent experience for the work to be performed.

SECTION 11.33. CLINICAL ASSISTANT.

A. Position Definition:

A clinical assistant shall perform research studies on a temporary basis in the nature of an internship. No clinical assistant shall be assigned to regular teaching duties.

B. Qualifications:

For appointment as clinical assistant, the candidate shall have a baccalaureate degree, post-graduate training and experience appropriate for the work to be performed.
SECTION 11.34. STAFF OF THE HUNTER COLLEGE HIGH SCHOOL, HUNTER COLLEGE ELEMENTARY SCHOOL, AND IN THE EARLY CHILDHOOD CENTERS.

A. Position Definition:

Persons employed on the staff of the hunter college high school, hunter college elementary school, and in any unit of the university that has an early childhood center shall perform those duties which so far as practicable would be performed by persons in comparable positions in the New York City board of education.

B. Qualifications:

For positions in the hunter college high school, the hunter college elementary school, and in the early childhood centers qualifications, so far as practicable, shall be the same as for comparable positions in the New York City board of education except that a license issued by the board of examiners of the New York City board of education shall not be required.

SECTION 11.35. FELLOW.

Any provision of these bylaws to the contrary notwithstanding, the title of fellow shall be considered to be a title on the temporary instructional staff and all rights, privileges and benefits shall be governed by the provisions of this section only.

A. Position Definition:

A fellow shall be a doctoral student engaged in full-time study at the city university of New York. The title shall be used only for a student qualifying for financial aid on the basis of need and on his/her potential for scholarship and teaching. In order to encourage a total time commitment to advanced study, the aid granted under this title shall not carry with it any obligation for teaching, research or administrative responsibilities.

B. Qualifications:

For designation as a fellow, a doctoral student must be in good standing at the city university engaged in study on a full-time basis and must meet such financial needs tests and academic qualifications as the university shall establish.

SECTION 11.36. ASSISTANT MEDICAL PROFESSOR (CLINICAL), ASSOCIATE MEDICAL PROFESSOR (CLINICAL), AND MEDICAL PROFESSOR (CLINICAL).

A. Position Definition:

It shall be the responsibility of assistant medical professors (clinical), associate medical professors (clinical), and medical professors (clinical) to perform teaching, research, patient care and guidance duties. They shall also, among other things, be responsible for committee and program related assignments with the division, department, academic unit or university. They shall perform those administrative, supervisory and other functions as may be assigned by the appropriate college or university authorities.
B. Qualifications:

1. ASSISTANT MEDICAL PROFESSOR (CLINICAL).

For appointment to assistant medical professor (clinical), the candidate must have demonstrated satisfactory qualities of personality and character, evidence of significant success as a teacher, interest in productive scholarship or creative achievement and willingness to cooperate with others for the good of the institution. He/she must also have obtained the m.d. degree in an accredited university and must have satisfied specialty board qualifications (i.e., surgery, psychiatry, obstetrics and gynecology, etc.)

2. ASSOCIATE MEDICAL PROFESSOR (CLINICAL).

For promotion and appointment to the rank of associate medical professor (clinical), the candidate must possess the qualifications for an assistant professor and must have satisfied specialty board qualifications (i.e., surgery, psychiatry, obstetrics and gynecology, etc.). In addition, he/she must possess a record of significant achievement in his/her field or profession. There shall be evidence that his/her alertness and intellectual energy are respected outside his/her own immediate academic community. There shall be evidence of his/her continued growth. Longevity and seniority alone shall not be sufficient for promotion.

3. MEDICAL PROFESSOR (CLINICAL).

For promotion or appointment to the rank of medical professor (clinical), the candidate must possess the qualifications for an associate professor and in addition, a record of exceptional intellectual, educational and professional achievement. There shall be evidence of his/her continued growth. Longevity and seniority alone shall not be sufficient for promotion.

SECTION 11.37. ASSISTANT MEDICAL PROFESSOR (BASIC SCIENCES), ASSOCIATE MEDICAL PROFESSOR (BASIC SCIENCES), AND MEDICAL PROFESSOR (BASIC SCIENCES).

A. Position Definition:

It shall be the responsibility of assistant medical professors (basic sciences), associate medical professors (basic sciences), and medical professors (basic sciences) to perform teaching, research and guidance duties. They shall also, among other things, be responsible for committee and program related assignments within the division, department, academic unit or university. They shall perform those administrative, supervisory or other functions as may be assigned by the appropriate college or university authorities.

B. Qualifications:

1. ASSISTANT MEDICAL PROFESSOR (BASIC SCIENCES).

For appointment to assistant medical professor, the candidate must have demonstrated satisfactory qualities of personality and character, evidence of significant success as a teacher, interest in productive scholarship or creative achievement and willingness to cooperate with others for the good of the institution. He/she must also have obtained the m.d. degree, or the ph.d degree in an appropriate discipline, in an accredited university.
2. ASSOCIATE MEDICAL PROFESSOR (BASIC SCIENCES).

For promotion or appointment to the rank of associate medical professor (basic sciences) the candidate must possess the qualifications for an assistant professor and in addition, he/she must possess a record of significant achievement in his/her field or profession. There shall be evidence that his/her alertness and intellectual energy are respected outside his/her immediate academic community. There shall be evidence of his/her continued growth. Longevity and seniority alone shall not be sufficient for promotion.

3. MEDICAL PROFESSOR (BASIC SCIENCES).

For promotion or appointment to the rank of medical professor (basic sciences) the candidate must possess the qualifications for an associate medical professor (basic sciences) and in addition, a record of exceptional intellectual, educational and professional achievement. There shall be evidence of his/her continued growth. Longevity and seniority alone shall not be sufficient for promotion.

SECTION 11.38. ADJUNCT ASSISTANT MEDICAL PROFESSOR (BASIC SCIENCES), ADJUNCT ASSOCIATE MEDICAL PROFESSOR (BASIC SCIENCES), ADJUNCT MEDICAL PROFESSOR (BASIC SCIENCES).

A. Position Definition.

Persons employed in this adjunct series shall be assigned to teach part-time or to perform related duties on a part-time basis.

B. Qualifications:

For appointment as adjunct assistant medical professor (basic sciences), adjunct associate medical professor (basic sciences), and adjunct medical professor (basic sciences) a person must have those qualifications or professional achievement and training comparable to those of faculty members in the corresponding ranks of assistant medical professor (basic sciences), associate medical professor (basic sciences), and medical professor (basic sciences) appointed through the regular channels of the college or university.

SECTION 11.39. ADJUNCT ASSISTANT MEDICAL PROFESSOR (CLINICAL), ADJUNCT ASSOCIATE MEDICAL PROFESSOR (CLINICAL), ADJUNCT MEDICAL PROFESSOR (CLINICAL).

A. Position Definition:

Persons employed in this adjunct series shall be assigned to teach part-time or to perform related duties on a part-time basis.

B. Qualifications:

For appointment as adjunct assistant medical professor (clinical), adjunct associate medical professor (clinical), and adjunct medical professor (clinical), a person must have those qualifications or professional
achievement and training comparable to those of faculty members in the corresponding ranks of assistant medical professor (clinical), associate medical professor (clinical), and medical professor (clinical) appointed through the regular channels of the college or university.

SECTION 11.40. MEDICAL EDUCATION LIAISON.

A. Position Definition:

The person employed in the title of medical education liaison shall be assigned to coordinate the planning for the development of the city university medical education program.

B. Qualifications:

For appointment as medical education liaison, a person must hold an m.d. degree and must have the qualifications and professional achievement and training suitable for the position.

SECTION 11.41. MEDICAL LECTURER.

A. Position Definition:

As a member of the faculty of The Sophie Davis School of Biomedical Education of The City College, a medical lecturer shall perform teaching, a variety of clinical and administrative duties and related faculty duties on a full-time basis.

B. Qualifications:

For appointment as a medical lecturer, a person must possess a baccalaureate degree and appropriate professional licensure, registration, certification or such other qualifications as may be necessary for the satisfactory performance of his/her instructional and administrative functions.

SECTION 11.42. ADJUNCT MEDICAL LECTURER.

A. Position Definition:

Persons employed in this adjunct title shall be assigned to teach and to perform the other duties of a medical lecturer on a part-time basis.

B. Qualifications:

For appointment as an adjunct medical lecturer, a person must have those qualifications or professional achievement and training comparable to medical lecturers appointed through the regular channels of the colleges or university.

SECTION 11.43. LAW SCHOOL INSTRUCTOR, LAW SCHOOL ASSISTANT PROFESSOR, LAW SCHOOL ASSOCIATE PROFESSOR, LAW SCHOOL PROFESSOR, LAW SCHOOL LIBRARY ASSISTANT PROFESSOR, LAW SCHOOL LIBRARY ASSOCIATE PROFESSOR.
A. Position Definition:

It shall be the responsibility of law school instructors, law school assistant professors, law school associate professors and law school professors to perform teaching, research, professional and guidance duties. Their teaching responsibilities may include supervision of students in legal practice or other law-related activity. They shall also be responsible for committee assignments and such administrative, supervisory, and other functions as may be assigned by the dean of the law school. Law school associate professors and professors shall be responsible for continual peer evaluations of teaching members of the instructional staff, with special local attention to their diligence in teaching and their professional growth. Senior faculty will be responsible for orienting their junior and newly appointed colleagues. Senior faculty shall be available for such consultation and assistance in problems of scholarship, professional activity, and teaching as the junior faculty may require.

B. Qualifications:

1. LAW SCHOOL INSTRUCTOR.

For appointment as a law school instructor, the candidate must have demonstrated satisfactory qualities of personality, character, and legal ability. He/she must show potential as faculty member, and an interest in productive scholarship, legal work, or law-related work. He/she must show willingness to cooperate with others for the good of the institution. He/she must have a j.d. or l.l.b. from an accredited law school.

2. LAW SCHOOL ASSISTANT PROFESSOR.

For appointment as law school assistant professor, the candidate must have demonstrated satisfactory qualities of personality, character, and legal ability. He/she must demonstrate or promise evidence of significant success as a faculty member, interest in productive scholarship, legal work, or law-related work, and a willingness to cooperate with others for the good of the institution. He/she must also have a j.d. or l.l.b., or a ph.d. in a law related discipline.

For appointment as law school library assistant professor, the candidate must, in addition to the requirements of instructor, have completed an m.l.s.

3. LAW SCHOOL ASSOCIATE PROFESSOR.

For promotion or appointment to the rank of law school associate professor, the candidate must possess the qualifications for a law school assistant professor, and must possess a record of significant achievement in the legal field or some directly relevant and applicable law-related field. There shall be evidence that his/her professional and intellectual achievement is respected outside his/her own immediate academic or legal community. There shall be evidence of his/her continued growth and continued effectiveness in teaching. Longevity and seniority alone shall not be sufficient for promotion.

For promotion to or appointment as law school library associate professor, the candidate must, in addition to the requirements set forth for assistant professors in the law library, possess a record of significant achievement in his/her profession. There shall be evidence that his/her competence and achievements are recognized and respected outside his/her own immediate academic or legal community.

4. LAW SCHOOL PROFESSOR.
For promotion or appointment to the rank of law school professor, the candidate must possess the qualifications for a law school associate professor and, in addition, a record of exceptional intellectual, educational, and professional achievement and an established reputation for excellence in the field of law or some relevant law-related field. There shall be evidence of his/her continued growth, and the judgment on promotion shall consider primarily evidence of achievement in teaching and in scholarship or professional work following the most recent promotion. Longevity and seniority alone shall not be sufficient for promotion.

For promotion to or appointment as law school library professor, the candidate must, in addition to the requirements set forth for associate professors in the law library, possess a record of exceptional achievement in his/her profession. There shall be evidence of his/her continued growth, and the judgment on promotion shall consider primarily evidence of achievements recognized and respected outside his/her own immediate academic or legal community following the most recent promotion, or unusual and exemplary service to the library and the law school. Longevity and seniority alone shall not be sufficient for promotion.

SECTION 11.44. DISTINGUISHED LECTURER.

A. Position Definition:

Individuals appointed as distinguished lecturers are experienced practitioners or teachers in their professions or fields of expertise. It shall be their responsibility to teach in their areas of expertise. As a general rule, they are not required to perform research, unless the appointment letter specifies a research commitment. Distinguished lecturers are full-time, non-tenure track positions.

B. Qualifications:

For appointment as a distinguished lecturer, the candidate must have demonstrated satisfactory qualities of personality and character, a record of achievements in his/her profession or field of expertise, and a willingness to cooperate with others for the good of the institution. He/she must also have a baccalaureate degree.

SECTION 11.45. LAW SCHOOL ADJUNCT INSTRUCTORS, LAW SCHOOL ADJUNCT ASSISTANT PROFESSORS, LAW SCHOOL ADJUNCT ASSOCIATE PROFESSORS, LAW SCHOOL ADJUNCT PROFESSORS.

A. Position Definition:

Persons employed in this adjunct series shall be assigned to teach part-time or perform related duties part-time.

B. Qualifications:

For appointment as law school adjunct instructor, law school adjunct assistant professor, law school adjunct associate professor, or law school adjunct professor, a person must have those qualifications or professional achievements and training comparable to those faculty members in the corresponding ranks of law school instructor, law school assistant professor, law school associate professor, and law school professor.
SECTION 11.46. CONTINUING EDUCATION TEACHER.

A. Position Definition:

Persons employed in the title of continuing education teacher shall be assigned to teach part-time or perform related duties on a part-time basis.

B. Qualifications:

For appointment as a continuing education teacher a person must have educational, professional or experience qualifications appropriate to the specific course.

Educational opportunity center lecturers shall perform teaching and related faculty functions on a full-time basis.

For appointment as an educational opportunity center lecturer, a person must possess a baccalaureate degree and such other qualifications as may be necessary for the satisfactory performance of his/her instructional functions.

An educational opportunity center assistant to higher education officer shall, generally under the supervision of an educational opportunity center higher education officer or college dean, perform such administrative duties as may be assigned to him/her.

For appointment as an educational opportunity center assistant to higher education officer, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must show potential for significant achievement and growth. He/she must possess a baccalaureate degree.

The duties of an educational opportunity center higher education assistant are generally to serve as an assistant to one of the major educational officers of an educational opportunity center with responsibility for a limited area of planning, research or professional and/or administrative duties as may be assigned.

For appointment as educational opportunity center higher education assistant, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least four years of experience in one or more related areas and be sufficiently adaptable to apply such experience to the field in which his/her responsibility will lie. He/she must possess at least a baccalaureate degree and show definite potential for significant achievement and growth in the area to which he/she is assigned. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the four years of experience in determining qualifications for the position of educational opportunity center higher education assistant.

The duties of an educational opportunity center higher education associate are:

a. To serve as deputy for an educational opportunity center higher education officer or
b. To assume administrative responsibility, in most instances under the general supervision of an educational opportunity center higher education officer or college dean for some major area of educational opportunity center activity or
e. To develop some major aspect of new programs.
B. Qualifications:

For appointment as an educational opportunity center higher education associate, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least six years of related experience. He/she must be sufficiently well versed in the overall functions of the educational opportunity center to be able to serve as deputy for an educational opportunity center higher education officer, or to carry full responsibility, in most instances under the general supervision of a college dean for some major area of educational opportunity center activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the six years of experience in determining qualifications for the position of educational opportunity center higher education associate.

The duties of an educational opportunity center higher education associate are:

a. To assume full responsibility for the educational opportunity center activity or for a major activity thereof;

b. To develop some major aspect of new programs.

B. Qualifications:

For appointment as an educational opportunity center higher education officer, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least eight years of related experience. He/she must be sufficiently well versed in the overall functions of an educational opportunity center to be able to assume full responsibility, answerable as a general rule to his/her college president or designee for the educational opportunity center or a major activity thereof. He/she must possess a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the eight years of experience in determining qualifications for the position of educational opportunity center higher education officer.

An educational opportunity center college laboratory technician shall perform laboratory functions and other technical duties of a highly skilled nature which are reasonably related to such functions but which are nevertheless nonteaching. An educational opportunity center college laboratory technician, for example, shall provide lecture support in the form of set-ups of equipment displays and demonstrations and laboratory support for experiments and for research. Each educational opportunity center shall develop a specific job description which will be related to the laboratory or technical requirements of the educational opportunity center. Where appropriate, the technician shall exercise some supervision.

For appointment as an educational opportunity center college laboratory technician, a person, in addition to possessing knowledge and skills related to the discipline, shall be a high school graduate possessing one of the following sets of minimum additional qualifications: (a) four (4) years of work or experience appropriate to the requirements of the educational opportunity center at a level of competence comparable to that indicated by apprenticeship in the skilled trades, or (b) an associate degree and a minimum of two (2) years of experience of the type described above, or (c) a bachelor’s degree in an area appropriate to the duties to be performed, or (d) an appropriate combination of at least four (4) years of education and
work experience beyond high school. The candidate shall have the personal characteristics needed to work effectively with students and staff.

A person employed as an educational opportunity center adjunct lecturer shall be assigned to teach part-time or perform related duties on a part-time basis at an educational opportunity center.

For appointment as an educational opportunity center adjunct lecturer a person must have those qualifications or professional achievement and training comparable to those of faculty members in the rank of educational opportunity center lecturer.

A person employed as an educational opportunity center adjunct college laboratory technician shall perform the duties of an educational opportunity center college laboratory technician on a part-time basis.

For appointment as an educational opportunity center adjunct college laboratory technician a person must have the same qualifications as an educational opportunity center college laboratory technician.

SECTION 11.47. EDUCATIONAL OPPORTUNITY CENTER LECTURER.

A. Position Definition:

Educational opportunity center lecturers shall perform teaching and related faculty functions on a full-time basis.

B. Qualifications:

For appointment as an educational opportunity center lecturer, a person must possess a baccalaureate degree and such other qualifications as may be necessary for the satisfactory performance of his/her instructional functions.

SECTION 11.48. EDUCATIONAL OPPORTUNITY CENTER ASSISTANT TO HIGHER EDUCATION OFFICER.

A. Position Definition:

An educational opportunity center assistant to higher education officer shall, generally under the supervision of an educational opportunity center higher education officer or college dean, perform such administrative duties as may be assigned to him/her.

B. Qualifications:

For appointment as an educational opportunity center assistant to higher education officer, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must show potential for significant achievement and growth. He/she must possess a baccalaureate degree.
SECTION 11.49. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION ASSISTANT.

A. Position Definition:

The duties of an educational opportunity center higher education assistant are generally to serve as an assistant to one of the major educational officers of an educational opportunity center with responsibility for a limited area of planning, research or professional and/or administrative duties as may be assigned.

B. Qualifications:

For appointment as educational opportunity center higher education assistant, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least four years of experience in one or more related areas and be sufficiently adaptable to apply such experience to the field in which his/her responsibility will lie. He/she must possess at least a baccalaureate degree and show definite potential for significant achievement and growth in the area to which he/she is assigned. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the four years of experience in determining qualifications for the position of educational opportunity center higher education assistant.

SECTION 11.50. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION ASSOCIATE.

A. Position Definition:

The duties of an educational opportunity center higher education associate are:

a. To serve as deputy for an educational opportunity center higher education officer or

b. To assume administrative responsibility, in most instances under the general supervision of an educational opportunity center higher education officer or college dean for some major area of educational opportunity center activity or

c. To develop some major aspect of new programs.

B. Qualifications:

For appointment as an educational opportunity center higher education associate, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least six years of related experience. He/she must be sufficiently well versed in the overall functions of the educational opportunity center to be able to serve as deputy for an educational opportunity center higher education officer, or to carry full responsibility, in most instances under the general supervision of a college dean for some major area of educational opportunity center activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable
skills and/or years of experience may be substituted for the six years of experience in determining qualifications for the position of educational opportunity center higher education associate.

SECTION 11.51. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION OFFICER.

A. Position Definition:

The duties of an educational opportunity center higher education officer are:

a. To assume full responsibility for the educational opportunity center activity or for a major activity thereof or

b. To develop some major aspect of new programs.

B. Qualifications:

For appointment as educational opportunity center higher education officer, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least eight years of related experience. He/she must be sufficiently well versed in the overall functions of an educational opportunity center to be able to assume full responsibility, answerable as a general rule to his/her college president or designee for the educational opportunity center or a major activity thereof. He/she must possess a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the eight years of experience in determining qualifications for the position of educational opportunity center higher education officer.

SECTION 11.52. EDUCATIONAL OPPORTUNITY CENTER COLLEGE LABORATORY TECHNICIAN.

A. Position Definition:

An educational opportunity center college laboratory technician shall perform laboratory functions and other technical duties of a highly skilled nature which are reasonably related to such functions but which are nevertheless non-teaching. An educational opportunity center college laboratory technician, for example, shall provide lecture support in the form of set-ups of equipment displays and demonstrations and laboratory support for experiments and for research. Each educational opportunity center shall develop a specific job description which will be related to the laboratory or technical requirements of the educational opportunity center. Where appropriate, the technician shall exercise some supervision.

B. Qualifications:

For appointment as an educational opportunity center college laboratory technician, a person, in addition to possessing knowledge and skills related to the discipline, shall be a high school graduate possessing one of the following sets of minimum additional qualifications: (a) four (4) years of work or experience appropriate to the requirements of the educational opportunity center at a level of competence comparable
to that indicated by apprenticeship in the skilled trades, or (b) an associate degree and a minimum of two
(2) years of experience of the type described above, or (c) a bachelor’s degree in an area appropriate to
the duties to be performed, or (d) an appropriate combination of at least four (4) years of education and
work experience beyond high school.

SECTION 11.53. EDUCATIONAL OPPORTUNITY CENTER ADJUNCT
LECTURER.

A. Position Definition:

A person employed as an educational opportunity center adjunct lecturer shall be assigned to teach part-
time or perform related duties on a part-time basis at an educational opportunity center.

B. Qualifications:

For appointment as an educational opportunity center adjunct lecturer a person must have those
qualifications or professional achievement and training comparable to those of faculty members in the
rank of educational opportunity center lecturer.

SECTION 11.54. EDUCATIONAL OPPORTUNITY CENTER ADJUNCT
COLLEGE LABORATORY TECHNICIAN.

A. Position Definition:

A person employed as an educational opportunity center adjunct college laboratory technician shall
perform the duties of an educational opportunity center college laboratory technician on a part-time basis.

B. Qualifications:

For appointment as an educational opportunity center adjunct college laboratory technician a person must
have the same qualifications as an educational opportunity center college laboratory technician.

SECTION 11.55. CLINICAL PROFESSOR.

A. Position Definition:

Individuals appointed as clinical professors are experienced practitioners or teachers in their professions
or fields of expertise. The responsibilities of the position include teaching (including, in some cases,
clinical instruction), and may include research. Clinical professors are full-time, non-tenure-track
positions.

For appointment as a clinical professor the candidate must have demonstrated satisfactory qualities of
personality and character, a record of achievements in his/her profession or field of expertise, and a
willingness to cooperate with others for the good of the institution. He/she must also have a baccalaureate
degree.
SECTION 12.1. SALARY SCHEDULE CONDITIONS.

The salary of the persons employed by the board on the instructional staff shall be not less than those prescribed in the schedules approved in an agreement entered into after collective negotiations. Where a title is not covered by any collective negotiation agreement, but is payable from the city expense budget for the City University of New York, the schedule shall be as approved by the board and consented to by the mayor, city office of labor relations and the city office of management and budget. Such salaries shall be subject to the following conditions:

a. The annual increments for all positions on the instructional staff shall be added on January first of each succeeding year following completion of at least ten full months of service, except that in the higher education officer series, the annual increments shall be added on January first or September-July first of each succeeding year following at least eleven months of service.

b. In schedules where annual increments are specified, the board nevertheless reserves the right to assign fixed salaries to appointees in special cases, to vote larger increments in special cases, when in its judgment the nature of the duties or the character of the services renders such action just, or to withhold annual increments from any members of the staff whose services for any year are unsatisfactory.

c. In schedules where no annual increments are specified, the specific salary of an incumbent shall be fixed at the minimum rate, or the maximum rate, or between, by resolution of the board, action being taken with due consideration for the duties to be discharged, prevailing rates of compensation for one discharging such duties, and the qualifications, training and experience of the incumbent.

SECTION 12.2.

Whenever any compensation, in addition to the regular annual salary, is authorized to be paid to a member of any college, university, or board staff from enterprises in any way connected with the college or, university, or board, such compensation shall not be continued beyond one year unless paid or accepted unless reported to and specifically renewed by the board, except for compensation being paid to the chancellor, which must be specifically authorized by the board.

SECTION 12.3.

The compensation of temporary and other employees not on the instructional staff shall be fixed at such salaries as the board may determine except that with respect to positions for which salary schedules have heretofore been established by the board, such salaries shall be in accordance with such salary schedules as the board may establish with the approval of the mayor, or in accordance with such salary allocations as are appropriate under the career and salary plan. The board may make appointments to any position on a part-time basis with corresponding fractional salary or compensation except where prohibited by existing collective bargaining agreements.

SECTION 12.4. SALARY SUPPLEMENTS.

The salary of the chancellor, deputy chancellor, vice chancellor, university administrator, university associate administrator, university assistant administrator, president, vice president, assistant vice president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, administrator,
associate, administrator, and assistant administrator shall be that of the instructional staff title held supplemented in such sum as may be determined by the board.

SECTION 12.5. SALARY SCHEDULE FOR PERSONS WITH ADVANCED STUDY OR DEGREES.

Where, as the result of an agreement entered into after collective negotiations, there is specified that persons in certain titles shall receive compensation on a double asterisked schedule (***) if they have advanced study or degrees over and above those required for the position held, the following shall be acceptable as meeting such requirements:

a. The person appointed thereto holds an approved doctorate degree issued by a recognized college or university; or
b. The person appointed thereto holds an approved master's degree issued by a recognized college or university and who, beyond such degree, has completed 30 semester hours of approved study; or
c. The person appointed thereto holds an approved baccalaureate degree issued by a recognized college or university and who, beyond such degree, has completed 60 semester hours of approved study.

ARTICLE XIII LEAVES INSTRUCTIONAL STAFF – MISCELLANEOUS PROVISIONS

SECTION 13.1. SABBATICAL–TEMPORARY DISABILITY LEAVE.

a. Application for sabbatical leave may be made by any member of the permanent instructional staff or by a lecturer (full-time) after six years of full-time service in titles which are on the permanent instructional staff, or in the title of lecturer (full-time), exclusive of leaves for other purposes.

Credit toward eligibility for sabbatical leave will be granted for service as a lecturer (full-time) or lecturer (part-time) on the following basis:

1. Each year of service as a lecturer (full-time) after July 1, 1970 shall be credited as one year of the six-year eligibility requirement.
2. Each year of service as a lecturer (part-time) after July 1, 1970 shall be credited on the basis of one-half year service eligibility of the six-year eligibility requirement.

Instructional service for which sabbatical leave credit is granted in a school or college maintained in whole or in part with city funds immediately preceding service in an institution under the jurisdiction of the board of trustees may be credited toward eligibility for sabbatical leave. However, such credit for prior instructional service shall not exceed three years.

b. Such application shall be in the form provided by the board and must state precisely which of the following purposes is to be served by the leave:

1. Study and research, including related travel;
2. Creative work in literature or the arts.
Such application shall be granted only upon the agreement by the applicant that he/she will continue to serve for at least one year after expiration of the term of his/her leave unless this provision is expressly waived by the board.

*Persons appointed prior to 7/1/65, and otherwise eligible, notwithstanding anything set forth in this section, shall be eligible for a sabbatical leave for educational travel or for restoration of health.

e. The application for sabbatical leave shall be submitted to the relevant departmental committee and, if approved, to the relevant college committee. If the latter committee approves, it shall forward the application to the president with its endorsement. Such endorsement must state that the work of the department in which the applicant serves can be so arranged as to be carried forward effectively during the period of the leave, and that the work the applicant intends to do is consonant with the principles of the sabbatical leave. The president shall transmit such application to the board with those recommendations which he/she approves.

The application of a president for sabbatical leave shall be made directly to the board.

d. The granting of such leave shall not be in any sense automatic, but the board will consider the advantage to the applicant as a scholar and teacher to be expected from such leave, and the consequent advantage, through his/her service to the college.

Special consideration will be given to those applicants who have not had a sabbatical leave in fourteen or more years.

e. Salary payment during sabbatical leave shall be as follows:

Half pay, if the leave is for a full year.

Full pay, if the leave is for a half year.

f. The period of the sabbatical leave shall be credited as service for the granting of increments.

SECTION 13.2. LEAVE FOR TEMPORARY DISABILITY.

a. For the purposes of these bylaws a temporary disability shall be defined as any temporary physical or mental incapacity of health including pregnancy, complications of pregnancy, and childbirth, and shall be deemed to include "sick" leave and "maternity" leave as referred to in the education law.

b. Members of the instructional staff shall be granted temporary disability leave of twenty calendar days exclusive of Saturdays, Sundays and authorized holidays and recesses during each year of service. Persons appointed to instructional positions immediately after having served as regular employees in schools or colleges supported in whole or in part from city funds shall have temporary disability leave balances credited to them not exceeding those which would have been earned had such services in such schools or colleges been in an institution under the jurisdiction of the board. Services in a school or college supported in whole or in part by city funds concurrent with service in an institution under the jurisdiction of the board shall not be counted. The unused portions of such temporary disability leave
shall be cumulative to a maximum of one hundred and sixty calendar days during which the college is in regular session.**

** Employees who on 9/1/69 were entitled to cumulative unused temporary disability leave in excess of one hundred sixty calendar days shall retain the excess accumulation. Thereafter, no temporary disability leave can be accumulated in excess of one hundred sixty calendar days.

c. Any absences in excess of the cumulative temporary disability leave accrued to an absentee shall be taken without pay, except that the board may, in cases of protracted temporary disability or unusual hardship hear recommendations from the president that the bylaws be waived without thereby establishing a precedent.

d. For the purpose of computing the number of days of cumulative temporary disability leave this section shall be deemed effective as of the date of the member's appointment to a position covered by this bylaw.

e. The temporary disability leave shall be computed commencing from the date of first absence from assigned duties and shall include all additional calendar days exclusive of Saturdays, Sundays and authorized holidays and recesses until such person's return.

f. Persons employed on partial schedules shall have their accumulated temporary disability leave prorated.

g. Temporary disability leave shall be earned only after a full calendar month of service and no accruals or partial accruals shall be granted for service of less than a full calendar month. A full calendar month of service shall represent service from the first working day through the last working day of a given month.

h. Any member of the instructional staff who is absent from duty because of temporary disability shall promptly inform his/her department chairperson, who in turn shall inform the appropriate dean of the nature of the temporary disability and of the probable duration of the absence.

i. In addition to the provisions of this article members of the instructional staff entitled to disability insurance benefits shall receive an advance of paid temporary disability leave from the date of the commencement of their temporary disability up to the commencement of disability insurance benefit payments.

j. Members of the instructional staff who are absent because of temporary disability for more than five consecutive working days may be required to submit a medical certificate from their personal physician upon their return to work.

Where any absence because of temporary disability exceeds thirty consecutive working days, the absentee shall present a statement from his/her physician explaining the nature or his/her temporary disability and certifying that he/she is fully capable of returning to work. In the case of any such absence the college may also require an examination by a physician in its employ, or appointed by it, who shall be required to certify that the absentee is fully capable of returning to work. In cases where there is a conflict of opinion, a third physician, acceptable to the absentee and to the president of the college, shall be called in and his/her judgment shall be accepted as conclusive. In the event that it is found that the condition of such person is such that he/she is incapable of resuming his/her normal duties, such person shall apply for such additional period of leave of absence as may be necessary. Failure to make such application for an additional period of leave of absence shall be deemed neglect of duty.
k. Temporary disability leave for more than one year shall not be granted to an applicant who is above the age of sixty-five years.

lb. Leaves of absence without pay for temporary disability for periods of less than one year may be recommended by the board to the appropriate retirement system for credit as service for retirement. Increments may be recommended by the board for the period during which an employee is on leave of absence without pay for temporary disability for periods of less than one year.

SECTION 13.32. RETIREMENT LEAVES.

Members of the New York City teachers' retirement system and members of the permanent instructional staff and lecturers (full-time) with administrative certificates of continuous employment and persons with titles in the higher education officer series, and persons with titles in the business manager series who are members of any other retirement system who announce their bona fide intention to retire shall be granted a retirement leave of absence with full pay consisting of one-half of their accumulated unused temporary disability leave up to a maximum of one semester, or the equivalent number of school days. Terms and conditions relating to such retirement leave shall be governed by section 3107 of the state education law.

SECTION 13.4. ANNUAL LEAVE.

a. The period of annual leave for teaching members of the faculty who have taught for a full year (September – June) in the titles of professor, associate professor, assistant professor, instructor, lecturer (full-time) and lecturer (part-time) shall be from the day subsequent to the June commencement at each college until the first of September following such commencement.

***Until 7/1/71, these provisions shall not apply to lecturers (full-time) not paid against an annual salaried budget line or to lecturers (part-time).

b. The period of annual leave for college laboratory technicians, research assistants, higher education officer titles series, registrar title series and business manager title series shall be twenty-three work days per year. If the appointment is for less than a year, the vacation period shall be prorated accordingly.

All employees in any of the above titles who were employed prior to September 1, 1969 shall suffer no loss or diminution of prior vacation privileges.

d. The period of annual leave for members of the instructional staff who are employed in the libraries shall be thirty days.

SECTION 13.53. LEAVES FOR SPECIAL PURPOSES.

a. Special leaves may be granted to members of the instructional staff for personal emergencies of not more than ten working days may be granted with pay by the president at his/her discretion.

b. On the recommendation of the relevant departmental committee concerned with appointments, the relevant college committee and the president, the board may grant to members of the instructional staff
special leaves of absence without pay for special purposes such as study, writing, research, the carrying out of a creative project or public service of reasonable duration. Such leaves shall be without pay.

c. Special leaves for the purpose of caring for a newborn child shall be granted to a member of the instructional staff upon notification to the president and application for such leave, provided the applicant has legal responsibility for the care and/or support of said child. Such leave shall, insofar as is practicable, begin on February 1 or September 1, unless the date of the birth of the child is such as to render these times inappropriate. The duration of the leave shall be one full semester. In exceptional cases, on request of applicant, the president may terminate such leave during the college term, provided there is an appropriate opening in which the applicant's service may be utilized. An extension of such special leave shall be permitted on request for a period not in excess of one year from the end of the original leave. No further extensions shall be permitted. Special leaves for the purpose of caring for a newborn child shall be granted without pay during the period of the leave including the vacation period concomitant to the leave. If the leave is for one semester only, the loss of paid vacation shall be for one month only. If the leave is for two semesters, both months of vacation shall be without pay. If the duration of the leave is one year or more, it shall not be credited toward salary increments.

d. The board may allow special leaves to be credited as service for retirement purposes. Where the a special leave without pay is for one year or longer, it shall not be credited for purposes of increment, except that increment credit may be granted when the president certifies that the leave is being taken for a project of academic, scholarly or public importance that brings honor and recognition to the college.

e. Where the service of a member of the instructional staff is interrupted by reason of absence on a special leave granted pursuant to subdivision "c" of this section, the period of creditable service immediately preceding such absence shall be counted in computing the years of service required for the granting of tenure or for a certificate of continuous employment.

f. The board shall grant a special leave of absence without pay, if required by a contract entered into after collective negotiations, to those persons and under the terms and conditions designated in said contract.

SECTION 13.6. REPEATED LEAVE.

In case a member of a staff makes repeated requests for leaves of any kind, and/or extensions thereof, the board shall consider whether such leave be granted or whether it would be to the educational welfare of the college to request a disability retirement or the separation of the member from the college. Leaves for temporary disability or for special purposes shall not be construed so as to extend the terminal date of any temporary appointment.

ARTICLE XIV THE NON-INSTRUCTIONAL STAFF

SECTION 14.1. NON-INSTRUCTIONAL STAFF - DEFINITION AND DUTIES.

The non-instructional staff shall consist of all positions in the classified civil service of the city university of New York City, classified under one of the four jurisdictional classes - exempt, competitive, non-competitive, and labor, and shall be comprised of the following:
a. The administrative staff shall consist of all employees in the classified service whose duties and responsibilities are primarily of a managerial, clerical, secretarial, professional or semi-professional nature.

b. The buildings and grounds staff shall consist of all employees in the classified service whose duties and responsibilities involve primarily the maintenance and operation of physical facilities. It shall include those engaged in the skilled trades, those whose primary function is the operation of vehicles, those who serve as watchman or attendant and those who perform duties primarily of a physical nature. It shall not include those employees responsible primarily for administrative direction, management and clerical supportive services involved in the maintenance and operation of physical facilities.

e. Office titles may be used unofficially at the direction or with the consent of the president of the college, or the person in administrative charge of a unit of the board. Office titles shall not entitle the person to extra compensation.

SECTION 14.2. TERMS AND CONDITIONS OF EMPLOYMENT OF NON-INSTRUCTIONAL STAFF.

Hours of employment, vacations, leaves of absence and other terms and conditions of employment for members of the non-instructional staff shall be those established by law or by resolution of the board, or by appropriate collective bargaining agreements or determinations of the comptroller of the city of New York in appropriate cases.

SECTION 14.3. NON-INSTRUCTIONAL STAFF POSITIONS.

1. Qualifications:

The qualification requirements for non-instructional staff positions shall be those established by the appropriate position specification or civil service examination announcement, or standards established by the CUNY civil service commission.

SECTION 14.4. NON-INSTRUCTIONAL STAFF REMOVAL OR DISCIPLINARIES DISCIPLINARY PROCEDURES.

All non-instructional staff members whose employment is governed by a collective bargaining agreement are subject to discipline in accordance with the disciplinary procedures set forth in that agreement, as are members who are represented by a union that has agreed to use those disciplinary procedures. All other non-instructional staff members are subject to discipline in accordance with the provisions in the CUNY Personnel Rules and Regulations. In cases of incompetency or misconduct, permanent members of the non-instructional staff employed in titles in the competitive class or veterans or volunteer firemen employed in titles in the non-competitive or labor class may, after a hearing, be removed or otherwise subjected to a disciplinary penalty.

SECTION 14.5. HEARING PROCEDURE.

a. Charges may be made by the chancellor, president, dean, principal, department chairperson, business manager, administrative head of a unit of the board, a member of the board, a committee of the board, the board itself, or any person having administrative or supervisory responsibility for the employee by filing a copy thereof with the president of the college concerned, or in the case of other board units, with the person in administrative charge of the unit who will transmit it to the chancellor. However, no removal or
disciplinary action shall be commenced more than three years after the occurrence of the alleged incompetence or misconduct except in those cases where the incompetence or misconduct would, if proved in a court of appropriate jurisdiction, constitute a crime.

b. Upon the making or receiving of charges, the president or chancellor, as the case may be, shall, if he/she determines that a hearing shall be held, forthwith transmit the charges to the chairperson of the hearing committee.

e. Pending the hearing and determination of the charges the accused may be suspended with or without pay. If the suspension is without pay, the suspension shall not exceed thirty calendar days.

d. There shall be a hearing committee for each college and unit of the board which shall consist of one member who shall be the permanent chairperson and two additional members, all of whom shall be appointed by the president or chancellor, as the case may be, from among the members of the permanent staffs of the college or other board unit. The names of the members of the hearing committee for each college and board unit shall be reported in writing to the secretary of the board.

e. The hearing committee shall have the responsibility and authority to conduct the hearing, to keep a record of the hearing proceedings, to prepare a written report on the proceedings, and to make recommendations at the termination of the hearing.

f. The chairperson for the hearing committee shall have responsibility and authority as follows:

1. He/she shall notify the accused in writing of the charges against him/her.
2. After consultation with the other members of the hearing committee, he/she shall fix a time, not less than eight days after service for the accused to answer such charges in writing. Where personal service has been attempted and failed, notifications shall be made by registered mail to the last known address of the employee.
3. Upon receipt of the accused's answer or if the accused defaults in answering he/she, after consultation with the other members of the hearing committee, shall fix the time and place of the hearing.
4. He/she shall preside at the hearing.
5. He/she shall furnish to the president of the college or in the case of other board units, the chancellor, the committee's recommendations together with copies of the hearing consisting of the charges, the answer, and the transcript.

g. The hearing shall be conducted by the hearing committee which shall have full powers of the board during the conduct of the hearing. It shall not be necessary to follow technical rules of evidence during the hearing. A duly qualified stenographer shall be called upon to keep a record of the hearing. The accused shall be entitled to be represented by counsel, to have witnesses summoned in his/her behalf, and to cross-examine witnesses in support of the charges. The burden of proving incompetence or misconduct shall be upon the person making the charges.

h. The president or chancellor, as the case may be, shall review the recommendations and record, and submit them together with his/her own recommendations to the board of trustees which shall take final action thereon.

i. If the accused is acquitted of the charges, he/she shall be restored to his/her position with full pay for the period of suspension if the suspension be without pay, less the amount of compensation which he/she may have earned in any other employment or occupation and any unemployment insurance benefits he/she may have received during the period of suspension.
If the employee is found guilty, the following penalties may be imposed:

1. A reprimand.
2. A fine not to exceed one hundred dollars to be deducted from the wages or salary of the accused.
3. Suspension without pay for a period not to exceed two months.
5. Dismissal.

The time during which an officer or employee is suspended without pay may be considered as part of the penalty.

Furthermore, if the determination be adverse to the accused, a copy of the hearing record together with all subsequent actions thereon shall be forwarded to the city civil service commission. In such case, upon request of the accused or his/her representative, a copy of the transcript of the hearing shall be furnished without charge.

If the penalty imposed exceeds suspension without pay for more than ten days or a fine of over fifty dollars, the accused may appeal to the city civil service commission or he/she may apply to the court in accordance with the provisions of article seventy-eight of the civil practice law and rules. An appeal to the civil service commission must be filed within twenty days after receiving written notice of the decision.

ARTICLE XV STUDENTS*

* For graduate students at the Graduate Division, the President of the Graduate Division shall, insofar as practicable, establish procedures, consistent with this Article to implement the provisions thereof. The sections on student activity fees shall apply to the Graduate Division.

SECTION 15.0. PREAMBLE.

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination, as set forth in the university’s non-discrimination policy based on racial, ethnic, religious, sex, political, and economic differentiations.

Freedom to learn and freedom to teach are inseparable facets of academic freedom. The concomitant of this freedom is responsibility. If members of the academic community are to develop positively in their freedom; if these rights are to be secure, then students should exercise their freedom with responsibility.

SECTION 15.1. CONDUCT STANDARD DEFINED.
Each student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey (1) the laws of the city, state and nation; (2) the bylaws and resolutions of the board, including the rules and regulations for the maintenance of public order pursuant to article 129-a of the education law (“Henderson rules”); and (3) and the governance plan, policies, regulations, and orders of the college.

The faculty and student body at each college shall share equally the responsibility and the power to establish, subject to the approval of the board, more detailed rules of conduct and regulations in conformity with the general requirement of this article.

This regulatory power is Such laws, bylaws, resolutions, policies, rules, regulations and orders shall, of course, be limited by the right of students to the freedoms of speech, press, assembly and petition as construed by the courts applied to others in the academic community and to citizens generally.

SECTION 15.2. STUDENT ORGANIZATIONS.

a. Any group of students may form an organization, association, club or chapter by filing with the duly elected student government organization of the college or school at which they are enrolled or in attendance and with an officer to be designated by the faculty chief student affairs officer of the college or school at which they are enrolled or in attendance (1) the name and purposes of the organization, association, club or chapter, (2) the names and addresses of its president and secretary or other officers corresponding in function to president and secretary.

However, no group, organization or student publication with a program against the religion, race, ethnic origin or identification or sex of a particular group or which makes systematic attacks against the religion, race, ethnic origin or sex of a particular group shall receive support from any fees collected by the college or be permitted to organize or continue at any college or school. No organizations, military or semi-military in character, not connected with established college or school courses, shall be permitted without the authorization of the faculty and the duly elected student government and the board. The board recognizes that students have rights to free expression and association. At the same time, the board strongly believes that respect for all members of the university’s diverse community is an essential attribute of a great university.

b. Extra-curricular activities at each college or school shall be regulated by the college in consultation with the duly elected student government organization, as appropriate, to insure the effective conduct of such college or school as an institution of higher learning and for the prevention of activities which are hereafter proscribed or which violate the standards of conduct of the character set forth in bylaw 15.1. Such powers shall include:

1. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), publications, organizations, associations, clubs or chapters, and, when appropriate in the exercise of such regulatory power, the power to refuse, suspend or revoke any charter or other authorization for cause after hearing on notice.

2. The power to delegate responsibility for the effective implementation of its regulatory functions hereunder to any officer or committee which it may appoint. Any aggrieved student or group whose charter or other authorization has been refused, suspended or revoked may appeal such adverse action by such officer or committee of student government to the duly elected student government. On
appeal an aggrieved student or group shall be entitled to a hearing following the due process procedures as set forth in section 15.3. Following such hearing the duly elected student government shall have the authority to set aside, decrease or confirm the adverse action.

c.

1. Any person or organization affiliated with the college may file a complaint with the chief student affairs officer if there is reason to believe that a student organization has violated any of the standards of conduct set forth in section 15.1 above. The chief student affairs officer shall promptly investigate any complaint and take such action as it deems appropriate. **alleging that a student publication has systematically attacked the religion, race, ethnic origin or sex of a particular group, or has otherwise contravened the laws of the city, state or nation, or any bylaw or resolution of the board, or any policy, regulation or order of the college, within a reasonable period of time after such occurrence.** If the dean of students determines, after making such inquiries as he/she may deem appropriate, that the charges are substantial, he/she shall attempt to resolve the dispute, failing which he/she shall promptly submit the charges to the faculty-student disciplinary committee for disposition in accordance with the due process procedures of section 15.3 thereof.

2. Any aggrieved student or group whose charter or other authorization has been refused, suspended or revoked, or has suffered any adverse action pursuant to paragraph (c)(1) above, may appeal such adverse action to the president, who shall have the authority to set aside, decrease or confirm the adverse action. The president's decision shall be final. If the committee sustains the charges or any part thereof against the student publication, the committee shall be empowered to (1) reprimand the publication, or (2) recommend to the appropriate funding bodies the withdrawal of budget funds. The funding body shall have the authority to implement fully, modify or overrule the recommendations.

**Throughout these bylaws in any college or unit where the title "dean of students" does not exist, the same shall refer to the officer performing the functions which would otherwise be performed by a dean of students:**

d. Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments, and student body referenda. **Decisions of the student elections review committee may be appealed to the college president or his/her designee, whose decision shall be final.**

e. Student government elections shall be scheduled and conducted, and newly elected student governments shall take office, in accordance with policies of the board, and implementing regulations.

**SECTION 15.3. STUDENT DISCIPLINARY PROCEDURES.**

**Complaint Procedures:**

a. Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the office of the dean of students chief student affairs officer promptly by the individual, organization or department making the charge.

b. The chief student affairs officer of the college or his or her designee will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or his or her designee will advise the student of the charge(s) allegation against him or her,
consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the chief student affairs officer or designee shall take one of the following actions:

(i) Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed;

(ii) Refer the matter to mediation. If a matter is referred to mediation, the accused student shall receive a copy of the notice required pursuant to section 15.3.e. of this bylaw; or

(iii) Prefer formal disciplinary charges.

c. In the event that a student withdraws from the college after a charge, accusation or allegation against the student has been made, and the college prefers formal disciplinary charges, the withdrawn student is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and will be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. If the withdrawn student fails to so participate in the disciplinary process, the college may proceed with the disciplinary hearing in absentia and any decision and sanction will be binding.

Conciliation-Mediation Conference:

d. The conciliation-mediation conference shall be conducted by the counselor in the office of the dean of students or a qualified staff or faculty member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:

1. An effort will be made to resolve the matter by mutual agreement.
2. If an agreement is reached, the counselor-faculty or staff member conducting the conference shall report his/her recommendation to the chief student affairs officer for approval and, if approved, the complainant shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for non-compliance.
3. If no agreement is reached, or if the student fails to appear, the counselor-faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges.
4. The counselor-faculty or staff member conducting the mediation conference is precluded from testifying in a college hearing regarding information received during the conciliation conference.

Notice of Hearing and Charges:

d. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered or sent by the chief student affairs officer of the college to the student at the address appearing on the records of the college, by registered or certified or overnight mail and by regular mail and e-mail to students who have a college e-mail address. The hearing shall be scheduled within a reasonable time following the filing of the charges or the conciliation-mediation conference. Notice of at least five business days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing.

e. The notice shall contain the following:
1. A complete and itemized statement of the charge(s) being brought against the student including the rule, bylaw or regulation he/she is charged with violating, and the possible penalties for such violation.

2. A statement that the student has the following rights:
   
   (i) to present his/her side of the story;
   (ii) to present witnesses and evidence on his/her behalf;
   (iii) to cross-examine witnesses presenting evidence against the student;
   (iv) to remain silent without assumption of guilt; and
   (v) to be represented by legal counsel or an advisor at the student's expense.

3. A warning that anything the student says may be used against him/her at a non-college hearing.

**Faculty-Student Disciplinary Committee Procedures:**

The following procedures shall apply at the hearing before the faculty-student disciplinary committee:

1. The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her rights.

2. After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to plead guilty or not guilty. If the student pleads guilty, admits the conduct charged, the student shall be given an opportunity to explain his/her actions before the committee and the college shall be given an opportunity to respond. If the student pleads not guilty, denies the conduct charged, the college shall present its case. At the conclusion of the college's case, the student may move to dismiss the charges. If the motion is denied by the committee the student shall be given an opportunity to present his or her defense.

3. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may only rule on the sufficiency of the evidence and may exclude irrelevant, immaterial or unduly repetitive evidence. However, if either party wishes to question the impartiality of a committee member on the basis of evidence which was not previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude all persons who are to appear as witnesses, except the accused student.

4. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A student who has been disciplined is entitled upon request to a copy of such a record transcript, tape or equivalent without cost.

5. The student is entitled to a closed hearing but has the right to request an open public hearing. However, the chairperson has the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee's normal operations.

6. The college bears the burden of proving the charge(s) by a preponderance of the evidence.

7. The role of the faculty-student disciplinary committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the
parties and render a determination as to guilt or innocence. In the event the student is found to have committed the conduct charged guilty, the committee shall then determine the penalty to be imposed.

8. At the end of the presentations by both sides fact-finding phase of the hearing, the student may introduce additional records, such as character references. The college may introduce a copy of the student's previous disciplinary record, where applicable, provided the student was shown a copy of the record prior to the commencement of the hearing. The disciplinary record shall be submitted to the committee in a sealed envelope and shall not be opened until after the committee has made its findings of fact. In the event the student has been determined to be guilty of having committed the conduct alleged in the charge or charges the records and documents introduced by the student and the college shall be opened and used by the committee for dispositional purposes, i.e., to determine an appropriate penalty if the charges are sustained.

9. The committee shall deliberate in closed session. The committee’s shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

10. The student shall be sent a copy of the faculty-student disciplinary committee's decision within five days of the conclusion of the hearing, by regular mail and e-mail for students who have a college e-mail address. The decision shall be final subject to the student's right of appeal.

11. Where a student is represented by legal counsel the president of the college or his or her designee may request that a lawyer from the general counsel's office appear at the hearing to present the college's case.

12. When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the student will be barred from admission to any other college of the university while the penalty is being served.

13. Disciplinary penalties shall be placed on a student's transcript and shall remain there unless the committee’s decision, the decision on any appeal under section 15.4 below, or a mediation agreement expressly indicates otherwise.

SECTION 15.4. APPEALS.

An appeal from the decision of the faculty-student disciplinary committee may be made to the president who may confirm or decrease the penalty but not increase it. His/her decision shall be final except in the case of dismissals or suspension for more than one term or more. An appeal from a decision of dismissal or suspension for more than one term or more may be made to the appropriate committee of the board committee on student affairs and special programs. Any appeal under this section shall be made in writing within fifteen days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or board committees as the case may be. If the president is a party to the dispute, his/her functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or his or her designee.

SECTION 15.5. COMMITTEE STRUCTURE.

a. Each faculty-student disciplinary committee shall consist of two faculty members and two student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chair and any two members, one of whom must be a student. Hearings shall be scheduled promptly (including during
the summers) at a convenient time and efforts shall be made to ensure full student and faculty representation.

b. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the instructional staff of that college to receive training and serve in rotation as chair of the disciplinary committee. If none of the chairpersons appointed from the campus can serve, the president, at his/her discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary meetings and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in the event of a tie.

c. The faculty members shall be selected by lot from a panel of six elected annually biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. The student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than two consecutive years.

d. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a student or faculty seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty or student panel by lottery.

e. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

SECTION 15.6. SUSPENSION OR DISMISSAL.

The board reserves full power to dismiss or suspend a student, or suspend a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution.

The chancellor or chancellor's designee, or a president or any dean's designee may in emergency or extraordinary circumstances, temporarily suspend a student, or temporarily suspend the privileges of a student organization or group for cause, pending an early hearing as provided in bylaw section 15.3. to take place within not more than seven (7) school ten (10) business days. Prior to the commencement of a temporary suspension of a student, the college shall give such student oral or written notice of the charges against him/her and, if he/she denies them, the college shall forthwith give such student an informal oral explanation of the evidence supporting the charges and the student may present informally his/her explanation or theory of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter.

SECTION 15.7. THE UNIVERSITY STUDENT SENATE.

There shall be a university student senate responsible, subject to the board, for the formulation of university-wide student policy relating to the academic status, role, rights and freedoms of the student. The authority and
duties of the university student senate shall not extend to areas of interest which fall exclusively within the
domain of the student governments of the constituent units of the university. Consistent with the authority of
the board of trustees in accordance with the education law and the bylaws of the board of trustees, the
university student senate shall make its own bylaws providing for the election of its own officers, the
establishment of its own rules and procedures, for its internal administration and for such other matters as is
necessary for its existence. The university student senate shall have the full rights and responsibilities
accorded student organizations as provided in these bylaws. The delegates and alternate delegates to the
university student senate shall be elected by their respective constituencies, or by their student governments
from the elected members of the respective student governments.

SECTION 15.8. COLLEGE GOVERNANCE PLANS.

The provisions in a duly adopted college governance plan shall not be inconsistent with the provisions
contained in this article.

ARTICLE XVI STUDENT ACTIVITY FEES AND AUXILIARY ENTERPRISES

SECTION 16.1. STUDENT ACTIVITY FEE.

The student activity fee is the total of the fees for student government and other student activities. Student
activity fees, including student government fees collected by a college of the university shall be deposited in a
college central depository and, except where earmarked by the board, allocated by a college association
budget committee subject to review by the college association as required in these bylaws.

SECTION 16.2. STUDENT ACTIVITY FEES USE - EXPENDITURE CATEGORIES.

Student activity fee funds shall be allocated and expended only for the following purposes:

1. Extracurricular educational programs;
2. Cultural and social activities;
3. Recreational and athletic programs;
4. Student government;
5. Publications and other media;
6. Assistance to registered student organizations;
7. Community service programs;
8. Enhancement of the college and university environment;
9. Transportation, administration and insurance related to the implementation of these activities;
10. Student services to supplement or add to those provided by the university;
11. Stipends to student leaders.

SECTION 16.3. STUDENT GOVERNMENT FEE.

The student government fee is that portion of the student activity fee levied by resolution of the board which
has been established for the support of student government activities. The existing student government fees
now in effect shall continue until changed. Student government fees shall be allocated by the duly elected
student government, or each student government where more than one duly elected student government
exists, for its own use and for the use of student organizations, as specified in section 15.2. of these bylaws,
provided, however, that the allocation is based on a budget approved by the duly elected student government after notice and hearing, subject to the review of the college association. Where more than one duly elected student government exists, the college association shall apportion the student government fees to each student government in direct proportion to the amount collected from members of each student government.

SECTION 16.4. STUDENT GOVERNMENT ACTIVITY DEFINED.

a. A student government activity is any activity operated by and for the students enrolled at any unit of the university provided, (1) such activity is for the direct benefit of students enrolled at the college, (2) that participation in the activity and the benefit thereof is available to all students enrolled in the unit or student government thereof, and (3) that the activity does not contravene the laws of the city, state or nation, or the published rules, regulations, and orders of the university or the duly established college authorities.

SECTION 16.5. COLLEGE ASSOCIATION.

a. The college association shall have responsibility for the supervision and review over college student activity fee supported budgets. All budgets of college student activity fees, except where earmarked by the board to be allocated by another body, should be developed by a college association budget committee and recommended to the college association for review by the college association prior to expenditure. The college association shall review all college student activity fee, including student government fee allocations and expenditures for conformance with the expenditure categories defined in Section 16.2. of this article and the college association shall disapprove any allocation or expenditure it finds does not so conform, or is inappropriate, improper, or inequitable.

b. A college association shall be considered approved for purposes of this article if it consists of thirteen (13) members, its governing documents are approved by the college president and the following requirements are met:

1. The governing board of the college association is composed of:
   (i) The college president or his/her designee as chair.
   (ii) Three administrative members appointed by the college president.
   (iii) Three faculty members appointed by the college president from a panel whose size is twice the number of seats to be filled and the panel is elected by the appropriate college faculty governance body.
   (iv) Six student members comprised of the student government president(s) and other elected students with the student seats allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable in proportion to the student activity fees provided by the students from the respective constituencies.

2. The college association structure provides a budget committee composed of members of the governing board, at least a majority of whom are students selected in accordance with section 16.5.(b) (1)(iv) of these bylaws. The budget committee shall be empowered to receive and review student activity fee budget requests and to develop a budget subject to the review of the college association. The college association may choose to not approve the budget or portions of the budget if in their opinion such items are inappropriate, improper, or inequitable. The budget shall be returned to the budget committee with the specific concerns of the college association noted for further deliberation by the budget committee and subsequent resubmittal to the college association. If the budget is not approved within thirty (30) days those portions of the budget voted upon and approved by the college
association board will be allocated. The remainder shall be held until the college association and the budget committee agree.

3. The governing documents of the college association have been reviewed by the board's general counsel and approved by the board.

SECTION 16.6. MANAGEMENT AND DISBURSEMENT OF FUNDS.

The college and all student activity fee allocating bodies shall employ generally accepted accounting and investment procedures in the management of all funds. All funds for the support of student activities are to be disbursed only in accordance with approved budgets and be based on written documentation. A requisition for disbursement of funds must contain two signatures; one, the signature of a person with responsibility for the program; the other the signature of an approved representative of the allocating body.

SECTION 16.7. REVENUES.

All revenues generated by student activities funded through student activity fees shall be placed in a college central depository subject to the control of the allocating body. The application of such revenues to the account of the income generating organization shall require the specific authorization of the allocating body.

SECTION 16.8. FISCAL ACCOUNTABILITY HANDBOOK.

The chancellor or his/her designee shall promulgate regulations in a fiscal accountability handbook, to regulate all aspects of the collection, deposit, financial disclosure, accounting procedures, financial payments, documentation, contracts, travel vouchers, investments and surpluses of student activity fees and all other procedural and documentary aspects necessary, as determined by the chancellor or his/her designee to protect the integrity and accountability of all student activity fee funds.

SECTION 16.9. COLLEGE PURPOSES FUND.

a. A college purposes fund may be established at each college and shall be allocated by the college president. This fund may have up to twenty-five (25) percent of the unearmarked portion of the student activity fee earmarked to it by resolution of the board, upon the presentation to the board of a list of activities that may be properly funded by student activity fees that are deemed essential by the college president.

b. Expenditures from the college purposes fund shall be subject to full disclosure under section 16.13. of these bylaws.

c. Referenda of the student body with respect to the use and amount of the college purposes fund shall be permitted under the procedures and requirements of section 16.12. of these bylaws.

SECTION 16.10. AUXILIARY ENTERPRISE BOARD.

a. The auxiliary enterprise board shall have responsibility for the oversight, supervision and review over college auxiliary enterprises. All budgets of auxiliary enterprise funds and all contracts for auxiliary enterprises shall be developed by the auxiliary enterprise budget and contract committee and reviewed by the auxiliary enterprise board prior to expenditure or execution.
b. The auxiliary enterprise board shall be considered approved for the purposes of this article if it consists of at least eleven (11) members, its governing documents are approved by the college president and the following requirements are met:

1. The governing board is composed of the college president or his/her designee as chair, plus an equal number of students and the combined total of faculty and administrative members.
2. The administrative members are appointed by the college president.
3. The faculty members are appointed by the college president from a panel whose size is twice the number of seats to be filled and the panel is elected by the appropriate college faculty governance body.
4. The student members are the student government president(s) and other elected students and the student seats are allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable, in proportion to the student enrollment by headcount from the respective constituencies.
5. The auxiliary enterprise board structure provides for a budget and contract committee composed of a combined total of faculty and administrative members that is one more than the number of student members. The budget and contract committee shall be empowered to develop all contract and budget allocation proposals subject to the review and approval of the auxiliary enterprise board.
6. The governing documents of the auxiliary enterprise board have been reviewed by the board's general counsel and approved by the board.

SECTION 16.11. THE REVIEW AUTHORITY OF COLLEGE PRESIDENTS OVER STUDENT ACTIVITY FEE ALLOCATING BODIES AND AUXILIARY ENTERPRISE BOARDS.

a. The president of the college shall have the authority to disapprove any student activity fee, including student government fee, or auxiliary enterprise allocation or expenditure, which in his or her opinion contravenes the laws of the city, state, or nation or any bylaw or policy of the university or any policy, regulation, or order of the college. If the college president chooses to disapprove an allocation or expenditure, he or she shall consult with the general counsel and vice chancellor for legal affairs and thereafter communicate his/her decision to the allocating body or auxiliary enterprise board.

b. The president of the college shall have the authority to suspend and send back for further review any student activity fee, including student government fee, allocation or expenditure which in his or her opinion is not within the expenditure categories defined in section 16.2. of this article. The college association shall, within ten (10) days of receiving a proposed allocation or expenditure for further review, study it and make a recommendation to the president with respect to it. The college president shall thereafter consider the recommendation, shall consult with the general counsel and vice chancellor for legal affairs, and thereafter communicate his/her final decision to the allocating body as to whether the allocation or expenditure is disapproved.

c. The chancellor or his/her designee shall have the same review authority with respect to university student activity fees that the college president has with respect to college student activity fees.

d. All disapprovals exercised under this section shall be filed with the general counsel and vice chancellor for legal affairs.

e. Recipients of extramural student activity fees shall present an annual report to the chancellor for the appropriate board committee detailing the activities, benefits and finances of the extramural body as they pertain to the colleges where students are paying an extramural fee.
SECTION 16.12. REFERENDA.

A referendum proposing changes in the student activity fee shall be initiated by a petition of at least ten (10) percent of the appropriate student body and voted upon in conjunction with student government elections.

a. Where a referendum seeks to earmark student activity fees for a specific purpose or organization without changing the total student activity fee, the results of the referendum shall be sent to the college association for implementation.

b. Where a referendum seeks to earmark student activity fees for a specific purpose or organization by changing the total student activity fee, the results of such referendum shall be sent to the board by the president of the college together with his/her recommendation.

c. At the initiation of a petition of at least ten (10) percent of the appropriate student body, the college president may schedule a student referendum at a convenient time other than in conjunction with student government elections.

d. Where the referendum seeks to affect the use or amount of student activity fees in the college purposes fund, the results of the referendum shall be sent to the board by the college president together with his/her recommendation.

SECTION 16.13. DISCLOSURE.

a. The college president shall be responsible for the full disclosure to each of the student governments of the college of all financial information with respect to student activity fees.

b. The student governments shall be responsible for the full disclosure to their constituents of all financial information with respect to student government fees.

c. The student activity fee allocating bodies shall be responsible for the full disclosure of all financial information to its membership, to the college and to the student governments with respect to all of its activities.

d. The auxiliary enterprise board shall be responsible for the full disclosure of all financial information to its membership, to the college and to the student governments with respect to auxiliary enterprises.

e. For purposes of the foregoing paragraphs, full disclosure shall mean the presentation each semester of written financial statements which shall include, but need not be limited to, the source of all fee income by constituency, income from other sources creditable to student activity fee accounts, disbursements, transfers, past reserves, surplus accounts, contingency and stabilization funds. Certified independent audits performed by a public auditing firm shall be conducted at least once each year.

SECTION 16.14. STIPENDS.

The payment of stipends to student leaders is permitted only within those time limits and amounts authorized by the board.
ARTICLE XVII DEFINITIONS

SECTION 17.1

The following definitions shall apply in these bylaws:


b. “Department” means an instructional department of a college or a Ph.D. program in the graduate school and university center; if the instructional work of the college is organized into divisions or programs, it shall mean a division or program.

c. “Department chairperson” means a department head as such title is used in a community college, a program director as such title is used in the school of professional studies or a community college, or an executive officer as such title is used in the graduate school.

d. “Tenure” is the right of a person to hold his/her position during good behavior and efficient and competent service; and not to be removed therefrom except in accordance with applicable contractual provisions and law.

e. “Senior college” means a four-year college, the graduate school and university center (and all components thereof), and the law school.

f. “Community college” means a two-year college offering associate degrees.

g. “College” or Educational unit” shall mean a senior college or a community college.

h. “President” includes the president of a college, or anyone acting in such capacity as the sense of the provision may be appropriate, including the deans of the law school, the school of professional studies and the graduate school of journalism.

i. “Promotion” is the advancement from a title on the permanent instructional staff to another title on the permanent instructional staff.